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**CITY COUNCIL AGENDA
MONDAY, NOVEMBER 19, 2012 7:00 P.M.
250 NORTH 5TH STREET
6:30 P.M. – PLANNING DIVISION CONFERENCE ROOM
7:00 P.M. – REGULAR MEETING – CITY HALL AUDITORIUM**

To become the most livable community west of the Rockies by 2025

Call to Order
(7:00 p.m.)

Pledge of Allegiance
Invocation – Pastor Randy David, Pear Park Baptist Church

[The invocation is offered for the use and benefit of the City Council. The invocation is intended to solemnize the occasion of the meeting, express confidence in the future and encourage recognition of what is worthy of appreciation in our society. During the invocation you may choose to sit, stand or leave the room.]

Council Comments

Citizen Comments

City Manager's Budget Presentation

***** CONSENT CALENDAR ***®**

1. **Minutes of Previous Meeting**

[Attach 1](#)

Action: Approve the Minutes of the November 7, 2012, Regular Meeting

Revised November 16, 2012

** Indicates Changed Item

*** Indicates New Item

® Requires Roll Call Vote

2. **Setting a Hearing on Vacating a Portion of Right-Of-Way that Traverses the Property Owned by Weigh Station, LLC at 2195 Hwy 6 & 50** [File # VAC-2012-484] [Attach 2](#)

Request to vacate a portion of right-of-way that traverses the property owned by Weigh Station, LLC at 2195 Hwy 6 & 50. The City does not intend to use this right-of-way; subsequent road development and/or realignment make the right-of-way surplus.

Proposed Ordinance Vacating Right-of-Way Received Through Mesa County Road Petitions on Property Located at 2195 Highway 6 & 50

Action: Introduction of a Proposed Ordinance and Set a Hearing for December 5, 2012

Staff presentation: Senta Costello, Senior Planner

3. **Setting a Hearing on an Amendment to Title 6, Animals, of the Grand Junction Municipal Code Adopting Changes to the Rules and Regulations Regarding Animals within the City** [Attach 3](#)

The proposed ordinance amends Title 6 of the Grand Junction Municipal Code. The amendments more effectively deal with concerns regarding public safety and public nuisances created because of animals.

Proposed Ordinance Amending Parts of Title 6 of the City of Grand Junction Code of Ordinances Relating to Public Safety Risks Regarding Animals

Action: Introduction of a Proposed Ordinance and Set a Hearing for December 5, 2012

Staff presentation: John Shaver, City Attorney
Jamie Beard, Assistant City Attorney

4. **Setting a Hearing on the 2012 Supplemental Appropriation Ordinance and the 2013 Budget Appropriation Ordinance** [Attach 4](#)

This request is to appropriate certain sums of money to defray the necessary expenses and liabilities of the accounting funds of the City of Grand Junction based on the 2012 amended and 2013 proposed budgets. Proposed Ordinance Making Supplemental Appropriations to the 2012 Budget of the City of Grand Junction

Proposed Ordinance Appropriating Certain Sums of Money to Defray the Necessary Expenses and Liabilities of the City of Grand Junction, Colorado, the Downtown Development Authority, and the Ridges Metropolitan District for the Year Beginning January 1, 2013, and Ending December 31, 2013

Action: Introduction of Proposed Ordinances and Set a Hearing for December 5, 2012

Staff presentation: Jodi Romero, Financial Operations Director
Jay Valentine, Internal Service Manager

5. **Rates and Fees Effective January 1, 2013** [Attach 5](#)

Proposed 2013 rate/fee increases for Water, Irrigation, Wastewater, Solid Waste, Ambulance Transport, and Two Rivers Convention Center, and Parks and Recreation as presented and discussed during City Council budget workshops.

Resolution No. 43-12—A Resolution Adopting Fees and Charges for Water, Irrigation, Wastewater, Solid Waste, Ambulance Transport, Two Rivers Convention Center, and Parks and Recreation

®Action: Adopt Resolution No. 43-12

Staff presentation: Jodi Romero, Financial Operations Director

***** END OF CONSENT CALENDAR *****

***** ITEMS NEEDING INDIVIDUAL CONSIDERATION *****

6. **North Avenue Streetscape Grant Request** [Attach 6](#)

This is a request to approve a resolution authorizing the City Manager to submit a grant application to the Colorado Department of Local Affairs for \$60,000 to partially fund the consultant services required for the North Avenue Complete Streets design.

Resolution No. 44-12—A Resolution Authorizing the City Manager to Submit an Energy and Mineral Impact Assistance Grant Request for the North Avenue Streetscape Project

®Action: *Adopt Resolution No. 44-12*

Staff presentation: Kathy Portner, Neighborhood Services Manager
Tim Moore, Deputy City Manager
Greg Trainor, Public Works, Utilities, and Planning Director

7. **Non-Scheduled Citizens & Visitors**

8. **Other Business**

9. **Adjournment**

Attach 1

**GRAND JUNCTION CITY COUNCIL
MINUTES OF THE REGULAR MEETING**

November 7, 2012

The City Council of the City of Grand Junction convened into regular session on the 7th day of November, 2012 at 7:00 p.m. in the City Auditorium. Those present were Councilmembers Bennett Boeschstein, Teresa Coons, Jim Doody, Tom Kenyon, Laura Luke, Sam Susuras, and Council President Bill Pitts. Also present were City Manager Rich Englehart, City Attorney John Shaver, and City Clerk Stephanie Tuin.

Council President Pitts called the meeting to order. Councilmember Luke then led the Pledge of Allegiance, followed by a moment of silence.

Recognitions

Fire Chief Ken Watkins reported on the Fire Department's Pink October Campaign. He described how the event came to be and how it included City Council, Department Heads, and many employees. The response from the community was overwhelming. A local charity was selected for the donations. A young girl suffering from cancer started a foundation to help other cancer victims. As of this evening, 775 shirts were sold for a total of \$15,500, and after expenses, \$9,300.00 will be donated to the Delaney Donates Foundation.

Council President Pitts recognized students from a CMU Government Class in the audience doing a report on City Council.

Proclamations

Proclaiming the Month of November 2012 as "Hospice and Palliative Care Month" in the City of Grand Junction

Councilmember Coons read the proclamation. Executive Director Christy Whitney was present to receive the proclamation for the 19th year. Ms. Whitney thanked the City of Grand Junction for continued support of the program. One of their team volunteers was awarded a National Hospice Award this week at the national level.

Proclaiming November 8, 2012 as "Capitol Christmas Tree Day" in the City of Grand Junction

Councilmember Kenyon read the proclamation. Visitor and Convention Bureau (VCB) Manager Barb Bowman was present along with VCB marketing coordinator Mistalynn Meyeraan. Ms. Bowman introduced Lee Johnson from the Chamber of Commerce and

Loren Truitt from Cabela's who served on the committee. Mr. Johnson described the specific location where the tree was cut. He said this is the fifth time a tree from Colorado was selected. Mr. Johnson invited everyone to the celebration at Cabela's.

Council President Pitts said his daughter was present in Meeker for the tree cutting.

Proclaiming November 11, 2012 as "A Salute to All Veterans 2012" in the City of Grand Junction

Councilmember Doody read the proclamation. Major Rick Peterson (Retired), along with several members of the Veterans community, received the proclamation. Mr. Peterson pointed out a challenge of all governments to handle the new group of veterans coming back to the country. There is a new generation that will need to be encouraged to reach out for help. A student veterans group is hosting a dinner on Friday night at Two Rivers Convention Center. Mr. Peterson thanked the City Council for the proclamation and invited the City Council to attend the Veterans Day Parade and said there will be seats of honor reserved for them. He noted there will be a flyover just prior to a ceremony at the Vietnam War Memorial in Fruita.

Proclaiming November 15, 2012 as "America Recycles Day" in the City of Grand Junction

Councilmember Luke read the proclamation. She recognized members of the recycling community in the audience. She is a big advocate of recycling. Her daughter, who is 32 years old now, was responsible for approaching the college to place recycling containers on campus.

Certificates of Appointment

Chris Launer was present to receive his Certificate of Appointment to the Grand Junction Housing Authority. Council President Pitts welcomed Mr. Launer. Mr. Launer stated that the quality and volume of those willing to volunteer in this community is outstanding and he is honored to have been chosen to help.

Council Comments

Councilmember Boeschstein commented that after the discussion of the mosquito control questions, Zane McAllister, the District Director, called him and asked him to come over for a tour at the Mosquito District Office. He toured their facility and was impressed by their operation.

He also attended the Purchase of the Development Rights Committee at the Mesa Land Trust office, the Small Business Incubator, and the Riverview Development Corporation at the Grand Junction Chamber and stated there is a lot going on in

economic development. Councilmember Boechenstein commented that all of Council attended the Economic Development meeting where Governor Hickenlooper was in attendance.

There were no other Council comments.

Citizen Comments

There were none.

CONSENT CALENDAR

Councilmember Kenyon moved to adopt the Consent Calendar and then read the Consent Calendar items #1-9. Councilmember Susuras seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meeting**

Action: Approve the Minutes of the October 17, 2012 Regular Meeting

2. **Horizon Drive Association Business Improvement District (BID) 2013 Operating Plan and Budget**

Every business improvement district is required to file an operating plan and budget with the City Clerk by September 30th each year. The City Council then approves or disapproves the plan and budget by December 5th. The plan was reviewed by the Horizon Drive Association BID Board and submitted within the required timeline. After further review by City staff, the plan was found to be reasonable.

Action: Approve the Horizon Drive Association Business Improvement District's 2013 Operating Plan and Budget

3. **Downtown Grand Junction Business Improvement District (DGJBID) 2013 Operating Plan and Budget**

Every business improvement district is required to file an operating plan and budget with the City Clerk by September 30th each year. The City Council then approves or disapproves the plan and budget by December 5th. The plan was reviewed by the DGJBID Board and submitted within the required timeline. After further review by City staff, the plan was found to be reasonable.

Action: Approve the Downtown Grand Junction Business Improvement District 2013 Operating Plan and Budget

4. **Free Holiday Parking Downtown**

The Downtown Partnership has requested free parking in the downtown area again this year during the holiday shopping season. City Staff recommends Free Holiday Parking in all of downtown, including the first floor of the Rood Avenue parking structure, with the exception of government office areas and shared-revenue lots.

Action: Vacate Parking Enforcement at all Designated, Downtown, Metered Spaces and Signed Parking from Thanksgiving to New Year's Day, Except Loading, No Parking, Handicapped, and Unbagged Meter Spaces Surrounding Government Offices and in Shared Revenue Lots. Free Metered Spaces will be Clearly Designated by Covering the Meters with the Well-known "Seasons Greetings-Free Parking" Red Plastic Bag

5. **Grand Valley Transit Public Funding**

The City has an ongoing, annually renewable agreement with Grand Valley Transit for public transportation services within Grand Valley Transit boundaries. The City pays the Grand Valley Transit a percentage of the costs based on a formula established in an agreement that dates back to 2009. The Resolution authorizes the Mayor to sign the Resolution adopting the local match funding for the Grand Valley Transit Public Transit Services as adopted in the 2013 budget.

Resolution No. 42-12—A Resolution Concerning the Adoption of the Local Match Funding for Grand Valley Transit Pubic Transit Services for FY2013

Action: Adopt Resolution No. 42-12

6. **Contract for Lincoln Park Playground Equipment**

This award is for the purchase of playground equipment, and the purchase and installation of Poured In Place rubberized surfacing as part of the renovations and redevelopment of Lincoln Park.

Action: Authorize the Purchasing Division to Enter Into a Contract with Children's Play Structures & Recreation, Inc. of Littleton, Colorado for the Purchase of Playground Equipment, and Purchase and Installation of Poured In Place rubberized surfacing for Lincoln Park in the Amount of \$199,970

7. **Contract for Food Services for Two Rivers Convention Center**

This award is for the contract of food services to be provided to the Two Rivers Convention Center and Lincoln Park, beginning January 1, 2013 through December 31, 2013, to include three additional, one year renewal options.

Action: Authorize the Purchasing Division to Enter Into a Contract with US Foods, Inc. of Denver, Colorado in the Estimated Aggregate Amount of \$325,000 for Food Services for Two Rivers Convention Center and Lincoln Park

8. **Contract for the 2012 Street Maintenance – Curb, Gutter, Sidewalk Repair and Replacement Project**

This request is to award a construction contract for the concrete replacement project at various locations throughout the City of Grand Junction. This contract is to repair road sections scheduled to be overlaid in 2013 and to address higher priority “Fix It” requests received. In all, a total of 17 locations were selected.

Action: Authorize the City Purchasing Division to Enter into a Contract with Vista Paving Corporation of Grand Junction, CO for the 2012 Street Maintenance - Curb, Gutter, Sidewalk Repair and Replacement in the Amount up to \$141,322.88

9. **Purchase of Cargo Van Equipped with a Color Closed Circuit Televised (CCTV) Internal Sewer Line Inspection System**

This request is for the purchase of an extended body van that is equipped with a color CCTV camera system to be used for internal sewer line inspections.

Action: Authorize the City Purchasing Division to Purchase a Cargo Van Equipped with a Video Inspection System from DW Inspection Systems in the Amount of \$184,857

ITEMS NEEDING INDIVIDUAL CONSIDERATION

Contract for a 55 kW Photovoltaic Solar System

Request to enter into a contract with Sunsense, Inc., Carbondale, CO to construct a 55 kilowatt (kW) photovoltaic solar system at the Water Treatment Plant.

Terry Franklin, Utilities and Streets Manager, introduced this item. He described how the proposals were solicited and reviewed. They were reviewed by a committee (CORE Group). The Committee selected Sunsense as the most qualified company. Sunsense applied with Xcel for energy credits which will pay the City back about \$23,000 over a twenty year period. The panels will provide 100% of the energy needs of the plant. He explained how it will also change the rating of the load at the plant which changes the rate and the demand charge. He displayed a graphic of the design.

Councilmember Kenyon asked where the funds to pay for this expenditure would come from. Mr. Franklin said it comes from the water enterprise fund. Councilmember Kenyon noted the cost savings and the payback for the system, noting what a wise investment it is. Mr. Franklin said the system will pay back in eight years with the change in the rate and demand.

Councilmember Luke asked for confirmation that the warranties will run well past the payback period. Mr. Franklin confirmed. Councilmember Luke noted the City has had a good experience with this company. The same company has installed solar at Two Rivers and at the Wastewater Treatment Plant.

Councilmember Boeschstein thanked the Staff for making the City facilities more energy efficient.

Councilmember Kenyon moved to authorize the Purchasing Division to enter into a contract with SunSense Inc, Carbondale, CO in an amount of \$190,944. Councilmember Coons seconded the motion. Motion carried.

Lincoln Park Renovation – Phase II Construction

In 2011, the Parks and Recreation Department completed a Park Inventory and Future Needs Assessment, which is an evaluation program of all park facilities for safety, accessibility, and cost of maintenance. In conjunction with the study, a number of partner and public meetings were conducted to determine the community needs of Lincoln Park. Findings determined the accessibility into and throughout the park are sorely inadequate, and the loop road had become a hindrance to the park and not an asset.

Rob Schoeber, Parks and Recreation Director, introduced this item. He explained how the project was developed and brought forward. There was lots of public input and review before the proposal was drafted. One element is removal of the loop road at the corner of 12th and Gunnison which will be redesigned as well as the entrance to Lincoln Park. There are two new restrooms in the Park that have opened in the last couple of months.

