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**CITY COUNCIL AGENDA  
WEDNESDAY, DECEMBER 5, 2012  
250 NORTH 5<sup>TH</sup> 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 Mike MacFarlane, New Day Ministries

[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.]

**Proclamation**

Proclaiming December 18<sup>th</sup> as “International Day of the Migrant” in the City of Grand Junction

**Appointments**

Commission on Arts and Culture

Visitor and Convention Bureau Board of Directors

*Revised December 5, 2012*

*\*\* Indicates Changed Item*

*\*\*\* Indicates New Item*

*® Requires Roll Call Vote*

**REVISED**

**Council Comments****Citizen Comments****\*\*\* CONSENT CALENDAR \*\*\*®**

1. **Minutes of Previous Meeting** [Attach 1](#)

*Action:* Approve the Minutes of the November 19, 2012 Regular Meeting

2. **Property Tax Mill Levies for the Year 2012** [Attach 2](#)

The resolutions set the mill levies of the City of Grand Junction (City), Ridges Metropolitan District, and the Downtown Development Authority (DDA). The City and DDA mill levies are for operations; the Ridges levy is for the final payment of the debt service. Since this is the final year of the Ridges debt service and there is fund balance from prior years, the mill levy has actually been reduced by almost 2 mills to cover the final payment.

Resolution No. 45-12—A Resolution Levying Taxes for the Year 2012 in the City of Grand Junction, Colorado

Resolution No. 46-12—A Resolution Levying Taxes for the Year 2012 in the Downtown Development Authority

Resolution No. 47-12—A Resolution Levying Taxes for the Year 2012 in the Ridges Metropolitan District

*®Action:* Adopt Resolution Nos. 45-12, 46-12, and 47-12

Staff presentation: Jodi Romero, Financial Operations Director

3. **Setting a Hearing of the Vacation of Plat and Portions of Right-of-Way/Easements in Kirby Subdivision, Located at 2856 B ¾ Road** [File # VAC-2012-453] [Attach 3](#)

A City initiated request to vacate the Kirby Subdivision plat and right-of-way and easements dedicated thereon with the exception of the southern 5' of right-of-way adjacent to B ¾ Road and the outer subdivision boundary Utility, Irrigation

and Drainage Easements adjacent to the north, west and east property lines. Vacating the subdivision will allow the agricultural land uses to continue and provide an opportunity for future subdivision.

Proposed Ordinance Vacating the Kirby Subdivision Plat, Right-of-Way for Claire Drive, and Portions of Utility, Irrigation and Drainage Easements Located 2856 B 3/4 Road

*Action: Introduction of a Proposed Ordinance and Set a Hearing for December 19, 2012*

Staff presentation: Scott D. Peterson, Senior Planner

\*\*\*4. **Sole Source Contract for the Purpose of Structured Cable System for the New Fire Administration Building** [Attach 4](#)

The Information Technology Division is recommending that a sole source purchase be approved for the acquisition of a Seimon Category 6A Structured Cable System for the new Fire Administration building. The purchase includes all materials, installation, termination, test, and certification of the system. The vendor will provide a Siemon 20 year certified installer warranty at the completion of the project.

*Action: Authorize the City Purchasing Division to Enter into a Sole Source Contract with Rocky Mountain Telecom and Data Inc. (RMTD) in the Amount up to \$105,000*

Staff presentation: Jim Finlayson, Information Technology Manager  
Jay Valentine, Internal Services Manager

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

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

5. **Purchase of Dump Trucks – 4x2 5 Yard Single Axle and 4x2 10 Yard Tandem Axel** [Attach 5](#)

This request is for the purchase of scheduled equipment replacements for a single axle 5 yard dump truck and a tandem axle 10 yard dump truck. The

recommendation is for both trucks to be equipped with compressed natural gas (CNG) engines.

*Action: Authorize the City Purchasing Division to Purchase a Single Axle 5 Yard CNG Dump Truck and a Tandem Axle 10 Yard CNG Dump Truck from Grand Junction Peterbuilt in the Amount of \$349,770*

Staff presentation: Jay Valentine, Internal Services Manager

6. **Public Hearing—2012 Supplemental Appropriation Ordinance and the 2013 Budget Appropriation Ordinance** [Attach 6](#)

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.