Another new element is the Arboretum which includes a new trail system which highlights the different species of trees in the park. The Arboretum includes an interactive educational tour which uses the Question Response (QR) Code for smart phones as well as an audio/video tour. There is also a brochure. It will all be Americans with Disabilities Act (ADA) accessible. There are 69 videos that describe the 69 tree species.

There will be 1400 feet of new sidewalk, making many of the facilities ADA accessible. New playground equipment was just approved on the Consent Agenda. The design is

of a tree and nature theme. There are two age appropriate sections. One element, the cozy cocoon, is specifically designed for autistic children.

Parking is also being addressed with the new plan. The parking area near the tennis courts will be redesigned to add 86 parking spaces. The existing horseshoe courts are being relocated to another park.

A number of partners have been involved in the project. The City received a Great Outdoors Colorado (GOCO) grant of \$250,000 and other grants have been applied for.

The Arboretum and street improvements will start on November 19, 2012, if approved this evening.

Councilmember Kenyon thanked Mr. Schoeber and complimented the process. He said the project addresses a lot of concerns. He noted the parking is really needed as well as the safety improvements. Mr. Schoeber confirmed that there will be a regulated crosswalk on 12th Street.

Councilmember Coons agreed that elimination of the loop road will make the park safer. She complimented all of the parks improvements.

Councilmember Doody said he sits on the Parks and Recreation Advisory Board which includes a great group of citizens. They provided great input for these park projects. Councilmember Doody pointed out the community donations and asked Mr. Schoeber to elaborate. Mr. Schoeber advised that Mesa Developmental Services (MDS) was one such partner and helped with the special needs playground. Hilltop was another partner, both with professionalism and with some funding.

Councilmember Boeschstein thanked Mr. Schoeber and congratulated him on the GOCO grants. He attended the open houses as he lives in that neighborhood and has used the parks with his kids and grandkids for the last thirty years. He asked about new signage and some sculpture. He also asked if there is any chance of recycling the old playground equipment. Mr. Schoeber said a local Christian School will disassemble and reassemble the equipment on their property.

Council President Pitts asked about exiting the park at the newly designed entrance. Mr. Schoeber said the exit will remain the same. There will be a bus stop close by.

Councilmember Doody moved to authorize the Purchasing Division to enter into a contract with All Concrete Solutions, LLC for the Construction of the Lincoln Park Renovation – Phase II Project in the amount of \$186,345.50. Councilmember Luke seconded the motion. Motion carried.

Public Hearing—Rezone Property Located at 2674 Patterson Road from R-4 (Residential 4 du/ac) to R-O (Residential Office) [File #RZN-2012-408]

A request to rezone 0.635 acres, located at 2674 Patterson Road, from R-4 (Residential 4 du/ac) zone district to R-O (Residential Office) zone district.

The public hearing was opened at 8:00 p.m.

Senta Costello, Senior Planner, presented this item. She described the site, the location, and the request. The current land use designation is Residential Medium. To the south is Business Park Mixed Use. The current zoning for the property is R-4, as well to the north and west. The adjacent lot where the ATM and parking lot is located is zoned Public Development (PD). There is no specific development proposed with the rezone request. The applicants have been attempting to sell the property for the last several years. The few that have been interested wanted to place business uses on the property. The existing use is a single family home. A rezone would not make the existing use non-conforming. There was a neighborhood meeting where four neighbors showed and expressed support. An email was received from a neighbor expressing a concern on the unknown factor of what might be built there if rezoned. He still has some concerns but has not made any additional comments. The R-O would allow business/commercial uses as well as residential uses. Scale and compatibility would be maintained with the surrounding neighborhood. Patterson Road is a busy street with a high volume of traffic and residential use is not generally envisioned on that type of street. The Comprehensive Plan does support the rezone. There are smaller commercial nodes scattered along this stretch of Patterson Road. There are complimentary uses in the neighborhood. The rezone will encourage reuse of the property and give the owners maximum potential for the property. The applicant was present.

Councilmember Susuras said he supports the request. At present, the home is a rental and it should be used for a more profitable use.

Councilmember Boeschstein asked about a traffic study. Ms. Costello said that a traffic study could not be done without knowing what use would go there. At present, it will continue to be a rental until sold.

Councilmember Boeschstein noted that a similar request was denied about a year ago and the Comprehensive Plan indicates this to be a residential designation. Ms. Costello said that the previous rezone request was for a Form Based District.

Councilmember Boeschstein said a home based business would be more compatible. He read from a letter from a neighbor who had some concerns. He noted that as many as 39 additional uses would be allowed. He will not support it; it is a spot zone and is inconsistent with the Comprehensive Plan. It could cause a traffic problem.

Councilmember Susuras said that a year ago the entire neighborhood was opposed and now there is only one in opposition. There is also the possibility of access onto High Point (View Point).

Councilmember Luke asked about the access into the parking lot that was closed. She was concerned about the traffic and the issue of elevation.

Ms. Costello said the previous access was closed off. If the new use created a higher traffic level that would be reviewed and the applicant would have to prove they could provide safe access or it would not be approved. The current zoning and the proposed zoning have the same height limitations. The architectural standards are only applicable in the R-O district.

Council President Pitts asked if there is a potential for access to High Point. Ms. Costello said the department has not looked at the site layout as there is not a change in use proposed at this time. That would be looked at when a development proposal comes forward.

There were no public comments.

The public hearing was closed at 8:21 p.m.

Councilmember Susuras said the parking lot is used by St. Mary's.

Ordinance No. 4557—An Ordinance Rezoning Property Located at 2674 Patterson Road from R-4 (Residential 4 du/ac) to R-O (Residential Office)

Councilmember Susuras moved to adopt Ordinance No. 4557 and ordered it published in pamphlet form. Councilmember Coons seconded the motion. Motion carried by roll call vote with Councilmembers Boeschenstein and Luke and Council President Pitts voting NO. Council President Pitts stated that he is concerned about access and traffic along Patterson Road.

Public Hearing—Issuance of Downtown Development Authority (DDA) Tax Increment Revenue Bonds and Pledge the Tax Increment Revenues of the City for Payment of the Bonds – Series 2012A and 2012B

On April 3, 2007, a majority of qualified voters within the boundaries of the Grand Junction, Colorado Downtown Development Authority (DDA) authorized the City to issue bonds or other indebtedness for the purpose of financing certain capital improvements within the DDA's "Plan of Development" area. The voters also authorized the pledge of tax increment funds for payment of the bonds. The City Council is authorized by the City Charter to authorize the issuance of such tax increment revenue bonds and now desires to cause the bonds to be issued, to

authorize and direct the application of the proceeds, and to provide security for the payment.

The public hearing was opened at 8:23 p.m.

John Shaver, City Attorney, introduced this item. He explained the request which includes both tax exempt and taxable bonds. The proposed schedule for repayment is ten years through the Tax Increment Financing. By law, the DDA is funded by the issuance of debt, that is what is provided by the legislature. Tax Increment Funds are not new taxes but a redirection of tax already being collected. DDA has had a number of these bond issuances. The proceeds of the bonds will be used to fund the DDA projects including the Avalon Theater and the White Hall renovation.

Councilmember Susuras asked if part of the funding would repay the City for funds borrowed from the City. Mr. Shaver said yes, that is part of the issuance.

Councilmember Susuras asked if the bonds will be offered to local banks. Mr. Shaver answered yes, there will be a limited offer memorandum sent to local financial institutions for \$1,000 increments.

Councilmember Kenyon asked about the repayment and the annual payment. Mr. Shaver said it is a ten year term and interest around 3%, but deferred to Mr. Valentine for the details.

Jay Valentine, Internal Services Manager, said the interest rate is not yet established but will be not higher than 5%. The taxable series will be for the \$3 million for the DDA's portion of the Avalon Theatre project. The reason for some of the bonds being taxable is to avoid having any restraints such as naming rights and other private participation. The DDA board wanted to keep the term as short as possible. The average debt payment will be about \$980,000, with a revenue stream of \$1,000,000 annually. The DDA will have 1.5 times that much in debt coverage. Staff feels it is a safe structure. Next week the limited offer memorandum will be sent out and the rate will be bid, and then the rates can be prepared.

City Attorney Shaver said part of the reason of the uncertainty is that many changes for the calculations were significant because only 50% of the redirected monies from other jurisdictions is authorized by the legislature.

Councilmember Kenyon noted this is the normal course of business for the City and the DDA, and is needed to continue development of downtown. It is all within the State guidelines. He thanked Staff for looking at local banks first.

City Attorney Shaver said the disclosures are very specific as this is the first issuance under the new structure. If the local banks are not interested, there is an alternative.

Councilmember Susuras asked about the reserve account. Mr. Valentine said it is the amount that is set aside to meet any debt obligation in times of a downturn in the economy. It will be used to make the last payment. The debt issuance is \$7.3 million; \$7 million will go to DDA. The reserve account amount is yet to be determined. Councilmember Susuras asked about the board vote. City Attorney Shaver said the DDA board approved the issuance unanimously. Mr. Shaver provided the specific numbers for the bonds which is \$4,175,000 on the tax exempt and \$3,140,000 on the taxable bonds.

Councilmember Luke asked how the break out of taxed versus tax exempt bonds works. Mr. Valentine said it was based on DDA's obligation for the Avalon Theatre project. City Attorney Shaver explained the reasoning for the issuance of taxable bonds to avoid any issue with the Internal Revenue Service (IRS) or penalty situation.

Harry Weiss, Executive Director of the DDA, said they have been very prudent on ensuring that there would be debt coverage. This may be the last bond issuance that DDA does; they may set up a line of credit in the future. That will be more of a "pay as they go" approach. It is necessary to do a bond issuance at this time as there are immediate needs. The ballot question is specific for the purposes of the Tax Increment Funds (TIF) monies. For those projects, they will use the monies in the fund balance acquired through the five mill levy.

Councilmember Boeschstein said there are plans for the downtown area and he hopes they will be adopted soon.

Councilmember Susuras said he supports what the DDA is doing with this bond ordinance.

There were no other public comments.
The public hearing was closed at 8:44 p.m.

Ordinance No. 4558—An Proposed Ordinance Authorizing the Issuance of (A) the City of Grand Junction, Colorado, Downtown Development Authority, Tax-Exempt Tax Increment Revenue Bonds, Series 2012A, and (B) the City of Grand Junction, Colorado, Downtown Development Authority, Taxable Tax Increment Revenue Bonds, Series 2012B; Pledging the Tax Increment Revenues of the City for the Payment of Such Bonds; and Related Matters

Councilmember Susuras moved to adopt Ordinance No. 4558 and ordered it published in pamphlet form. Councilmember Coons seconded the motion. Motion carried by roll call vote.

Non-Scheduled Citizens & Visitors

Gary Christ, 1657 Elm Avenue, wanted to make a comment on the Lincoln Park Renovation. He asked why there wasn't a public comment section on this matter. Council President Pitts said that item was not a public hearing. He asked Mr. Christ to make his comments.

Mr. Christ said the number of parking spaces does not meet the required number of spaces for the number of seats in the stadium. To be up to City Code, 1700 spaces would be required for the size of the stadium. He asked when this issue will be brought up to Code.

City Manager Englehart said Staff is addressing the parking issues according to the Master Plan and they will continue to add parking as they can. He understands this can be an issue when there are multiple events at Lincoln Park.

Other Business

There was none.

Adjournment

The meeting adjourned at 8:49 p.m.

Stephanie Tuin, MMC
City Clerk



Date: November 5, 2012
 Author: Senta Costello
 Title/ Phone Ext: Senior Planner
x1442
 Proposed Schedule: 1st Reading
November 19, 2012
 2nd Reading (if applicable):
December 5, 2012
 File # (if applicable): VAC-2012-484

Attach 2
CITY COUNCIL AGENDA ITEM

Subject: Vacating a Portion of Right-of-Way that Traverses the Property Owned by Weigh Station, LLC at 2195 Hwy 6 & 50
Action Requested/Recommendation: Introduce the Proposed Ordinance and Set a Hearing for December 5, 2012
Presenter(s) Name & Title: Senta Costello, Senior Planner

Executive Summary:

Request to vacate a portion of right-of-way that traverses the property owned by Weigh Station, LLC at 2195 Hwy 6 & 50. The City does not intend to use this right-of-way; subsequent road development and/or realignment make the right-of-way surplus.

Background, Analysis and Options:

In or about the year 1880, the four road petitions as noted in Road Book 1, Page 2, Road Book 1, Page 5, Road Book 1, Page 69 and Road Book 1, Page 71, were made to Mesa County. It appears these petitions establish road right-of-way across the property owned by Weigh Station, LLC at 2195 Highway 6 & 50.

After a review by staff, it has been determined that the City does not intend to construct a roadway in this right-of-way. Subsequent road development and/or realignment make the right-of-way surplus.

The owner of the property has submitted a development project to the City and the right-of-way affects how the property may develop. Vacating the right-of-way will allow the property to have more opportunities for its development.

How this item relates to the Comprehensive Plan Goals and Policies:

The area proposed to be vacated does not show up on the Grand Valley Circulation Plan and is not needed to complete any right-of-way connections.

Board or Committee Recommendation:

Planning Commission forwarded a recommendation of approval at its November 13, 2012 meeting.

Financial Impact/Budget:

N/A.

Legal issues:

N/A.

Other issues:

N/A.

Previously presented or discussed:

N/A.

Attachments:

Site Location Map / Aerial Photo Map
Comprehensive Plan Future Land Use Map / Existing Zoning Map
Ordinance

BACKGROUND INFORMATION					
Location:		2195 Hwy 6 & 50			
Applicants:		City of Grand Junction			
Existing Land Use:		Vacant			
Proposed Land Use:		Truck Stop			
Surrounding Land Use:	North	Commercial/Industrial & Residential			
	South	Railroad/Industrial Park			
	East	Industrial Park			
	West	Persigo WWTF			
Existing Zoning:		C-2 (General Commercial)			
Proposed Zoning:		C-2 (General Commercial)			
Surrounding Zoning:	North	I-1 (Light Industrial)			
	South	I-1 (Light Industrial)			
	East	I-1 (Light Industrial)			
	West	I-1 (Light Industrial)			
Future Land Use Designation:		Commercial/Industrial			
Zoning within density range?		X	Yes		No

2. Section 21.02.100 of the Grand Junction Municipal Code

The vacation of the right-of-way shall conform to the following:

- a. The Comprehensive Plan, Grand Valley Circulation Plan, and other adopted plans and policies of the City.

The area proposed to be vacated does not show up on the Grand Valley Circulation Plan and is not needed to complete any right-of-way connections.

- b. No parcel shall be landlocked as a result of the vacation.

No parcels will be landlocked as a result of the vacation.

- c. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property affected by the proposed vacation.

Parcels in the area including the property that this right-of-way appears to encumber have other access that is reasonable. It does not appear that any property has relied on this particular right-of-way for access.

- d. There shall be no adverse impacts on the health, safety, and/or welfare of the general community and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g. police/fire protection and utility services).

The right-of-way does not provide access for any properties and is not needed for public facilities or services. There are other rights-of-way that provide the necessary facilities.

- e. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter 21.06 of the Grand Junction Municipal Code.

The right-of-way does not provide access for any properties and is not needed for public facilities or services. There are other rights-of-way that provide the necessary facilities.

- f. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

The proposal will provide benefits to the City by clearing up unnecessary and cumbersome documentation, providing clarity to both property owners and staff.

FINDINGS OF FACT/CONCLUSIONS

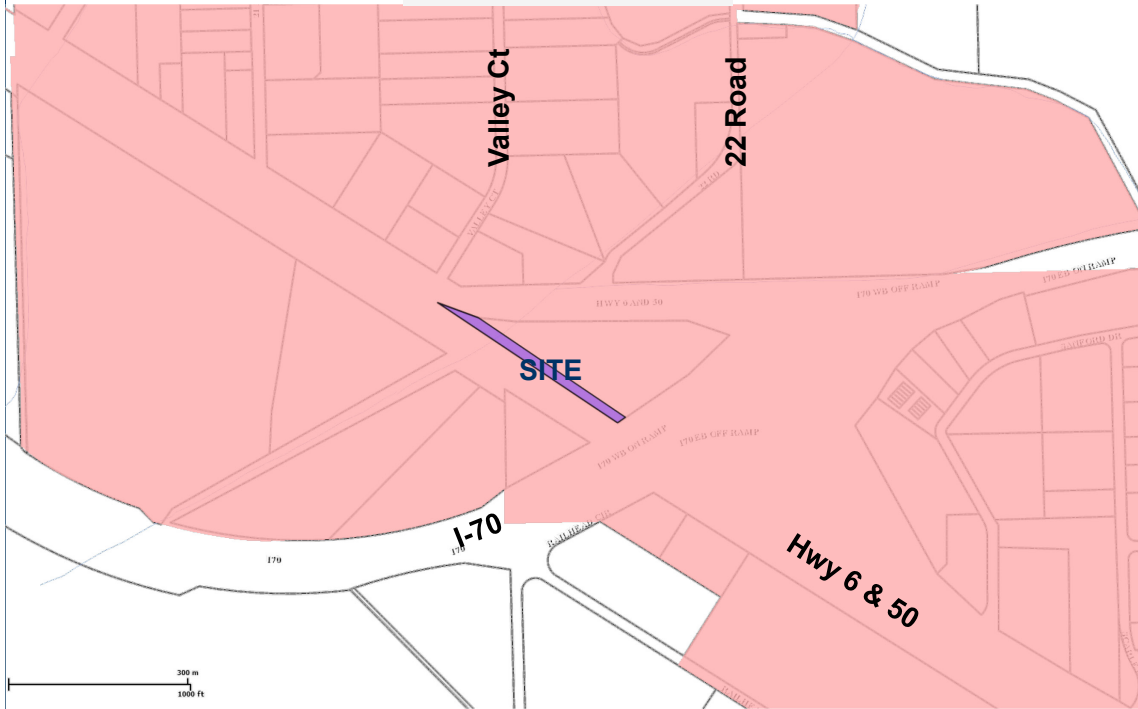
After reviewing the Weigh Station Right-Of-Way Vacation application, VAC-2012-484 for the vacation of a public right-of-way, I make the following findings of fact and conclusions:

1. The requested right-of-way vacation is consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.100 of the Grand Junction Municipal Code have all been met.

Attachments:

Site Location Map / Aerial Photo Map
Comprehensive Plan Future Land Use Map / Existing Zoning Map
Ordinance

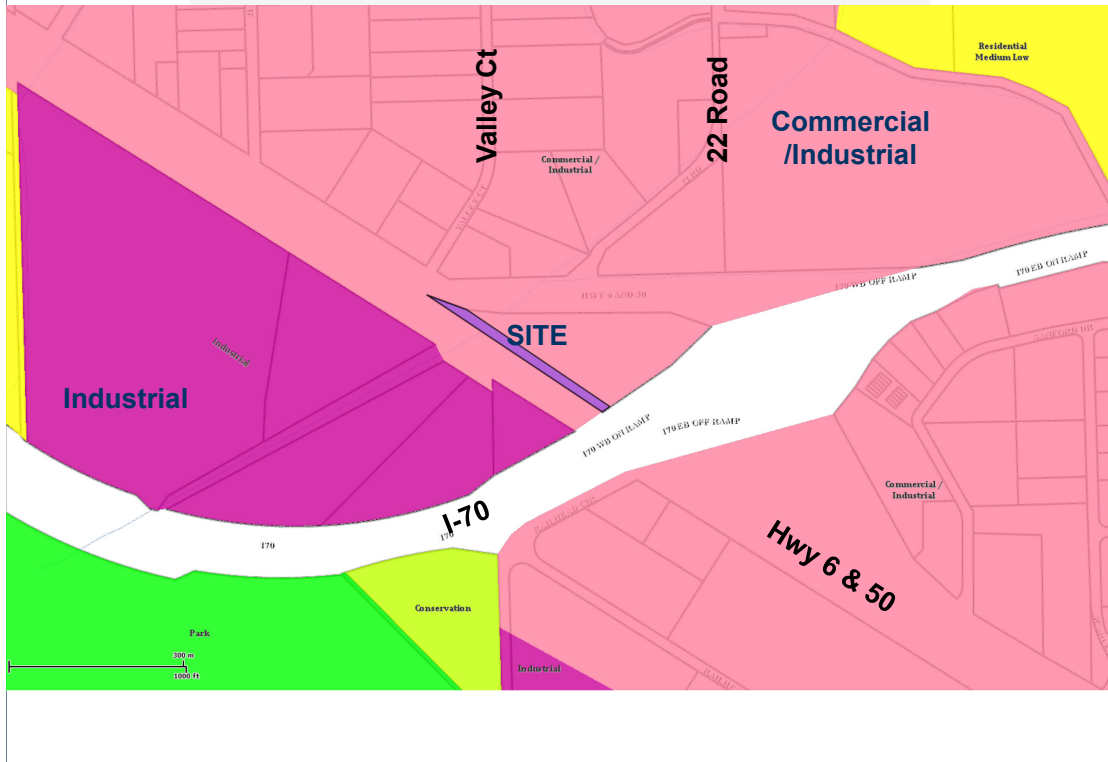
Site Location Map



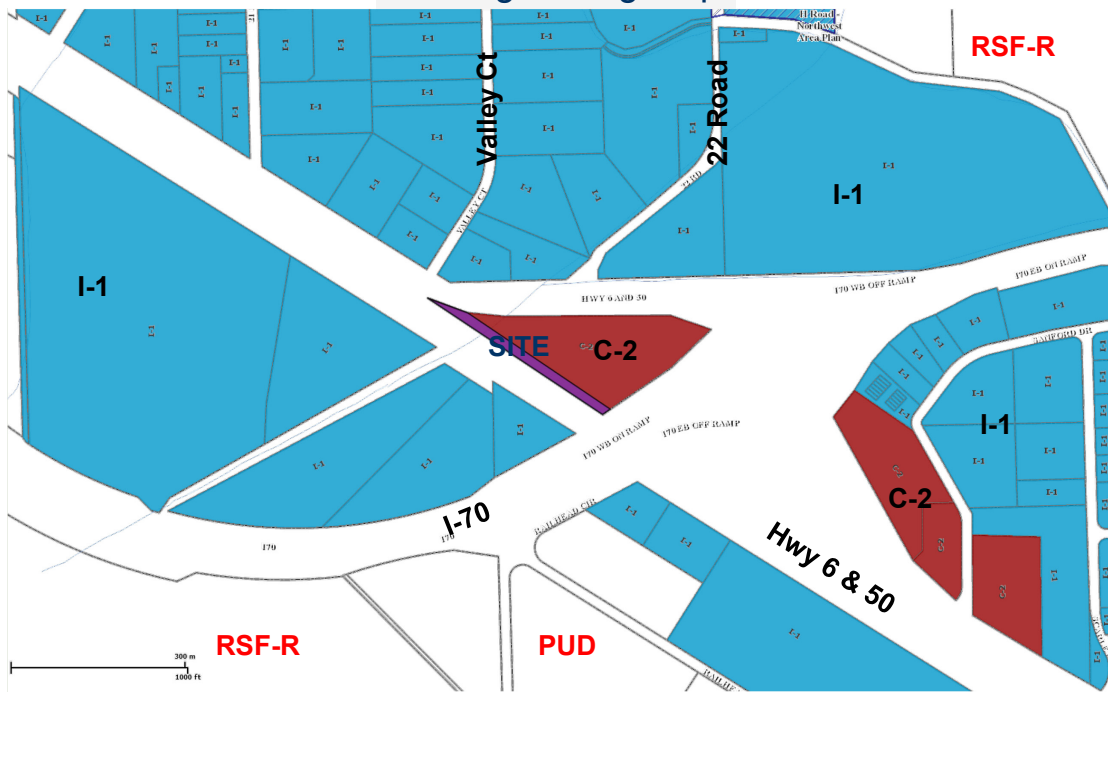
Aerial Photo Map



Comprehensive Plan Future Land Use Map



Existing Zoning Map



CITY OF GRAND JUNCTION

ORDINANCE NO.

AN ORDINANCE VACATING RIGHT-OF-WAY RECEIVED THROUGH MESA COUNTY ROAD PETITIONS ON PROPERTY LOCATED AT 2195 HIGHWAY 6 & 50

RECITALS:

A vacation of the right-of-way received by Mesa County through Road Petitions in 1880 has been requested by the City of Grand Junction with the consent of the property owner Weigh Station, LLC.

The City Council finds that the request is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Section 21.02.100 of the Grand Junction Municipal Code.

The Planning Commission, having heard and considered the request, found the criteria of the Code to have been met, and recommends that the vacation be approved.

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

Right-of-way granted through Road Petitions to Mesa County to be vacated:

A certain parcel of land lying in the Northeast Quarter of the Southeast Quarter (NE 1/4 SE 1/4) of Section 36, Township 1 North, Range 2 West of the Ute Principal Meridian and being more particularly described as follows:

ALL of that portion of:

Road Book 1, Page 2, File Number 2, as recorded January 18, 2007 in Book 4336, Page 738, Reception No. 2359407, and

Road Book 1, Page 5, File Number 5, as recorded January 18, 2007 in Book 4336, Page 741, Reception No. 2359410, and

Road Book 1, Page 69, File Number 69, as recorded January 18, 2007 in Book 4336, Page 801, Reception No. 2359470, and

Road Book 1, Page 71, File Number 71, as recorded January 18, 2007 in Book 4336, Page 803, Reception No. 2359472,

Lying wholly within that certain parcel of land described in Book 3692, Page 546 and that certain 100' wide parcel of land described in Book 220, Page 326, as same is recorded in the Public Records of Mesa County, Colorado.

The right-of-way is shown on "Exhibit A" which is incorporated as part of this description of right-of-way to be vacated.

Introduced for first reading on this _____ day of _____, 2012 and ordered published in pamphlet form.

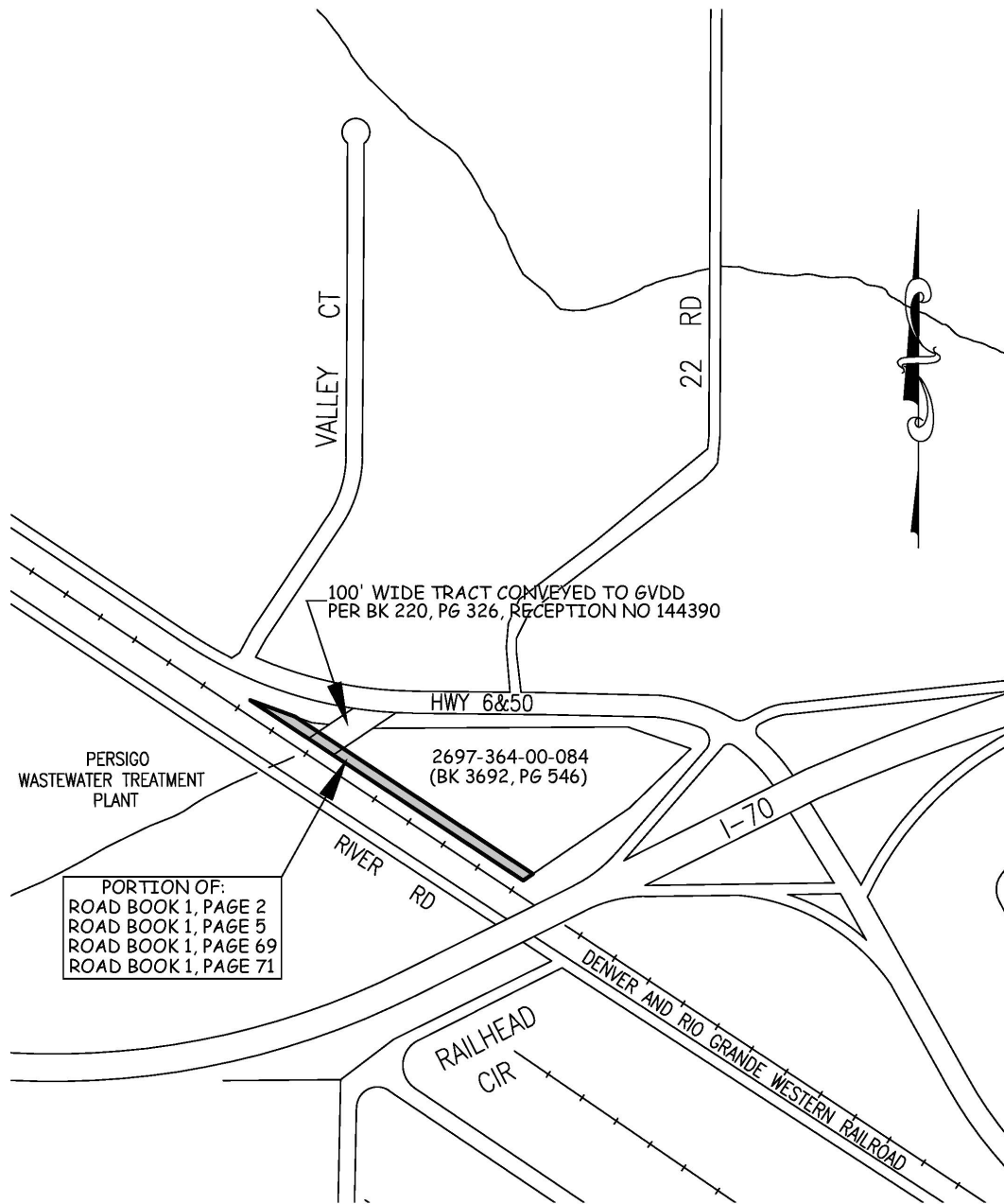
PASSED and ADOPTED this _____ day of _____, 2012 and ordered published in pamphlet form.

ATTEST:

President of City Council

City Clerk

EXHIBIT "A"



100' WIDE TRACT CONVEYED TO GVDD
PER BK 220, PG 326, RECEPTION NO 144390

HWY 6&50

2697-364-00-084
(BK 3692, PG 546)

PERSIGO
WASTEWATER TREATMENT
PLANT

PORTION OF:
ROAD BOOK 1, PAGE 2
ROAD BOOK 1, PAGE 5
ROAD BOOK 1, PAGE 69
ROAD BOOK 1, PAGE 71

RIVER
RD

I-70

RAILHEAD
CIR

DENVER AND RIO GRANDE WESTERN RAILROAD

ABBREVIATIONS

BK	BOOK
PG	PAGE
NO	NUMBER
SEC.	SECTION
TWP.	TOWNSHIP
RGE.	RANGE
U.P.M.	UTE PRINCIPAL MERIDIAN

The sketch and description shown hereon has been derived from subdivision plats and deed descriptions as they appear in the office of the Mesa County Clerk and Recorder. This sketch does not constitute a legal survey, and is not intended to be used as a means for establishing or verifying property boundary lines.