Ordinance No. 4559—An Ordinance Making Supplemental Appropriations to the 2012 Budget of the City of Grand Junction

Ordinance No. 4560—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

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance Nos. 4559 and 4560*

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

7. **Public Hearing—Amendment to Title 6, Animals, of the Grand Junction Municipal Code Adopting Changes to the Rules and Regulations Regarding Animals within the City** [Attach 7](#)

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.

Ordinance No. 4561—An Ordinance Amending Parts of Title 6 of the City of Grand Junction Code of Ordinances Relating to Public Safety Risks Regarding Animals

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4561*

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

8. **Public Hearing—Vacating a Portion of Right-of-Way that Traverses the Property Owned by Weigh Station, LLC at 2195 Hwy 6 and 50** [File #VAC-2012-484] [Attach 8](#)

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

Ordinance No. 4562—An Ordinance Vacating Right-of-Way Received Through Mesa County Road Petitions on Property Located at 2195 Highway 6 and 50

*®Action: Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form of Ordinance No. 4562*

Staff presentation: Senta Costello, Senior Planner

9. **Non-Scheduled Citizens & Visitors**
10. **Other Business**
11. **Adjournment**

## **Attach 1**

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

**November 19, 2012**

The City Council of the City of Grand Junction convened into regular session on the 19<sup>th</sup> 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, and Council President Bill Pitts. Councilmember Sam Susuras was absent. 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 an invocation by Pastor Randy David, Pear Park Baptist Church.

### **Council Comments**

There were no Council comments.

### **Citizen Comments**

There were none.

### **City Manager's Budget Presentation**

Rich Englehart, City Manager, presented the City Manager's 2013 Proposed Budget. He expressed his appreciation for the Staff and City Council participation in the development of the budget.

City Manager Englehart began by stating that the budget was built with cautious optimism. City Manager Englehart recognized the Staff members who contributed to tracking the signs of recovery. He listed a number of new businesses that have opened in the last year as well as those anticipated to be built or opened in the coming year. The business indexes are showing growth and local and State employers are increasing wages. The proposed budget includes a large percentage of funding for capital improvements.

City Manager Englehart reviewed the process which also included many hours spent by City Council. The total spending budget is proposed at \$145.8 million. He highlighted the operational cost increases and the labor expense changes. Under operating expense changes, there are new facilities to maintain, Xcel Energy has indicated there is infrastructure repair, and there is a municipal election in 2013. Under labor expenses, he

identified a partial market adjustment, thirteen new positions, and health insurance cost increases.

There is significant capital expense in the proposed budget. He listed the areas that will be affected by capital expenditures.

City Manager Englehart then reviewed revenues, showing only a slight increase in projected revenues at 1.3% which represents a very conservative approach.

He then reviewed spending, first by type, and then by department. With the recent restructuring, the departments will be a little different next year.

The capital projects were then highlighted, including Fire Administration and Fire Station #2; the truck stop infrastructure; parks, pools, and playgrounds including Las Colonias, Matchett Park, Lincoln Park Renovation, Orchard Mesa and Lincoln Park Pools, Pomona Elementary and Washington Park playgrounds; streets overlays; Avalon Theatre; and water and sewer infrastructure. Other allocations were made for economic development partnerships, including Colorado Mesa University (CMU), Grand Valley Transit (GVT), Grand Junction Housing Authority (GJHA), special events, Grand Junction Economic Partnership (GJEP), and the Incubator. Community investment includes affordable housing; arts and culture; economic development; education; infrastructure; parks, pools, and playgrounds; special events; sponsorships; public safety; and transportation, streets, and bridges.

The next step for budget adoption is the public hearing on December 5, 2012. The 2012 budget was \$154.3 million and 2013 is \$145.8 million.

Councilmember Kenyon thanked City Manager Englehart and the Department Directors for all the work on the budget. He noted that this year was the best year as far as communication and information. He thought the result was good.

Councilmember Coons agreed it was a good process. She is proud of the work the City is doing.

Councilmember Luke said she and Councilmember Susuras sat through many budget reviews throughout the year and she complimented Staff and all the work they do to make the dollars go as far as possible. She complimented City Manager Englehart's work and his efforts to make sure there was transparency.

Councilmember Doody also expressed compliments and was pleased with the continuing partnerships with Colorado Mesa University and the Housing Authority. He thinks the renovation of the Avalon Theatre will be a great thing for Main Street and the community.