DRAWN BY: P.T.K.
DATE: 10-11-2012
SCALE: N.T.S.
APPR. BY: PTK

VACATION OF A PORTION OF
ROAD BOOK 1, PAGE 2
ROAD BOOK 1, PAGE 5
ROAD BOOK 1, PAGE 69
ROAD BOOK 1, PAGE 71
SEC 36, TWP 1N, RGE 2W, U.P.M.
2697-364-00-084





**Attach 3
CITY COUNCIL AGENDA ITEM**

Date: 11-09-12
Author: Jamie B. Beard
Title/ Phone Ext: Assistant City Attorney/4032
Proposed Schedule: November 19, 2012
2nd Reading
(if applicable): December 5, 2012
File # (if applicable):

Subject: Amendment to Title 6, Animals, of the Grand Junction Municipal Code Adopting Changes to the Rules and Regulations Regarding Animals within the City
Action Requested/Recommendation: Introduce a Proposed Ordinance and Set a Public Hearing for December 5, 2012
Presenter(s) Name & Title: John Shaver, City Attorney Jamie B. Beard, Assistant City Attorney

Executive Summary:

The proposed ordinance amends Title 6 of the Grand Junction Municipal Code. The amendments more effectively deal with concerns regarding public safety and public nuisances created because of animals.

Background, Analysis and Options:

Mesa County Animal Services (“Animal Services”) and City staff have noted that the public is at risk of dangerous dogs. If dangerous dogs are properly controlled and confined, the risk to the public is significantly reduced. Additional precautions controlling and confining these dogs with escape proof kennels and requirements that the animal be on lead with a responsible adult helps to protect the public. Requiring owners of dogs that have been found to be dangerous by a court to obtain a permit each year will allow Animal Services to inform the owners of their responsibilities for keeping a dog in the City and provide information to Animal Services for keeping track of the dogs locations and monitoring the proper control of the dogs.

The definition of dangerous dog is modified to eliminate the reference to “dog of wild extraction” as it is redundant, to clarify the repeated and continuous aggressive behavior means “on more than one occasion,” and to add the definition “Demonstrates tendencies that would cause a reasonable person to believe that the dog would inflict bodily or serious bodily injury upon any person or domestic animal while the dog is without effective and immediate control.”

The definition of “Habitual Offender” is added to distinguish an owner or a dog that has been convicted of animal regulations on more than one occasion within a two year period to allow for different treatment including impoundment for longer periods when necessary and more restrictions upon release.

The definition of “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.

Two additional violations have been added that hold owners responsible for failure to control their dogs where damage is caused to property or other animals and/or a person is threatened by a dog’s actions while the dog is not under proper control.

Disposition of a Dangerous Dog has been modified to allow more discretion on the Judge’s part by not automatically requiring a dog to be euthanized once it is found to be dangerous under certain circumstances. The Judge may still require the dog to be euthanized, but if after considering all of the circumstances the Judge determines that the public is reasonably protected through other restrictions those restrictions will be enforced as long as the dog resides within the City with changes referred to above.

Clarification and corrections have been made to indicate the name change from “Animal Control” to “Animal Services” and to reflect the present operation of the Mesa County Animal Services.

Please refer to Attachment A which shows the sections of Title 6 to be amended. Strikethroughs indicate deletions and additions are shown underlined.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 1: To implement the Comprehensive Plan in a consistent manner between the City, Mesa County, and other service providers.

As the City and County have worked together to approve the same codes, services may be provided more efficiently,

Board or Committee Recommendation:

The Board of Animal Control as the advisory board has reviewed and approved the substance of the changes.

Financial Impact/Budget:

Nominal costs for printed materials.

Legal issues:

The City Attorney has prepared the ordinance, reviewed and approved the proposed amendments.

Other issues:

NA

Previously presented or discussed:

The matter is to be discussed at the December 3, 2012 workshop,

Attachments:

Exhibit A - Illustrated Changes to GJMC Title 6
Proposed Ordinance

EXHIBIT A

Chapter 6.04 ANIMAL REGULATIONS

Selected sections with changes.

6.04.060 Prohibition against ownership or sale of certain animals – Wild animals at large.

(a) It shall be unlawful for any person 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 nonpoisonous snakes with a length greater than six feet;
- (2) Gorillas, chimpanzees, orangutans, and any other primates;
- (3) Any species of feline not falling within the categories of ordinary domesticated house cats;
- (4) Bears of any species;
- (5) Raccoons, porcupines, skunks, badgers, or other similar species, except ferrets (*Mustela putris*); or
- (6) Foxes, wolves, coyotes, or other species of canines other than dogs.

(b) The provisions of subsection (a) of this section shall not be applicable to any bona fide zoological garden or any circus or carnival licensed by the City or any bona fide research institute using wild, exotic or dangerous animals for scientific research.

(c) It shall be the duty of the Animal ~~Control~~Services Officer, or any 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 ~~ServicesControl~~ Officer, or police officer, in the officer's discretion shall determine, subject to applicable State law. The Animal ~~ServicesControl~~ Officer 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 ~~ServicesControl~~ Officer to be of danger to either itself or to the public health and safety.

6.04.070 Interference with enforcement.

It shall be unlawful for any person to interfere with, molest, hinder or obstruct the Animal ~~ServicesControl~~ Officer or any other City employee or official in the discharge of ~~his~~the official's duties under this chapter.

6.04.080 Inspection procedure.

Whenever the Animal ~~ServicesControl~~ Officer or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises conditions such 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 ~~ServicesControl~~ Officer or [the Animal Services Officer'shis](#) authorized representative is hereby authorized to enter such property at any reasonable time and to inspect such property and perform any duty imposed upon the Animal ~~ServicesControl~~ Officer by this chapter or by other applicable law; provided, that:

(a) If such property is occupied, [the Animal Services Officer](#) shall first present proper credentials to the occupant and request entry, explaining [the Animal Services Officer'shis](#) reasons therefor and the purpose of [the Animal Services Officer'shis](#) inspection; and

(b) If such property is unoccupied, [the Animal Services Officer](#) shall first make a reasonable effort to locate the owner or other person having charge or control of the property and request entry, explaining [the Animal Services Officer'shis](#) 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 ~~ServicesControl~~ Officer or [the Animal Services Officer'shis](#) authorized representative shall have recourse to every remedy provided by law to secure lawful entry and inspect the property.

6.04.090 Dead animals.

(a) **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, 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.

(b) **Disposal of Dead Animals on 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 to remove the body of such animal for burial in an authorized animal cemetery; or to remove the body of such animal beyond the limits of the City and cause the carcass to be buried in the earth sufficiently deep to prevent the escape of effluvia injurious to public health. If such carcass shall not forthwith be removed, the same shall be deemed a nuisance and such owner or keeper shall be guilty of a misdemeanor.

(c) **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 ~~ServicesControl~~ Officer, when knowledge thereof shall come to [the officerhim](#), to forthwith cause such body to be taken to or removed by an animal carcass removal and disposal company.

6.04.110 Board of Animal ~~Control~~Services.

A five-member advisory board consisting of one representative of the City Police Department, County Sheriff's Department, ~~County Community Services~~ [Mesa County Board of County Commissioners](#), ~~Grand Valley Medical Society~~[Mesa County Veterinarian](#), and the Director of the County Health Department or designee is hereby established. No member of the Board shall receive compensation for serving thereon. The Board shall provide advisory financial and budgetary input regarding the Animal ~~Control~~Services Division and shall recommend animal ~~control-services~~ fees and charges on an annual basis. The Mesa

[County District Attorney or designee and the City Attorney or designee shall serve as legal advisors to the Board](#)

6.04.120 Removal and disposal of dog excrement.

- (a) The terms “dog” and “owner” as used in this section shall be as defined in GJMC [6.12.020](#).
- (b) No person owning, keeping or in charge of any dog shall fail to prevent such dog from defecating upon any public property, sidewalk or way within the areas or boundaries as specified in this chapter.
- (c) It is an affirmative defense to a charge of violating this section that the defecation occurred on private property and that the prior express permission of the owner or all tenants thereof had been obtained.
- (d) It is an affirmative defense to a charge of violating this section that the owner, keeper or person in charge of such dog immediately removed or cleaned up such deposit and disposed thereof by depositing it in a toilet or a receptacle ordinarily used for garbage or in an otherwise lawful and sanitary manner.
- (e) No person shall fail to possess a shovel, scoop or other suitable equipment for removing dog excrement while the dog and the owner, keeper or person in charge of the dog are upon any public property, sidewalk or way within the jurisdictional boundary of this chapter. For the purposes of this section, an Animal [ServicesControl](#) Officer, police officer or other officer or agent of the City of Grand Junction having jurisdiction to enforce this code may make a prima facie determination as to the sufficiency of any scoop, shovel or removal device. The owner, keeper or person in charge of the dog shall be relieved from the obligations of this subsection (e) if the dog is: used or participating in a parade, exhibition or demonstration authorized by the City of Grand Junction; or the dog is being actively used or is participating as an operative in a law enforcement search, investigation or other official law enforcement activity; or the dog is being transported in an automobile, truck or similar conveyance and the dog remains confined within the automobile, truck or similar conveyance at all times while being transported on or within the specified areas. Law enforcement officers shall be required to properly remove and dispose of excrement of law enforcement canine(s) after completion of any search, investigation or official law enforcement activity.
- (f) Violation of subsection (b) of this section constitutes a separate and distinct offense from violation of subsection (e) of this section.
- (g) Every person convicted of a violation of subsection (b) of this section shall pay at least a minimum fine, none of which may be suspended by the Court, according to the following schedule: first conviction, \$25.00; second conviction, \$50.00; third and each subsequent conviction, \$100.00. In applying this schedule the date when the actual violation occurred shall control, regardless of the date of conviction and the record of the violator for three years prior to the date of the current violation shall be considered.
- (h) Every person convicted of a violation of subsection (e) of this section shall pay at least a minimum fine, none of which may be suspended by the Court, according to the following schedule: first conviction, \$25.00; second conviction, \$50.00; third and each subsequent conviction, \$100.00. In applying this

schedule the date when the actual violation occurred shall control, regardless of the date of conviction and the record of the violator for three years prior to the date of the current violation shall be considered.

(i) This chapter is applicable in, and the jurisdictional boundary is designated to be, all public parks within the City of Grand Junction and including the Main Street “park” described as the area around Main Street bounded by the eastern edge of the right-of-way of 1st Street, the western edge of the right-of-way of 7th Street, the north edge of the right-of-way of the alley north of Main Street and the southern edge of the right-of-way of the alley south of Main Street and those portions of the Riverfront Trail, and other trail section or lengths, as designated by the resolution of the City Council so long as such trails, sections, or lengths are within the City’s limits and the trail users are given notice by the use of the appropriate signs.

(j) Any person who is blind, as that term is defined in C.R.S § 26-2-103(3) and uses a guide dog shall be exempt from the provisions of this chapter.

6.08.030 Impoundment regulations.

(a) **Impoundment, Boarding and Sale.**

(1) The Animal ~~ServicesControl~~ Officer may impound any domestic animal other than dogs and cats pursuant to this section which is at large or which is unclaimed.

(2) 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:

(i) Impounding fee: Such fee as established by resolution of the City Council.

(ii) Boarding fee: The actual cost incurred for boarding the impounded animal to be paid to the stable owner or keeper of the impounded animal.

(iii) Advertising fee: All actual costs for public notice of sale.

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

(b) **Disposition of Impounded Animals.**

(1) Sale. No animal other than dogs and cats shall be impounded and boarded for more than 10 days, and prior to the expiration of such 10-day period, the Chief of Police shall advertise one time in a newspaper of general circulation in the City that such animal so described in the notice of sale will be sold to the highest bidder. If there is no bidder at such sale, the Chief of Police shall sell such animal at private sale. From the proceeds of such 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 such excess funds within 30 days after the sale by presenting satisfactory evidence of ownership, such excess, if any, shall be used to defray those costs incurred by the City for the impounding, boarding and sale of such animals.

(2) Bill of Sale. Upon the sale of any animal at public or private sale as provided in this subsection (b), the Chief of Police shall execute to the buyer thereof a bill of sale describing such animal, and such bill of sale shall extinguish any prior title or interest of any other person claiming an interest in such animal.

(c) **Provisions Not Applicable to Dogs, Cats.** This section shall not apply to the impoundment of dogs or cats, which subject is treated under Chapter [6.12](#) GJMC.

(d) **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 this section with the intent of releasing any animal therein confined.

(e) **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 Animal [ServicesControl](#) Officer or a representative to be in pain or contagious to other animals. If identified to an owner, the [Animal Servicescontrol Ce](#)nter will make every reasonable effort to contact the owner for a period of 24 hours, after which time the animal may be immediately euthanized.

Chapter 6.12 DOGS AND CATS

6.12.010 Intent.

The City Council intends by adopting this chapter to declare as a matter of public policy that the keeping of dogs in the City 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, dangerous dogs, and similar type animals constitute a public nuisance [and/or public safety risk](#); 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 and their property; and that the provisions of this chapter 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.

6.12.020 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandon means the leaving of an animal without [the knowledge and permission of the person or agency with whom the animal is being left and/or failure to make reasonable arrangements for someone else to assume custody of the animal. This includes making adequate provisions for the proper care of an animal's care by its owner, their a person's control regardless of who owns the -assuming responsibility for the animal's care and custody, or any other person having custody or control of such animal.](#)

Animal means any living vertebrate creature, domestic or wild, including dogs but excluding strays as defined in § 35-44-101(1), C.R.S.

Animal ~~control~~ Services eCenter means 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 chapter or State law.

Animal Control Services Director means the administrative director of operations of the County animal ~~control~~ services program or the administrative director's designee; also referred to herein as the "Director."

Animal Control Services Officer means any person designated by the City, the Animal Services Control Director or the City Police Department. Animal Control Services Officers shall act under and in accordance with the authority of § 30-15-105, C.R.S.

~~*Animal Control Sergeant* means a supervisor of animal control for the County, as designated by the Director; also referred to as the "Sergeant."~~

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 ~~or other mechanism of control~~. 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 ~~obedience~~ training class, dog show, obedience trial or event in which the dog is participating and/or is entertainment. ~~Dogs tethered to a stationary object within range of a public street, sidewalk, or right-of-way shall be deemed "at large" if the owner or custodian of such dog is not immediately present.~~ The livestock and locating or retrieving wild game exceptions shall not apply in:

- (1) 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
- (2) 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.

~~*Bodily injury* means 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.~~

County means the County of Mesa, Colorado.

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 dog means a dog which:

- (1) Causes serious bodily injury to a person;
- (2) Causes bodily injury to a person or animal on two or more occasions;
- (3) Is infected with rabies;

~~(4) 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;~~

(45) Causes bodily injury to a person or animal and the bodily injury occurs off the dog owner's premises;

(56) Is at large and exhibits ~~repeated or continuous~~ aggressive behavior on two or more occasions;

(6) Demonstrates tendencies that would cause a reasonable person to believe that the dog would inflict bodily or serious bodily injury upon any person or domestic animal while the dog is without effective and immediate control;

(7) Has engaged in a dogfighting contest with the owner's knowledge; or

(8) Has been specifically found to be dangerous 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 dangerous if the dog owner establishes such facts as an affirmative defense to a charge for violation of GJMC 6.12.0650 or to the satisfaction of the investigating Animal Control Services Officer. ~~Any dog which is found to be dangerous as defined by subsections (1), (2), (3) or (4) of this definition may be destroyed in accordance with GJMC 6.12.090(c)(1).~~

Dog means any member of the canine species, including dogs of wild extraction.

Dogs of wild extraction means a dog that is, or may credibly be alleged to be, in any hereditary part related to wild canines, including but not limited to the wolf family (*Canis lupis*) and the coyote family (*Canis latrans*).

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.

Harboring means 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.

Health Department means the County or State Health Department.

Health Officer means the County Health Officer, or any health department employee or other person authorized by the Health Officer.

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 County 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.

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.

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 [Titlechapter](#) 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.](#)

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, or a substantial risk of protracted loss or impairment of the function of any part or organ of the body or breaks or fractures.

Vaccination means the vaccination of an animal with an antirabies vaccine approved by the State Department of Health and administered by a veterinarian licensed by the State.

6.12.030 Licensing and vaccination.

(a) **Vaccination Required.** No person shall own, keep or harbor in the City any dog or cat over four months of age unless such dog or cat is vaccinated against rabies. All dogs and cats vaccinated at four months of age or older shall be revaccinated thereafter in accordance with the recommendation in the "Compendium of Animal Rabies Control" as promulgated by the National Association of State Public Health Veterinarians. After vaccinating a cat or dog for rabies, the veterinarian shall give the owner written certification of such vaccination. Any dog or cat owner who moves into the City and owns any dog or cat four months of age or older shall comply with this chapter within 30 days afterward. If any dog or cat has bitten any person or animal within the last 10 days, the owner of said dog or cat shall report that fact to the vaccinating veterinarian and to the [Animal Services Control Center facility](#), and no rabies vaccine shall be administered to that dog or cat until after the 10-day observation period.

(b) **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. Dogs must have a current license. A dog owner may choose to buy a County dog license certificate and tag from the [Animal Services 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 Services Control](#) Officer when purchasing a County license and tag. [The term of any license issued cannot exceed the date the rabies vaccination expires. A dog owner may choose to license annually or may choose to purchase a license that expires concurrently with the rabies vaccination.](#) Fees for licenses shall be as established by resolution of the City Council and on file in the City Clerk's office. Certificates of license shall contain the following information:

- (1) The name, street address, and telephone number of the owner of the vaccinated dog;
- (2) The veterinarian's name, rabies tag number and expiration date;
- (3) The breed, age, color and sex of the dog; and

(4) [The County license number, license year or term](#), 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.](#)

(c) **License Tags.** Concurrent with the issuance and delivery of the license referred to in subsection (b) of this section, 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 Services 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 ensure 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; is securely confined within the owner's premises; is aiding law enforcement officers in the performance of lawful duties; 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.

(d) **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 Services Control Center](#) for a fee as established by resolution of the City Council and on file in the City Clerk's office and comply with the requirements set forth in this section.

(e) **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 Services Control](#) Officer.

(f) **Harboring Unvaccinated Dogs or Cats.** No person shall own or harbor any dog or cat which has not been vaccinated against rabies or whose most recent rabies vaccination has expired. This subsection shall apply to dogs of wild extraction.

(g) **False and Stolen License Documents.** No person shall possess or make use of a stolen, counterfeit or forged license certificate or license tag.

(h) **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.

(i) **Records.** The [Animal Services 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 chapter. 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 chapter.

6.12.040 [Confinement Dogs running at large.](#)

(a) **Confinement Required.** No dog owner, or any person who harbors, keeps or is custodian of a dog, shall fail to physically, mechanically or electronically confine the dog. Such confinement shall ensure that the dog cannot leave the premises or be at large. No dog owner, or any person who harbors, keeps or is custodian of the dog, shall fail to prevent the dog from being or running at large. Any dog off its owner's premises shall be under leash control by its owner.

(b) Dogs in Common and Public Areas.

(1) No dog owner, or any person who harbors a dog, shall fail to prevent his 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 parks, unless permission is [otherwise granted posted by the property owner or public authorities allowing dogs to be off leash at large.](#)

(2) No dog owner, or any person who harbors a dog, shall permit his dog to be at, in or within the permitted area of any special event(s) in downtown Grand Junction, as defined in GJMC [6.12.020](#), unless permission is posted by public authorities allowing dogs to be present within the permitted area of the event. Physical or mechanical confinement of the dog 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 Downtown Development Authority (hereinafter referred to as "DDA"). When dogs are allowed at special events the event promoter shall provide notice in the advertising for the event and at the event location on the day(s) of the event.

(3) The City, DDA or an event promoter authorized by the City or the DDA may allow dogs at any event or may as part or all of an event authorize an organized race, obedience training class, dog show or obedience trial or similar activities or entertainment involving dogs.

(4) When dogs are allowed at special events in Downtown Grand Junction notice shall be conspicuously posted at entrances to the event and at reasonable intervals throughout the event. Notice is not required if dogs are present at an organized race, obedience training class, dog show or obedience trial or similar activities or entertainment involving dogs, which event is permitted by the City or the DDA.

(c) **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 ~~Services Control~~ Officer to remove the dog to a boarding kennel, veterinary hospital or the ~~A~~Animal ~~Services control~~ ~~C~~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 ~~Services Control~~ Officer shall be a violation of this chapter and any unspayed female dog in estrus may be summarily impounded in the event of noncompliance with such a removal order.

(~~ed~~) **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.

[6.12.050 Failure to Control.](#) [No owner of a dog shall fail to prevent it, without provocation, from:](#)

[\(a\) Causing serious bodily injury to any person or animal, including pets, domestic livestock, fowl or wildlife. No owner of a dog shall fail to prevent it from causing bodily injury to or biting any person or animal, including pets, domestic livestock, fowl or wildlife.](#)

[\(b\) Causing damage to the person or property of another; or](#)

(c) 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 is not in proportion to the claimed act of provocation;

6.12.0650 Dangerous dogs.

(a) **Prohibited.** No person shall own or harbor a dangerous dog within the City, except as provided in this chapter. Such dog shall be impounded as a public nuisance and/or public safety risk pursuant to the procedures set forth in GJMC 6.12.0980, and may be subject to disposition as provided by GJMC 6.12.1090(c).

~~(b) **Control of Dogs.** No owner of a dog shall fail to prevent it from causing serious bodily injury to any person or animal, including pets, domestic livestock, fowl or wildlife. 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. Provocation is not a defense to this section where the response of the dog is not in proportion to the claimed act of provocation.~~

(b) **Confinement of Dangerous Dog.** It shall be unlawful for any dog that has been found to be a Dangerous Dog by any Court to be confined in a manner that does not include the following:

(1) When outside the owner's primary residence, the dog must be confined to an escape proof kennel approved by Mesa County Animal Services; or

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

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

(c) Dangerous Dog - Special Permit Required

The owner of any dog that has been found to be a Dangerous Dog 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 31 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 Dog 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.

6.12.0780 Cruelty to animals or neglect of animals.

(a) **Violation.** A person commits the offense of cruelty to animals if he knowingly or with criminal negligence engages in conduct defined as “cruelty” in this chapter.

~~(b) **Warning Not Required.** A warning process substantially similar to that set forth in GJMC 6-61(d)* may be, in the sound discretion of the Animal Control Officer, utilized prior to charging a violation of this section.~~

~~**Code reviser’s note** — Section 6-61(d), containing the warning process to be employed prior to a charge being instituted for notification of violation, was removed by the amendments of Ordinance 3589. The City is currently planning amendments to restore the warning process to the code.~~

6.12.0980 Seizure and impoundment.

(a) **Impoundment of Dogs Authorized.**

- (1) An Animal ~~Control~~Services Officer may, in his discretion, seize and impound any dog which is:
 - (i) At large;
 - (ii) Off the owner’s premises and not wearing a current license tag; or
 - (iii) An unconfined, unspayed female dog in estrus.
- (2) An Animal ~~Control~~Services Officer may, in his discretion, seize and impound any animal which:
 - (i) Is required to be observed for rabies symptoms;
 - (ii) Is, or appears to be, abandoned, abused or neglected;
 - (iii) Is a domestic animal, appears to be or is sick or injured, and whose owner cannot be identified or located; or
 - (iv) Is being kept or maintained contrary to the provisions of this chapter.

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

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

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

(de) Notice of Impoundment and Disposition Alternatives. When any animal has been impounded, Animal ~~ServicesControl~~ 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 ~~ServicesControl~~ personnel shall take all reasonable steps to identify the owner and provide such notification. If the animal's owner still cannot be established, Animal ~~ServicesControl~~ personnel may proceed with any disposition authorized by this chapter. Animal ~~ServicesControl~~ personnel shall maintain records of the times, dates and manner of any notification or attempts at notification. Such records shall constitute prima facie evidence of notification or attempted notification.

(de) Length of Impoundment.

(1) **Minimum Period.** Any animal impounded at Animal ~~ServicesControl~~ which is not reclaimed by the owner shall be held by Animal ~~ServicesControl~~ for a minimum of five days after acquisition by Animal ~~ServicesControl~~, before it may become available for adoption or otherwise disposed of at the discretion of Animal ~~ServicesControl~~, except that the Directoran Animal Control supervisor may determine that an animal without identification, including but not limited to a microchip or collar, may be disposed of in three days if the Directorsuch supervisor determines the shelter has insufficient resources for such animal or determines that such animal is dangerous. For purposes of this section, "days" means days during which the shelter is open to the public. If the owner does not properly claim and redeem the animal within this period of impoundment, the animal may be subject to disposition under GJMC 6.12.090.

(2) **Sick or Injured Animal.** An impounded animal which is sick or injured and in pain or contagious to other animals, and which is not identifiable to an owner is subject to a minimal

impoundment period and may immediately be humanely disposed of through euthanasia, if (a) in the opinion of a veterinarian the animal is experiencing extreme pain or suffering; and (b) Animal ~~ServicesControl~~ has exhausted reasonable efforts to contact the owner for up to 24 hours.

(3) Dangerous Dog. A dangerous dog shall not be released from impoundment during the pendency of any criminal proceeding for violation of GJMC ~~6.12.0650(a)~~. If no such action has been or will be commenced, such dog shall be disposed of pursuant to GJMC ~~6.12.1090~~.

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

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

(65) 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 State Health Department or killed by humane euthanasia, avoiding damage to the brain, and the remains tested for rabies as provided by State law.

(76) Release from Quarantine – Failure to Comply with Quarantine Order or Conditions. Any owner of an animal, or person harboring or keeping an animal, who has been ordered by an Animal ~~ServicesControl~~ Officer to quarantine such animal shall release such animal only to the Animal ~~ServicesControl~~ Officer according to the quarantine. The Animal ~~ServicesControl~~ 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~~Services center. The Animal ~~ServicesControl~~ Officer may allow the owner to quarantine the animal at the owner's residence provided the owner can establish or maintain conditions of the 10-day quarantine period to the satisfaction of Animal ~~ServicesControl~~. No person or owner shall fail to meet the conditions established pursuant to subsection (ed)(54) of this section. Failure to comply with a quarantine order or comply with the conditions of quarantine shall result in the animal being impounded by Animal ~~ServicesControl~~ and shall be a violation of this chapter.

(ef) **Liability for Seizure and Impoundment Expenses.** An owner or keeper shall be obligated to reimburse the ~~A~~Animal ~~Servicescontrol~~ ~~C~~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 ServicesControl Center](#) at no cost to the owner.

(fg) **Removal of Impounded Animals.** No person shall remove any impounded animal from the [Animal ServicesControl Center](#) or from the official custody of an [Animal ServicesControl Officer](#) without the consent of the Director, ~~Sergeant or officer.~~

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

6.12.1090 Redemption from impoundment and disposition.

(a) **Redemption Fees Authorized.** Any dog or animal may be claimed and redeemed from impoundment by the owner and released from the [Animal ServicesControl Center](#) only upon timely demand at the [Animal ServicesControl Center](#) by a properly identified owner and upon payment of all seizure fees, impoundment fees, license fees, veterinary charges, charges for unusual care and feeding, redemption fees and such other costs or fees as may be reasonably set by [Animal ServicesControl](#) personnel or as provided in GJMC [6.12.1240](#), concerning [Animal ServicesControl Center](#) charges and fees.

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

(c) **Disposition of Dangerous Dogs and Habitual Offenders.**

~~(1) A dog found to be dangerous by any court, as defined by subsections (1), (2), (3) or (4) of the definition in GJMC [6.12.020](#), shall be finally disposed of by humane euthanasia.~~

(12) The owner of a dog which is found to be dangerous ~~as defined by subsections (5), (6), (7) or (8) of the definition in~~ GJMC [6.12.020](#) shall be subject to any reasonable sentencing orders set by the court prior to or after redemption of the dog. Such orders and conditions may include but are not limited to delayed release of the dog, the posting of bond, construction of secure areas of confinement, restrictions on travel with the dog, neutering the dog, muzzling the dog, compensation of victims, restrictions on sale or transfer of the dog, destruction, and any other terms or conditions deemed necessary to protect the public, ~~or~~ to abate a public nuisance, or to abate a public safety risk. Such orders and conditions shall require payment of all fines and fees and expenses for seizure, impoundment and redemption, together with penalties and court costs, if any.

(23) In the event of noncompliance with the conditions imposed pursuant to subsection (c)(12) of this section, the dog may be summarily impounded by Animal ~~ServicesControl~~ personnel and disposed of at their discretion, or in accordance with court order. Such disposal shall be in addition to any other civil or criminal remedies, including contempt proceedings for noncompliance with any sentencing orders or with administrative conditions for release of a dangerous dog.

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

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

(d) **Adoption of Dogs and Cats.** No person may adopt a dog or cat from the ~~A~~animal ~~Servicescontrol~~ ~~C~~center until such has guaranteed sterilization of the dog or cat. A deposit ~~or adoption fee~~ shall be required to ensure the sterilization of the animal. Failure of the person adopting a dog or cat to sterilize it shall be a violation of this chapter and shall be punishable as an offense under this chapter. Additionally, Animal ~~ServicesControl~~ 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 ~~ServicesControl~~ personnel and subject to reasonably prescribed conditions.

6.12.1100 Enforcement.

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

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

(c) **Penalty Assessment Procedure.**

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

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

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

- (i) Charged under GJMC [6.12.0650](#) involving a dangerous dog;
- (ii) Charged under GJMC [6.12.0870](#) involving cruelty to an animal;
- (iii) Charged under GJMC [6.12.1090](#) involving failure to comply with impound/quarantine requirements;
- (iv) Known to have been issued three or more penalty assessment notices for violation of this chapter within the last two years; or
- (v) Charged with a violation of this chapter involving serious bodily injury to or death of any person or animal.

(4) Optional Court. Except for the mandatory requirement for court set forth in subsection (c)(3) of this section, an Animal [Control 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) Verification by the complaining party, if any;
- (iii) Name of the alleged offender;
- (iv) Specific offense;
- (v) Applicable fine;
- (vi) The amount of pending fines for prior offenses;
- (vii) Identity of any victims; and

(viii) A brief summary of the circumstances of the offense, including the alleged offender's attitude.

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

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

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

6.12.1240 Animal ~~control~~Services Center charges and fees.

(a) **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 schedules adopted by resolution of the City Council. Payment of all applicable fees shall be a condition of release, redemption or adoption of any animal. Such fees shall be assessed to defray the administrative expenses incurred in impounding, boarding, adoption of, licensing and euthanizing animals. The deposits authorized under subsection (b) of this section are to ensure vaccination and spaying or neutering of adopted animals in an effort to help control the pet overpopulation.