Councilmember Boeschstein agreed the process has been transparent. He highlighted some things that were not in previous budgets: Las Colonias Park; Lincoln Park improvements; Matchett Park; the separator project with the Land Trust; the housing elements; transportation projects; economic development including the Avalon Theatre; working with GJEP; Village Centers like North Avenue, Horizon Drive, and Downtown; the energy conservation projects; and support for Grand Valley Transit.

Council President Pitts was pleased with the introduction of the Readiness meetings to inform the City Council about the different departments and their needs. He also mentioned a distillery conference and noted that the best gin comes from Western Colorado. He thanked City Manager Englehart and the Council.

City Manager Englehart expressed appreciation for the City Council and the time they invested in the process and he thanked all Staff.

### **CONSENT CALENDAR**

Councilmember Coons read the Consent Calendar items #1-5 and then moved to adopt the Consent Calendar. Councilmember Doody seconded the motion. Motion carried by roll call vote.

1. **Minutes of Previous Meeting**

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

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]

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*



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**

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*

4. **Setting a Hearing on the 2012 Supplemental Appropriation Ordinance and the 2013 Budget Appropriation Ordinance**

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*

5. **Rates and Fees Effective January 1, 2013**

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

## **ITEMS NEEDING INDIVIDUAL CONSIDERATION**

### **North Avenue Streetscape Grant Request**

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.

Kathy Portner, Neighborhood Services Manager, presented this item. She said she is pleased to be able to apply for Energy Impact Assistance Funding. It has been a few years since the program has been funded. The City received a federal grant for the streetscape of a portion of North Avenue. Some design work needs to be done for that project and this grant could partially fund that design work.

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

Councilmember Boeschstein moved to adopt Resolution No. 44-12. Councilmember Coons seconded the motion. Motion carried by roll call vote.

### **Non-Scheduled Citizens & Visitors**

There were none.

### **Other Business**

Councilmember Kenyon announced that June 20, 2013, is opening day for the Grand Junction Rockies and tickets would make good Christmas gifts.

### **Adjournment**

The meeting was adjourned at 7:38 p.m.

Stephanie Tuin, MMC  
City Clerk



Date: November 22, 2011  
 Author: Jay Valentine  
 Title/ Phone Ext: Internal Services  
Manager - 1517  
 Proposed Schedule: December 5,  
2012  
 2nd Reading  
 (if applicable): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Attach 2**  
**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Property Tax Resolutions for Levy Year 2012
<b>Action Requested/Recommendation:</b> Adoption of Proposed Resolution Setting the 2012 Mill Levies for the City of Grand Junction (City), Ridges Metropolitan District, and the Downtown Development Authority (DDA).
<b>Presenter(s) Name &amp; Title:</b> Jodi Romero, Financial Operations Director

**Executive Summary:**

The resolutions set the mill levies of the City of Grand Junction (City), Ridges Metropolitan District, and the Downtown Development Authority (DDA). The City and DDA mill levies are for operations; the Ridges levy is for the final payment of the debt service. Since this is the final year of the Ridges debt service and there is fund balance from prior years, the mill levy has actually been reduced by almost 2 mills to cover the final payment.

**Background, Analysis and Options:**

The adoption of the Tax Levy Resolutions will generate property tax revenue for the City, DDA and the Ridges Metropolitan District. The amount of property tax generated is calculated by taking the adopted mill levy multiplied by the assessed valuation of property located within the taxing area. The mill levy assessed on the Ridges Metropolitan District is specifically for the repayment of the Ridges Metropolitan District General Obligation Refunding Bonds issued in 1992. Fulfillment of this obligation will be in October of 2013 when the final debt payment is made and thus, the mill levy associated with debt will go away.

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

This action is needed as a financing source to meet the plan goals and policies of the City of Grand Junction, DDA and Ridges Metropolitan District.

**Board or Committee Recommendation:**

N/A

**Financial Impact/Budget:**

The revenue generated by the City's 8 mills is estimated to be \$7,909,206. The revenue generated by the Downtown Development Authority's 5 mills is estimated to be \$261,320. The revenue generated by the Ridges Metropolitan District's 3.826 mills is estimated to be \$106,082 and, along with the \$121,020 in fund balance will satisfy the final debt payment and associated expenses of \$227,102.