(b) **Deposits.** A spay/neuter deposit and rabies vaccination deposit as established by resolution of the City Council and on file in the City Clerk's office shall be required for adoption of an animal. A rabies vaccination deposit shall be required for redemption of an unvaccinated animal. Deposits shall be returned upon proof of spay/neuter and vaccination, as applicable. If proof is not provided to ~~A~~animal ~~control~~Services by the date prescribed on the sterilization or vaccination contract the deposit shall be forfeited.

(c) **Veterinary Care.** Actual, reasonable costs of necessary veterinarian treatment shall be charged to the owners of any animals impounded under this chapter, as applicable.

6.12.1320 Violation unlawful – Penalty.

No person shall violate any provision of this chapter, as amended. Any such violation is unlawful, and upon conviction of any violation, the offender shall be punished as set forth in this chapter.

6.12.1430 Penalty assessment – Fine schedule.

If the penalty assessment procedure is used by the Animal ~~Services Control~~ Officer 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 6.12.040, Dogs 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 6.12.040 Dogs Running at Large shall include a surcharge of \$50.00 payable to Mesa County Animal Services Canine Spay/Neuter Voucher Program if the 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.

6.12.1540 Additional remedies for violation of chapter – Suspension of penalties.

(a) In addition to payment of any fine or other punishment, any person violating this chapter shall be required as a condition of probation or sentencing to pay to the ~~Animal Control~~Animal Services Center all applicable fees and charges pursuant to GJMC 6.12.110, and costs of prosecution as may be required by the Court.

(b) Suspension of any penalty or punishment for violation of this chapter may be conditioned upon compliance with any reasonable order or condition designed to protect the public or abate a public nuisance caused by an owner's animal. Such conditions may include but are not limited to those set forth in GJMC 6.12.090(c).

6.12.1650 Indemnity clause.

The City Council, the Health Officer, Director, Animal ~~Control~~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.

6.12.1760 Violations not involving bodily injury.

Any violation of GJMC [6.12.030](#), [6.12.040](#), [6.12.050](#), [6.12.060](#), [6.12.070](#), [6.12.0980\(f\)](#), [6.12.1090\(d\)](#), [6.12.1190\(d\)](#), (e) or (f) any subsections thereof where a summons and complaint are issued which do not involve bodily injury to any person or animal shall be punishable upon conviction by a fine of not more than \$500.00. If the dog owner has been convicted of three or more violations of any section of this chapter not involving bodily injury within a two-year period, the Court may impose a sentence of imprisonment in the County jail for not more than 90 days in addition to any fine and may order the destruction of the animal.

6.12.1870 Violations involving bodily injury.

Any violation of GJMC [6.12.030](#), [6.12.040](#), [6.12.050](#), [6.12.060](#), [6.12.070](#), [6.12.0980\(f\)](#), [6.12.1090\(d\)](#), [6.12.1190\(d\)](#), (e) or (f) and any subsections thereof where a summons and complaint are issued which involve bodily injury to any person or bodily injury or death to an animal by a dog or other pet animal shall be punishable upon conviction by a fine of not less than \$250.00 nor more than \$1,000, or by imprisonment of not less than three months nor more than 12 months, or by both such fine and imprisonment for each separate offense. In addition, the Court may order the destruction of the dog upon conviction of the owner of any violation with bodily injury.

6.12.1980 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.

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

**AN ORDINANCE AMENDING PARTS OF TITLE 6 OF THE
CITY OF GRAND JUNCTION CODE OF ORDINANCES RELATING TO PUBLIC
SAFETY RISKS REGARDING ANIMALS**

RECITALS:

The City of Council of the City of Grand Junction has reviewed and approved changes to the Title 6 of the City of Grand Junctions Code of Ordinances relating to public safety risk regarding animals as the changes are beneficial to the health, safety, and welfare of the citizens of the community.

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

The following sections in Title 6 are hereby amended as follows:

**Chapter 6.04
ANIMAL REGULATIONS**

6.04.060 Prohibition against ownership or sale of certain animals – Wild animals at large.

(a) It shall be unlawful for any person 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 nonpoisonous snakes with a length greater than six feet;
- (2) Gorillas, chimpanzees, orangutans, and any other primates;
- (3) Any species of feline not falling within the categories of ordinary domesticated house cats;
- (4) Bears of any species;
- (5) Raccoons, porcupines, skunks, badgers, or other similar species, except ferrets (*Mustela putruis*); or
- (6) Foxes, wolves, coyotes, or other species of canines other than dogs.

(b) The provisions of subsection (a) of this section shall not be applicable to any bona fide zoological garden or any circus or carnival licensed by the City or any bona fide research institute using wild, exotic or dangerous animals for scientific research.

(c) It shall be the duty of the Animal Services Officer, or any 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 Services Officer, or police officer, in the officer's discretion shall determine, subject to applicable State law. The Animal Services Officer 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 Services Officer to be of danger to either itself or to the public health and safety.

6.04.070 Interference with enforcement.

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 chapter.

6.04.080 Inspection procedure.

Whenever the Animal Services Officer or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises conditions such 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 Services Officer or the Animal Services Officer's authorized representative is hereby authorized to enter such property at any reasonable time and to inspect such property and perform any duty imposed upon the Animal Services Officer by this chapter or by other applicable law; provided, that:

(a) If such property is occupied, the Animal Services Officer shall first present proper credentials to the occupant and request entry, explaining the Animal Services Officer's reasons therefor and the purpose of the Animal Services Officer's inspection; and

(b) If such property is unoccupied, the Animal Services Officer shall first make a reasonable effort to locate the owner or other person having charge or control of the property and request entry, explaining the Animal Services Officer's 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 Services Officer or the Animal Services Officer's authorized representative shall have recourse to every remedy provided by law to secure lawful entry and inspect the property.

6.04.090 Dead animals.

(a) **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, 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.

(b) **Disposal of Dead Animals on 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 to remove the body of such animal for burial in an authorized animal cemetery; or to remove the body of such animal beyond the limits of the City and cause the carcass to be buried in the earth sufficiently deep to prevent the escape of effluvia injurious to public health. If such carcass shall not forthwith be removed, the same shall be deemed a nuisance and such owner or keeper shall be guilty of a misdemeanor.

(c) **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 Services Officer, when knowledge thereof shall come to the officer, to forthwith cause such body to be taken to or removed by an animal carcass removal and disposal company.

6.04.110 Board of Animal Services.

A five-member advisory board consisting of one representative of the City Police Department, County Sheriff's Department, Mesa County Board of County Commissioners, Mesa County Veterinarian, and the Director of the County Health Department or designee is hereby established. No member of the Board shall receive compensation for serving thereon. The Board shall provide advisory financial and budgetary input regarding the Animal Services Division and shall recommend animal services fees and charges. The Mesa County District Attorney or designee and the City Attorney or designee shall serve as legal advisors to the Board

6.04.120 Removal and disposal of dog excrement.

(a) The terms "dog" and "owner" as used in this section shall be as defined in GJMC [6.12.020](#).

(b) No person owning, keeping or in charge of any dog shall fail to prevent such dog from defecating upon any public property, sidewalk or way within the areas or boundaries as specified in this chapter.

(c) It is an affirmative defense to a charge of violating this section that the defecation occurred on private property and that the prior express permission of the owner or all tenants thereof had been obtained.

(d) It is an affirmative defense to a charge of violating this section that the owner, keeper or person in charge of such dog immediately removed or cleaned up such deposit and disposed thereof by depositing it in a toilet or a receptacle ordinarily used for garbage or in an otherwise lawful and sanitary manner.

(e) No person shall fail to possess a shovel, scoop or other suitable equipment for removing dog excrement while the dog and the owner, keeper or person in charge of the dog are upon any public property, sidewalk or way within the jurisdictional boundary of this chapter. For the purposes of this section, an Animal Services Officer, police officer or other officer or agent of the City of Grand Junction having jurisdiction to enforce this code may make a prima facie determination as to the sufficiency of any scoop, shovel or removal device. The owner, keeper or person in charge of the dog shall be relieved from the obligations of this subsection (e) if the dog is: used or participating in a parade, exhibition or demonstration authorized by the City of Grand Junction; or the dog is being actively used or is participating as an operative in a law enforcement search, investigation or other official law enforcement activity; or the dog is being transported in an automobile, truck or similar conveyance and the dog remains confined within the automobile, truck or similar conveyance at all times while being transported on or within the specified areas. Law enforcement officers shall be required to properly remove and dispose of excrement of law enforcement canine(s) after completion of any search, investigation or official law enforcement activity.

(f) Violation of subsection (b) of this section constitutes a separate and distinct offense from violation of subsection (e) of this section.

(g) Every person convicted of a violation of subsection (b) of this section shall pay at least a minimum fine, none of which may be suspended by the Court, according to the following schedule: first conviction, \$25.00; second conviction, \$50.00; third and each subsequent conviction, \$100.00. In applying this schedule the date when the actual violation occurred shall control, regardless of the date of conviction and the record of the violator for three years prior to the date of the current violation shall be considered.

(h) Every person convicted of a violation of subsection (e) of this section shall pay at least a minimum fine, none of which may be suspended by the Court, according to the following schedule: first conviction, \$25.00; second conviction, \$50.00; third and each subsequent conviction, \$100.00. In applying this schedule the date when the actual violation occurred shall control, regardless of the date of conviction and the record of the violator for three years prior to the date of the current violation shall be considered.

(i) This chapter is applicable in, and the jurisdictional boundary is designated to be, all public parks within the City of Grand Junction and including the Main Street "park" described as the area around Main Street bounded by the eastern edge of the right-of-way of 1st Street, the western edge of the right-of-way of 7th Street, the north edge of the right-of-way of the alley north of Main Street and the southern edge of the right-of-way of the alley south of Main Street and those portions of the Riverfront Trail, and other trail section or lengths, as designated by the resolution of the City Council so long as such trails, sections, or lengths are within the City's limits and the trail users are given notice by the use of the appropriate signs.

(j) Any person who is blind, as that term is defined in C.R.S § 26-2-103(3) and uses a guide dog shall be exempt from the provisions of this chapter.

6.08.030 Impoundment regulations.

(a) Impoundment, Boarding and Sale.

(1) The Animal Services Officer may impound any domestic animal other than dogs and cats pursuant to this section which is at large or which is unclaimed.

(2) 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:

(i) Impounding fee: Such fee as established by resolution of the City Council.

(ii) Boarding fee: The actual cost incurred for boarding the impounded animal to be paid to the stable owner or keeper of the impounded animal.

(iii) Advertising fee: All actual costs for public notice of sale.

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

(b) Disposition of Impounded Animals.

(1) Sale. No animal other than dogs and cats shall be impounded and boarded for more than 10 days, and prior to the expiration of such 10-day period, the Chief of Police shall advertise one time in a newspaper of general circulation in the City that such animal so described in the notice of sale will be sold to the highest bidder. If there is no bidder at such sale, the Chief of Police shall sell such animal at private sale. From the proceeds of such 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 such excess funds within 30 days after the sale by presenting satisfactory evidence of ownership, such excess, if any, shall be used to defray those costs incurred by the City for the impounding, boarding and sale of such animals.

(2) Bill of Sale. Upon the sale of any animal at public or private sale as provided in this subsection (b), the Chief of Police shall execute to the buyer thereof a bill of sale describing such animal, and such bill of sale shall extinguish any prior title or interest of any other person claiming an interest in such animal.

(c) **Provisions Not Applicable to Dogs, Cats.** This section shall not apply to the impoundment of dogs or cats, which subject is treated under Chapter [6.12](#) GJMC.

(d) **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 this section with the intent of releasing any animal therein confined.

(e) **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 Animal Services Officer or a representative to be in pain or contagious to other animals. If identified to an owner, the Animal Services 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.

Chapter 6.12 DOGS AND CATS

6.12.010 Intent.

The City Council intends by adopting this chapter to declare as a matter of public policy that the keeping of dogs in the City 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, dangerous dogs, and similar type animals constitute a public nuisance and/or public safety risk; 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 and their property; and that the provisions of this chapter 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.

6.12.020 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandon means the leaving of an animal without the knowledge and permission of the person or agency with whom the animal is being left and/or failure to make reasonable arrangements for someone else to assume custody of the animal. This includes making adequate provisions for the proper care of an animal in a person's control regardless of who owns the animal.

Animal means any living vertebrate creature, domestic or wild, including dogs but excluding estrays as defined in § 35-44-101(1), C.R.S.

Animal Services Center means the 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 chapter or State law.

Animal Services Director means the administrative director of operations of the County animal services program or the administrative director's designee; also referred to herein as the "Director."

Animal Services Officer means any person designated by the City, the Animal Services Director or the City Police Department. Animal Services Officers shall act under and in accordance with the authority of § 30-15-105, C.R.S.

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. 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:

- (1) 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
- (2) 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.

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

County means the County of Mesa, Colorado.

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 dog means a dog which:

- (1) Causes serious bodily injury to a person;
- (2) Causes bodily injury to a person or animal on two or more occasions;
- (3) Is infected with rabies;
- (4) Causes bodily injury to a person or animal and the bodily injury occurs off the dog owner's premises;

- (5) Is at large and exhibits aggressive behavior on two or more occasions;
- (6) Demonstrates tendencies that would cause a reasonable person to believe that the dog would inflict bodily or serious bodily injury upon any person or domestic animal while the dog is without effective and immediate control;
- (7) Has engaged in a dogfighting contest with the owner's knowledge; or
- (8) Has been specifically found to be dangerous 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 dangerous if the dog owner establishes such facts as an affirmative defense to a charge for violation of GJMC [6.12.060](#) or to the satisfaction of the investigating Animal Services Officer.

Dog means any member of the canine species, including dogs of wild extraction.

Dogs of wild extraction means a dog that is, or may credibly be alleged to be, in any hereditary part related to wild canines, including but not limited to the wolf family (*Canis lupis*) and the coyote family (*Canis latrans*).

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.

Harboring means the act of keeping or caring for an animal or of providing a premise to which the animal returns for food, shelter or care for a period of at least three consecutive days.

Health Department means the County or State Health Department.

Health Officer means the County Health Officer, or any health department employee or other person authorized by the Health Officer.

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 County 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.

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.

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.

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, or a substantial risk of protracted loss or impairment of the function of any part or organ of the body or breaks or fractures.

Vaccination means the vaccination of an animal with an antirabies vaccine approved by the State Department of Health and administered by a veterinarian licensed by the State.

6.12.030 Licensing and vaccination.

(a) **Vaccination Required.** No person shall own, keep or harbor in the City any dog or cat over four months of age unless such dog or cat is vaccinated against rabies. All dogs and cats vaccinated at four months of age or older shall be revaccinated thereafter in accordance with the recommendation in the "Compendium of Animal

Rabies Control” as promulgated by the National Association of State Public Health Veterinarians. After vaccinating a cat or dog for rabies, the veterinarian shall give the owner written certification of such vaccination. Any dog or cat owner who moves into the City and owns any dog or cat four months of age or older shall comply with this chapter within 30 days afterward. If any dog or cat has bitten any person or animal within the last 10 days, the owner of said dog or cat shall report that fact to the vaccinating veterinarian and to the Animal Services Center, and no rabies vaccine shall be administered to that dog or cat until after the 10-day observation period.