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

N/A

**Attachments:**

Proposed Property Tax Resolutions  
Tax Levy Certifications

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION LEVYING TAXES FOR THE YEAR 2012 IN THE  
CITY OF GRAND JUNCTION, COLORADO**

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

That there shall be and hereby is levied upon all taxable property within the limits of the **City of Grand Junction**, Colorado, for the year 2012 according to the assessed valuation of said property, a tax of eight (**8.000**) mills on the dollar (\$1.00) upon the total assessment of taxable property within the City of Grand Junction, Colorado for the purpose of paying the expenses of the municipal government of said City for the fiscal year ending December 31, 2013.

**ADOPTED AND APPROVED THIS** \_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_

ATTEST:

\_\_\_\_\_

President of the Council

\_\_\_\_\_

City Clerk

**TAX LEVY CERTIFICATION**

TO COUNTY COMMISSIONERS AND ASSESSOR

STATE OF COLORADO  
COUNTY OF MESA  
CITY OF GRAND JUNCTION

To the Commissioners of Mesa County, Colorado:

This is to certify that the tax levy to be assessed by you upon all property within the limits of the **City of Grand Junction** for the year 2012, as determined and fixed by the City Council by Resolution duly passed on the 5<sup>th</sup> day of December, 2012, is eight **(8.000)** mills, the revenue yield of said levy to be used for the purpose of paying the expenses of the municipal government, and you are authorized and directed to extend said levy upon your tax list.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Grand Junction, Colorado, this 5<sup>th</sup> day of December, 2012.

---

City Clerk, City of Grand Junction

C: County Assessor

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION LEVYING TAXES FOR THE YEAR 2012 IN THE  
DOWNTOWN DEVELOPMENT AUTHORITY

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

That there shall be and hereby is levied upon all taxable property within the Grand Junction, Colorado, Downtown Development Authority limits, for the year 2012 according to the assessed valuation of said property, a tax of five **(5.000)** mills on the dollar (\$1.00) upon the total assessment of taxable property within the City of Grand Junction, Colorado, Downtown Development Authority, for the purpose of paying the expenses of said Authority for the fiscal year ending December 31, 2013.

ADOPTED AND APPROVED THIS \_\_\_\_ day of \_\_\_\_\_, 2012.

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

ATTEST:

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

**TAX LEVY CERTIFICATION**

TO COUNTY COMMISSIONERS AND ASSESSOR

STATE OF COLORADO  
COUNTY OF MESA  
CITY OF GRAND JUNCTION

To the Commissioners of Mesa County, Colorado:

This is to certify that the tax levy to be assessed by you upon all property within the Grand Junction, Colorado, **Downtown Development Authority** limits, for the year 2012, as determined and fixed by the City Council by Resolution duly passed on the 5<sup>th</sup> day of December, 2012, is five **(5.000)** mills, the revenue yield of said levy to be used for the purpose of paying the expenses of the Grand Junction, Colorado, Downtown Development Authority, and you are authorized and directed to extend said levy upon your tax list.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Grand Junction, Colorado, this 5<sup>th</sup> day of December, 2012.

---

City Clerk, City of Grand Junction

C: County Assessor



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION LEVYING TAXES FOR THE YEAR 2012 IN THE  
RIDGES METROPOLITAN DISTRICT

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

That there shall be and hereby is levied upon all taxable property within the limits of the Ridges Metropolitan District, City of Grand Junction, Colorado, for the year 2012 according to the assessed valuation of said property, a tax of five and eight hundred thousandths **(3.826)** mills on the dollar (\$1.00) upon the total assessment of taxable property within the Ridges Metropolitan District, City of Grand Junction, Colorado, for the purpose of paying certain indebtedness of the District, for the fiscal year ending December 31, 2013.

ADOPTED AND APPROVED THIS \_\_\_\_ day of \_\_\_\_\_, 2012.

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

ATTEST:

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

**TAX LEVY CERTIFICATION**

TO: County Commissioners of Mesa County, Colorado.