(b) **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. Dogs must have a current license. A dog owner may choose to buy a County dog license certificate and tag from the Animal Services 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 Services Officer when purchasing a County license and tag. The term of any license issued cannot exceed the date the rabies vaccination expires. A dog owner may choose to license annually or may choose to purchase a license that expires concurrently with the rabies vaccination. Fees for licenses shall be as established by resolution of the City Council and on file in the City Clerk’s office. Certificates of license shall contain the following information:

- (1) The name, street address, and telephone number of the owner of the vaccinated dog;
- (2) The veterinarian’s name, rabies tag number and expiration date;
- (3) The breed, age, color and sex of the dog; and
- (4) The County license number, license year or term, 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.

(c) **License Tags.** Concurrent with the issuance and delivery of the license referred to in subsection (b) of this section, 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 Services 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 ensure 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; is securely confined within the owner's premises; is aiding law enforcement officers in the performance of lawful duties; 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.

(d) **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 Services Center for a fee as established by resolution of the City Council and on file in the City Clerk's office and comply with the requirements set forth in this section.

(e) **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 Services Officer.

(f) **Harboring Unvaccinated Dogs or Cats.** No person shall own or harbor any dog or cat which has not been vaccinated against rabies or whose most recent rabies vaccination has expired. This subsection shall apply to dogs of wild extraction.

(g) **False and Stolen License Documents.** No person shall possess or make use of a stolen, counterfeit or forged license certificate or license tag.

(h) **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.

(i) **Records.** The Animal Services 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 chapter. 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 chapter.

6.12.040 Confinement.

(a) **Confinement Required.** No dog owner, or any person who harbors, keeps or is custodian of a dog, shall fail to physically, mechanically or electronically confine the dog. Such confinement shall ensure that the dog cannot leave the premises or be at large. No dog owner, or any person who harbors, keeps or is custodian of the dog, shall fail to prevent the dog from being or running at large. Any dog off its owner's premises shall be under leash control by its owner.

(b) **Dogs in Common and Public Areas.**

(1) No dog owner, or any person who harbors a dog, shall fail to prevent his 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 parks, unless permission is otherwise granted by the property owner or public authorities allowing dogs to be off leash.

(2) No dog owner, or any person who harbors a dog, shall permit his dog to be at, in or within the permitted area of any special event(s) in downtown Grand Junction, as defined in GJMC [6.12.020](#), unless permission is posted by public authorities allowing dogs to be present within the permitted area of the event. Physical or mechanical confinement of the dog 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 Downtown Development Authority (hereinafter referred to as "DDA"). When dogs are allowed at special events the event promoter shall provide notice in the advertising for the event and at the event location on the day(s) of the event.

(3) The City, DDA or an event promoter authorized by the City or the DDA may allow dogs at any event or may as part or all of an event authorize an organized race, obedience training class, dog show or obedience trial or similar activities or entertainment involving dogs.

(4) When dogs are allowed at special events in Downtown Grand Junction notice shall be conspicuously posted at entrances to the event and at reasonable intervals throughout the event. Notice is not required if dogs are present at an organized race, obedience training class, dog show or obedience trial or similar activities or entertainment involving dogs, which event is permitted by the City or the DDA.

(c) **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 Services Officer to remove the dog to a boarding kennel, veterinary hospital or the Animal Services Center. 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 Services Officer shall be a violation of this chapter and any unspayed female dog in estrus may be summarily impounded in the event of noncompliance with such a removal order.

(e) **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.

6.12.050 Failure to Control. No owner of a dog shall fail to prevent it, without provocation, from:

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

(b) Causing damage to the person or property of another; or

(c) 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 is not in proportion to the claimed act of provocation;

6.12.060 Dangerous dogs.

(a) **Prohibited.** No person shall own or harbor a dangerous dog within the City, except as provided in this chapter. Such dog shall be impounded as a public nuisance and/or public safety risk pursuant to the procedures set forth in GJMC [6.12.090](#), and may be subject to disposition as provided by GJMC [6.12.100\(c\)](#).

(b) **Confinement of Dangerous Dog.** It shall be unlawful for any dog that has been found to be a Dangerous Dog by any Court to be confined in a manner that does not include the following:

(1) When outside the owner's primary residence, the dog must be confined to an escape proof kennel approved by Mesa County Animal Services; or

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

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

(c) **Dangerous Dog - Special Permit Required.** The owner of any dog that has been found to be a Dangerous Dog 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 31 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 Dog 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.

6.12.080 Cruelty to animals or neglect of animals. A person commits the offense of cruelty to animals if he knowingly or with criminal negligence engages in conduct defined as “cruelty” in this chapter.

6.12.090 Seizure and impoundment.

(a) **Impoundment of Dogs Authorized.**

- (1) An Animal Services Officer may, in his discretion, seize and impound any dog which is:
 - (i) At large;
 - (ii) Off the owner’s premises and not wearing a current license tag; or
 - (iii) An unconfined, unspayed female dog in estrus.
- (2) An Animal Services Officer may, in his discretion, seize and impound any animal which:
 - (i) Is required to be observed for rabies symptoms;
 - (ii) Is, or appears to be, abandoned, abused or neglected;
 - (iii) Is a domestic animal, appears to be or is sick or injured, and whose owner cannot be identified or located; or
 - (iv) Is being kept or maintained contrary to the provisions of this chapter.

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

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

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

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

(e) **Length of Impoundment.**

(1) **Minimum Period.** Any animal impounded at Animal Services which is not reclaimed by the owner shall be held by Animal Services for a minimum of five days after acquisition by Animal Services, before it may become available for adoption or otherwise disposed of at the discretion of Animal Services, except that the Director may determine that an animal without identification, including but not limited to a microchip or collar, may be disposed of in three days if the Director determines the shelter has insufficient resources for such animal or determines that such animal is dangerous. For purposes of this section, "days" means days during which the shelter is open to the public. If the owner does not properly claim and redeem the animal within this period of impoundment, the animal may be subject to disposition under GJMC [6.12.00](#).

(2) **Sick or Injured Animal.** An impounded animal which is sick or injured and in pain or contagious to other animals, and which is not identifiable to an owner is subject to a minimal impoundment period and may immediately be humanely disposed of through euthanasia, if (a) in the opinion of a veterinarian the animal

is experiencing extreme pain or suffering; and (b) Animal Services has exhausted reasonable efforts to contact the owner for up to 24 hours.

(3) **Dangerous Dog.** A dangerous dog shall not be released from impoundment during the pendency of any criminal proceeding for violation of GJMC [6.12.060\(a\)](#). If no such action has been or will be commenced, such dog shall be disposed of pursuant to GJMC [6.12.100](#).

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

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

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

(7) **Release from Quarantine – Failure to Comply with Quarantine Order or Conditions.** Any owner of an animal, or person harboring or keeping an animal, who has been ordered by an Animal Services Officer to quarantine such animal shall release such animal only to the Animal Services Officer according to the quarantine. The Animal Services Officer may allow the owner of the animal to board the animal at a licensed and approved animal hospital, kennel or veterinary facility approved by the animal Services center. The Animal Services Officer may allow the owner to quarantine the animal at the owner's residence provided the owner can establish or maintain conditions of the 10-day quarantine period to the satisfaction of Animal Services. No person or owner shall fail to meet the conditions established pursuant to subsection (e)(5) of this section. Failure to comply with a quarantine order or comply with the conditions of quarantine shall result in the animal being impounded by Animal Services and shall be a violation of this chapter.

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

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

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

6.12.100 Redemption from impoundment and disposition.

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

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

(c) Disposition of Dangerous Dogs and Habitual Offenders.

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

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

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

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

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

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

6.12.110 Enforcement.

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

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

(c) **Penalty Assessment Procedure.**

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

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

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

- (i) Charged under GJMC [6.12.060](#) involving a dangerous dog;
- (ii) Charged under GJMC [6.12.080](#) involving cruelty to an animal;
- (iii) Charged under GJMC [6.12.100](#) involving failure to comply with impound/quarantine requirements;
- (iv) Known to have been issued three or more penalty assessment notices for violation of this chapter within the last two years; or
- (v) Charged with a violation of this chapter involving serious bodily injury to or death of any person or animal.

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

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

- (i) Document sworn to by the arresting officer;

- (ii) Verification by the complaining party, if any;
- (iii) Name of the alleged offender;
- (iv) Specific offense;
- (v) Applicable fine;
- (vi) The amount of pending fines for prior offenses;
- (vii) Identity of any victims; and
- (viii) A brief summary of the circumstances of the offense, including the alleged offender's attitude.

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

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

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

6.12.120 Animal Services Center charges and fees.

(a) **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 schedules adopted by

resolution of the City Council. Payment of all applicable fees shall be a condition of release, redemption or adoption of any animal. Such fees shall be assessed to defray the administrative expenses incurred in impounding, boarding, adoption of, licensing and euthanizing animals. The deposits authorized under subsection (b) of this section are to ensure vaccination and spaying or neutering of adopted animals in an effort to help control the pet overpopulation.

(b) **Deposits.** A spay/neuter deposit and rabies vaccination deposit as established by resolution of the City Council and on file in the City Clerk's office shall be required for adoption of an animal. A rabies vaccination deposit shall be required for redemption of an unvaccinated animal. Deposits shall be returned upon proof of spay/neuter and vaccination, as applicable. If proof is not provided to Animal Services by the date prescribed on the sterilization or vaccination contract the deposit shall be forfeited.

(c) **Veterinary Care.** Actual, reasonable costs of necessary veterinarian treatment shall be charged to the owners of any animals impounded under this chapter, as applicable.

6.12.130 Violation unlawful – Penalty.

No person shall violate any provision of this chapter, as amended. Any such violation is unlawful, and upon conviction of any violation, the offender shall be punished as set forth in this chapter.

6.12.140 Penalty assessment – Fine schedule.

If the penalty assessment procedure is used by the Animal Services Officer 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 [6.12.040](#), Dogs 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 6.12.040 Dogs Running at Large shall include a surcharge of \$50.00 payable to Mesa County Animal Services Canine Spay/Neuter Voucher Program if the 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.

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

(a) In addition to payment of any fine or other punishment, any person violating this chapter shall be required as a condition of probation or sentencing to pay to the Animal Services Center all applicable fees and charges pursuant to GJMC [6.12.110](#), and costs of prosecution as may be required by the Court.

(b) Suspension of any penalty or punishment for violation of this chapter may be conditioned upon compliance with any reasonable order or condition designed to protect the public or abate a public nuisance caused by an owner's animal. Such conditions may include but are not limited to those set forth in GJMC [6.12.090\(c\)](#).

6.12.160 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.

6.12.170 Violations not involving bodily injury.

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

6.12.180 Violations involving bodily injury.

Any violation of GJMC [6.12.030](#), [6.12.040](#), [6.12.050](#), [6.12.060](#), 6.12.070, [6.12.090\(f\)](#), [6.12.100\(d\)](#), [6.12.110\(d\)](#), (e) or (f) and any subsections thereof where a summons and complaint are issued which involve bodily injury to any person or bodily injury or death to an animal by a dog or other pet animal shall be punishable upon conviction by a fine of not less than \$250.00 nor more than \$1,000, or by imprisonment of not less than three months nor more than 12 months, or by both such fine and imprisonment for each

separate offense. In addition, the Court may order the destruction of the dog upon conviction of the owner of any violation with bodily injury.

6.12.190 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.

Those sections of Title 6 not specifically amended herein shall remain in full force and effect, except numbering and lettering may be adjusted due to addition or deletions herein.

INTRODUCED on first reading the _____ day of _____, 2012 and ordered published in pamphlet form.

PASSED and **ADOPTED** on second reading the _____ day of _____, 2012 and ordered published in pamphlet form.

President of City Council

ATTEST:

City Clerk



Date: 11/12/12
 Author: Jay Valentine
 Title/ Phone Ext: Internal Services
Manager xt.1517
 Proposed Schedule: November
19th. 2012
 2nd Reading
 (if applicable): December 5th.
2012
 File # (if applicable): _____

Attach 4
CITY COUNCIL AGENDA ITEM

Subject: Setting a Hearing on the 2012 Supplemental Appropriation Ordinance and the 2013 Budget Appropriation Ordinance
Action Requested/Recommendation: Introduction of Proposed Ordinances and Set a Hearing for December 5, 2012.
Presenter(s) Name & Title: Jodi Romero, Financial Operations Director Jay Valentine, Internal Services Manager

Executive Summary:

This request is to appropriate certain sums of money to defray the necessary expenses and liabilities of the accounting funds of the City of Grand Junction based on the 2012 amended and 2013 proposed budgets.

Background, Analysis and Options:

The 2013 appropriation ordinance is the legal adoption of the City Manager’s budget by the City Council for the upcoming fiscal year, and was reviewed during the City Council workshops and readiness meeting throughout the year.

The reasons for the supplemental increases to funds were discussed during the year as projects are presented to City Council and again in the City Council budget workshops. In particular:

- The increase to the Downtown Development Authority fund is due to the White Hall demolition.
- The increase to the Conservation Trust fund is due to the Stadium light pole relocation project.
- The increase in the Storm Drainage fund is due to the emergency repair of the existing Leach Creek detention basin.
- The increase to the Major Projects fund is due to the Avalon project and the amounts approved for architectural services.
- The increase in the Solid Waste Removal fund is due to the contribution towards the CNG retrofit at the current fleet maintenance building.
- The increase in the Two Rivers Convention Center fund is due to the operating costs associated with an increase in the number of events.
- The increase in the Parking Authority fund is due to an unforeseen increase in repairs/maintenance.

- The increase in the Fleet and Equipment fund is due to the carryforward of equipment that was ordered but not received in 2011 and the funds equal share of the CNG retrofit to the existing fleet maintenance building.
- The increase in the Self Insurance fund is due to an increase in experience of health claims.
- The increase in the General Debt Service fund and the Riverside Parkway Debt Retirement fund is due to the advance refunding of the Parkway Bonds.

How this item relates to the Comprehensive Plan Goals and Policies:

This action is needed to meet the plan goals and policies.

Board or Committee Recommendation:

N/A

Financial Impact/Budget:

The supplemental appropriation ordinance and the next year's budget appropriation ordinance are presented every year at this time to ensure adequate appropriation by fund.

Legal issues:

Other issues:

Previously presented or discussed:

The supplemental budget appropriation increase is partly due to the re-appropriation of budget dollars for capital projects that were previously approved but incomplete at the end of 2011. Additional appropriation is also needed for projects approved by City Council during 2012.

The 2013 City of Grand Junction Budget was presented to City Council at the budget presentation workshops and readiness meetings held July - November.

Attachments:

Proposed Supplemental Appropriation Ordinance for 2012 Budget
Proposed 2013 Budget Appropriation Ordinance

Ordinance No. _____

AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2012 BUDGET OF THE CITY OF GRAND JUNCTION.

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

That the following sums of money be appropriated from unappropriated fund balance and additional revenue to the funds indicated for the year ending December 31, 2012, to be expended from such funds as follows:

FUND NAME	FUND #	APPROPRIATION
Downtown Development Auth.	103	\$ 165,737
Conservation Trust	110	\$ 12,400
Storm Drainage Improvements	202	\$ 65,000
Major Projects	204	\$ 489,997
Solid Waste	302	\$ 85,638
Two Rivers Convention Center	303	\$ 100,660
Parking	308	\$ 8,821
Fleet and Equipment	402	\$ 1,239,110
Self Insurance	404	\$ 393,967
General Debt Service	610	\$ 34,599,194
Riverside Prkwy Debt Retirement	615	\$ 19,000,000

INTRODUCED AND ORDERED PUBLISHED in pamphlet form this ____ day of _____, 2012.

TO BE PASSED AND ADOPTED the__ day of _____, 2012 and ordered published in pamphlet form.

Attest:

President of the Council

City Clerk

ORDINANCE NO. ____

AN ORDINANCE APPROPRIATING CERTAIN SUMS OF MONEY TO DEFRAY THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF GRAND JUNCTION, COLORADO, THE DOWNTOWN DEVELOPMENT AUTHORITY, AND THE RIDGES METROPOLITAN DISTRICT FOR THE YEAR BEGINNING JANUARY 1, 2013, AND ENDING DECEMBER 31, 2013

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

SECTION 1. That the following sums of money, or so much therefore as may be necessary, be and the same are hereby appropriated for the purpose of defraying the necessary expenses and liabilities, and for the purpose of establishing emergency reserves of the City of Grand Junction, for the fiscal year beginning January 1, 2013, and ending December 31, 2013, said sums to be derived from the various funds as indicated for the expenditures of:

FUND NAME	FUND #	APPROPRIATION
General	100	\$ 73,449,321
Enhanced 911 Special Revenue	101	\$ 3,768,105
Visitor & Convention Bureau	102	\$ 1,963,769
D.D.A. Operations	103	\$ 641,337
Community Development Block Grants	104	\$ 406,350
T.I.F.Special Revenue	109	\$ 529,219
Conservation Trust	110	\$ 1,223,155
Sales Tax CIP Fund	201	\$ 14,997,845
Storm Drainage Improvements	202	\$ 126,225
T.I.F. Capital Improvements	203	\$ 1,522,833
Major Capital Improvemtns	204	\$ 7,337,417
Future Street Improvements	207	\$ 4,000,000
Facilities Capital Fund	208	\$ 214,092
Water Fund	301	\$ 6,449,807
Solid Waste	302	\$ 3,497,932
Two Rivers Convention Center	303	\$ 2,901,828
Golf Courses	305	\$ 2,173,746
Parking	308	\$ 463,544
Irrigation Systems	309	\$ 243,202
Information Technology	401	\$ 6,833,095

Fleet and Equipment	402	\$	5,334,189
Self Insurance	404	\$	2,409,417
Communications Center	405	\$	7,897,143
General Debt Service	610	\$	9,059,390
T.I.F. Debt Service	611	\$	641,464
Ridges Metro District Debt Service	613	\$	227,110
GJ Public Finance Debt Service	614	\$	534,155
Cemetery Perpetual Care	704	\$	6,500
Joint Sewer System, Total	900	\$	13,044,031

INTRODUCED AND ORDERED PUBLISHED in pamphlet form the ____ day of _____, 2012.

TO BE PASSED AND ADOPTED the ____ day of _____, 2012 and ordered published in pamphlet form.

Attest:

President of the Council

City Clerk



Date: November 5, 2012
 Author: Jay Valentine
 Title/ Phone Ext: 1517
 Proposed Schedule: November 19th
 2nd Reading
 (if applicable): _____
 File # (if applicable): _____

**Attach 5
 CITY COUNCIL AGENDA ITEM**

Subject: Rates and Fees Effective January 1 st , 2013
Action Requested/Recommendation: Adopt the Resolution Adopting the Fees for Water, Irrigation, Wastewater, Solid Waste, Ambulance Transport, Two Rivers Convention Center, and Parks and Recreation
Presenter(s) Name & Title: Jodi Romero, Financial Operations Director

Executive Summary:

Proposed rate/fee increases which would be effective January 1st, 2013 are for Water, Irrigation, Wastewater, Solid Waste, Ambulance Transport, Two Rivers Convention Center, and Parks and Recreation as presented and discussed during City Council budget workshops.

Background and Analysis:

City Water System: Recommended \$2.00 increase in the minimum water rate per 3,000 gallons. Recommended increase in the commodity rates for the three levels of water consumption above the minimum 3,000 gallons; increase \$0.10 for each level. The increases, which include a water conservation rate, will be used by the Water Funds for major capital waterline replacement program. Water rates have not been increased since 2009.

Kannah Creek Water System: Recommended \$2.00 increase in the minimum water rate per 3,000 gallons. Recommended increase in the commodity rates for the three levels of water consumption above the minimum 3,000 gallons; increase \$0.20 for each level. The increases include a water conservation rate and cover costs of on-going operating expenses. Kannah Creek water rates have not been increased since 2009.

Ridges Irrigation: Recommended increase in the single family rate of \$0.83 and the multi family rate of \$0.60. Increases are needed to cover the cost of on-going operating expenses. The proposed Irrigation rate increase is only the 4th rate increase since rates were reduced by 29% in 2001.

Wastewater: Recommended increase of \$2.02 per single family residential equivalent unit (EQU) to cover the cost of on-going operating expenses, including energy and debt service, and to fund an increase in the Waste Water capital sewerline capital replacement program. Monthly wastewater rates have not been increased since 2009.

The \$300 increase in the plant investment fee (PIF) per EQU reflects a recommendation from staff related to findings of the 2006 Persigo Sewer System Rate Study. The PIF is established on the “buy in method” in which new development pays for existing capacity in the waste water plant and collection system based on a current value of that infrastructure.

Solid Waste: Recommended increases in Solid Waste rates ranging from \$.21 for 1-64 gallon trash container to \$3.14 for an 8 cubic yard dumpster. Increases are needed to cover operating costs such as fuel, equipment, and contract service fees. Solid waste rates have not been increased since 2009.

Ambulance Transport: Recommended \$3.00 per patient mile increase in ambulance transport fees to cover increases in fuel, maintenance and ambulance replacement costs. This mileage rate is set and authorized separate from the base rates established by the County.

Two Rivers Convention Center: Recommended increase in room and equipment rental rates, as well as a \$.25 per meal increase to cover increase food costs.

Parks and Recreation: A \$30 hourly fee (non-game fee) is being proposed for use of the Football Field at Stocker Stadium. The new fee is due to increased demand for synthetic turf use.

A \$50 daily fee is being proposed for use of AV equipment/laptop computer at the hospitality suite. This increase is due to increased demand for onsite laptop and AV equipment.

How this item relates to the Comprehensive Plan Goals and Policies:

This action is needed to meet the plan goals and policies of the Public Works, Utilities and Planning Department, the Fire Department and Two Rivers Convention Center.

Board or Committee Recommendation:

N/A

Financial Impact/Budget:

The impact of these fee increases are reflected in the 2013 proposed revenue budgets for the Water Fund, Ridges Irrigation Fund, Joint Sewer Fund, Solid Waste Fund, Two Rivers Convention Center Fund and the General fund (Fire Department and Parks and Recreation) .

Legal issues:

N/A

Other issues:

N/A

Previously presented or discussed:

Rates and fees were discussed throughout the various budget workshops with City Council and in particular at the August 13th Readiness Meeting.

Attachments:

Proposed Resolution

RESOLUTION NO. ____-12

A RESOLUTION ADOPTING FEES AND CHARGES FOR WATER, IRRIGATION, WASTEWATER, SOLID WASTE, AMBULANCE TRANSPORT, TWO RIVERS CONVENTION CENTER, AND PARKS AND RECREATION

Recitals:

The City of Grand Junction establishes rates for utility services, ambulance transports, Two Rivers Convention Center and parks and recreation on a periodic basis, and by this resolution, the City Council establishes these rates to implement decisions made in the long-term financial plans for the Utilities, Fire, Economic, Convention, & Visitor Services, and Parks and Recreation Departments.

Now, therefore, be it resolved that:

Effective January 1, 2013 rates for utility services, ambulance transports, Two Rivers Convention Center and Parks and Recreation change according to the following schedule.

Water Rates

	2012 Current	2013 Proposed	Change
0 - 3,000 Gallons	\$9.00	\$11.00	\$2.00
3,000 - 10,000 Gallons (per 1,000)	\$1.85	\$1.95	\$0.10
10,000 - 20,000 Gallons (per 1,000)	\$2.25	\$2.35	\$0.10
>20,000 Gallons (per 1,000)	\$2.65	\$2.75	\$0.10

Kannah Creek Water System Water Rates

	2012 Current	2013 Proposed	Change
0 - 3,000 Gallons	\$33.50	\$35.50	\$2.00
3,000 - 10,000 Gallons (per 1,000)	\$3.70	\$3.90	\$0.20
10,000 - 20,000 Gallons (per 1,000)	\$4.50	\$4.70	\$0.20
>20,000 Gallons (per 1,000)	\$5.30	\$5.50	\$0.20

Ridges Irrigation

	2012 Current	2013 Proposed	Change
Single Family	\$13.92	\$14.75	\$0.83
Multi Family	\$9.85	\$10.45	\$0.60

Wastewater Rates

	2012 Current	2013 Proposed	Change
Per Residential Equivalent Unit (EQU)	\$14.98	\$17.00	\$2.02
Plant Investment Fee Per EQU	\$3,700.00	\$4,000.00	\$300.00

Solid Waste Rates

Automated Monthly Container Prices	2012 Current	2013 Proposed	Change
1-64 Gallon Container	\$9.81	\$10.02	\$0.21
1-96 Gallon Container	\$12.43	\$12.70	\$0.27
2-64 Gallon Container	\$15.07	\$15.40	\$0.33
1-64, 1-96 Gallon Container	\$17.69	\$18.07	\$0.38
2-96 Gallon Container	\$20.31	\$20.75	\$0.44
Commercial Monthly Dumpster Prices			
1-2 Cubic Yard - Pick-Up 1 Time Per Week	\$52.47	\$53.61	\$1.14
1-4 Cubic Yard - Pick-Up 1 Time Per Week	\$85.01	\$86.85	\$1.84
1-6 Cubic Yard - Pick-Up 1 Time Per Week	\$115.01	\$117.51	\$2.50
1-8 Cubic Yard - Pick-Up 1 Time Per Week	\$144.63	\$147.77	\$3.14

Ambulance Transport Rates

	2012 Current	2013 Proposed	Change
Mileage Fee per Patient Mile	\$12.00	\$15.00	\$3.00

Two Rivers Convention Center Rates

Facilities Rental	2012 Current	2013 Proposed	Change
Meeting Rooms, River Rooms & Theatre	\$89-\$3,118	\$89-\$3,274	\$0-\$156.00
Equipment, Furniture & Staging	\$1.75-\$500	\$1.75-\$525	\$0-\$25.00
Service Club Weekly Lunch/Person	\$12.50	\$12.75	\$0.25
Service Club Monthly Lunch/Person	\$13.00	\$13.25	\$0.25
Service Club Monthly Dinner/Person	\$17.00	\$17.25	\$0.25

Parks and Recreation

Facility Rentals	2012 Current	2013 Proposed	Change
Football Field per Hour (Non-Game Fee)	n/a	\$30.00	n/a
Audio Visual & Laptop Equipment Daily	n/a	\$50.00	n/a

PASSED and ADOPTED this ____ day of _____, 2012.

President of the Council

Attest:

City Clerk



Date: November 14, 2012
 Author: Kathy Portner
 Title/ Phone Ext: Neighborhood Services Manager, x1420
 Proposed Schedule: Nov. 19, 2012
 2nd Reading: _____
 File # (if applicable): _____

**Attach 6
 CITY COUNCIL AGENDA ITEM**

Subject: North Avenue Streetscape Grant Request
Action Requested/Recommendation: Adopt a Resolution Authorizing a Grant Submittal to the Colorado Department of Local Affairs' Energy and Mineral Impact Assistance Program for the North Avenue Streetscape Project
Presenter(s) Name & Title: Kathy Portner, Neighborhood Services Manager Tim Moore, Deputy City Manager Greg Trainor, Public Works, Utilities, and Planning Director

Executive Summary:

This is a request to approve a resolution authorizing the City Manager to submit a grant application to the Colorado Department of Local Affairs for \$60,000 to partially fund the consultant services required for the North Avenue Complete Streets design.

Background, Analysis and Options:

The City was awarded a Federal Transportation Community and System Preservation Program (TCSP) grant of \$1.19 million for streetscape improvements to North Avenue between 12th and 23rd Streets. The City's match is in-kind design for the 3 mile section from 1st Street to 29 Road. Part of the design will require outside consultant services, including electrical engineering, landscape and irrigation design and geotechnical services. Staff seeks Council approval to submit a grant request to the Department of Local Affairs for Energy and Mineral Impact funds in the amount of \$60,000. The local match will be \$20,000 which is included in the proposed 2013 budget for consultant services for the project.

How this item relates to the Comprehensive Plan Goals and Policies:

Goal 8 which states, "Create attractive public spaces and enhance the visual appeal of the community through quality development".

Policy A – Design streets and walkways as attractive public spaces.

Policy B – Construct streets in the City Center, Village Centers, and Neighborhood Centers to include enhanced pedestrian amenities

Policy F – Encourage the revitalization of existing commercial areas.

The North Avenue West Corridor Plan implements Goal 8 and three of its policies. The recommended street cross section (Option 3) provides for enhanced pedestrian amenities that will be attractive public spaces. The Plan's recommended changes to the street edge, for example, building close to the street, increasing sidewalk width, adding plantings, pedestrian lighting, other pedestrian amenities, consolidating accesses, providing parking to the side and rear, etc. will revitalize the North Avenue corridor, a very important commercial corridor in the community.

Goal 9 which states, "Develop a well balanced transportation system that supports automobile, local transit, pedestrian, bicycle, air, and freight movement while protecting air, water and natural resources".

Policy E – When improving existing streets or constructing new streets in residential neighborhoods, the City and County will balance access and circulation in neighborhoods with the community's need to maintain a street system which safely and efficiently moves traffic throughout the community.

The North Avenue West Corridor Plan implements Goal 9 and one of its policies. One of the Guiding Principles in the Plan is to minimize impacts to existing neighborhoods. The Plan is further enhancing this goal by creating a corridor that helps the City reach its vision of becoming most livable by providing for all modes of transportation on North Avenue in a safer and more aesthetic way.

Board or Committee Recommendation: N/A

Financial Impact/Budget:

The required match of 25% is \$20,000 and is included in the proposed 2013 budget for consulting services for this project.

Legal issues: N/A

Other issues: N/A

Previously presented or discussed: N/A

Attachments:

Proposed Resolution

**CITY OF GRAND JUNCTION, COLORADO
RESOLUTION NO. __-12**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN ENERGY
AND MINERAL IMPACT ASSISTANCE GRANT REQUEST FOR THE NORTH
AVENUE STREETScape PROJECT**

RECITALS.

The City was awarded a Federal Transportation Community and System Preservation Program (TCSP) grant of \$1.19 million for streetscape improvements to North Avenue between 12th and 23rd Streets. The City's match is in-kind design for the 3 mile section from 1st Street to 29 Road. Part of the design will require outside consultant services, including electrical engineering, landscape and irrigation design and geotechnical services. Staff seeks Council approval to submit a grant request to the Department of Local Affairs for Energy and Mineral Impact funds in the amount of \$60,000. The local match will be the budgeted \$20,000 for consultant services in the proposed 2013 budget and the in-kind design work.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Grand Junction does hereby authorize the City Manager to submit an Energy and Mineral Impact Assistance Grant request for the North Avenue Streetscape Project

Dated this ___ day of _____ 2012.

President of the Council

ATTEST:

City Clerk