For the year **2012**, the Board of Directors of the **Ridges Metropolitan District** hereby certifies the following mill levy to be extended upon the total assessed valuation:

<b>PURPOSE</b>	<b>LEVY</b>	<b>REVENUE</b>
4. General Obligation Bonds and Interest - 1992 *	<u>3.826</u> mills	\$ <u>106,082</u>
9. Temporary Property Tax Credit/ Temporary Mill Levy Rate Reduction CRS 39-5-121 (SB 93-255)	<u>n/a</u> mills	\$ <u>0.00</u>
<b>TOTAL</b>	<b><u>3.826</u> MILLS</b>	<b>\$ <u>106,082</u></b>

=====

Contact person: Stephanie Tuin Daytime Phone: (970) 244-1511

Signed \_\_\_\_\_ Title City Clerk, City of Grand Junction

\* CRS 32-1-1603 (SB 92-143) requires Special Districts to “certify separate mill levies to the Board of County Commissioners, one each for funding requirements of each debt.”

Send a copy to Division of Local Government, Room 521, 1313 Sherman Street, Denver, Colorado 80203.

Original form (FORM DLG 70 (Rev. 6/92))

**Attach 3**  
**CITY COUNCIL AGENDA ITEM**

Date: November 14, 2012  
Author: Scott D. Peterson  
Title/ Phone Ext: Senior  
Planner/1447  
Proposed Schedule: (1<sup>st</sup>  
Reading): December 5, 2012  
(2nd Reading): December 19,  
2012  
File # (if applicable): VAC-  
2012-453

**Subject:** Vacation of Plat and Portions of Right-of-Way/Easements in Kirby Subdivision, Located at 2856 B 3/4 Road

**Action Requested/Recommendation:** Introduce a Proposed Ordinance and Set a Public Hearing for December 19, 2012

**Presenter(s) Name & Title:** Scott D. Peterson, Senior Planner

**Executive Summary:**

A City initiated request to vacate the Kirby Subdivision plat and right-of-way and easements dedicated thereon with the exception of the southern 5' of right-of-way adjacent to B 3/4 Road and the outer subdivision boundary Utility, Irrigation and Drainage Easements adjacent to the north, west and east property lines. Vacating the subdivision will allow the agricultural land uses to continue and provide an opportunity for future subdivision.

**Background, Analysis and Options:**

The landowner, Chance Catlin, and the City of Grand Junction as applicant/ representative, wish to vacate the Kirby Subdivision plat and portions of the easements and right-of-way known as Claire Drive dedicated on the plat. Staff proposes that the City retain 5' of B 3/4 Road in order to maintain 50' of right-of-way contiguity for that local residential street. If this excess right-of-way is not needed in the future, the City would look at entertaining vacation of this excess right-of-way along the southside of B 3/4 Road, but at this time, it is the opinion of the City Development Engineering Staff to keep the right-of-way as previously dedicated. The property includes a single-family detached house and has been used in recent years as pasture for grazing animals.

The Kirby Subdivision was platted in 1971 in Mesa County and contains seven lots and a cul-de-sac (Claire Drive), however the subdivision was never developed nor utility infrastructure installed to support the seven lots. The property was annexed into the City limits in 2007 and was proposed to be resubdivided/developed as the Mesa Heights Subdivision (City file #'s: ANX-2007-270 & PP-2007-271) which received Preliminary Plan approval for 14 single-family detached lots by the Planning Commission in July, 2008. However, the proposed subdivision of Mesa Heights never materialized and the application expired.

The property also contains 10' wide perimeter drainage, utility and irrigation easements. There are some existing historical irrigation structures within the existing easements,

however the outer subdivision boundary utility, irrigation and drainage easements are proposed to be retained to cover any existing properties that these easements may serve, mainly irrigation facilities. The cul-de-sac was never improved, has no utilities located within its boundaries and does not serve any properties outside of the existing Kirby Subdivision. Staff recommends that the City retain perimeter easements in order to serve the interests of various “downstream” irrigation water users.

Staff recommends the vacation of this “paper” subdivision plat to prevent the future sale of lots that have no supporting infrastructure. Once the plat is vacated, the land will revert to an unplatted single parcel of land totaling 3.89 +/- acres.

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

The proposed subdivision plat and easement/right-of-way vacation implements the future land use designation and meets the following goal from the Comprehensive Plan:

**Goal 3:** The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Vacating the subdivision plat will create an opportunity for future subdivision that is more in line with current City standards and facilitate future residential development. It will also allow the agricultural land uses to continue.

**Board or Committee Recommendation:**

The Planning Commission recommended approval of the requested vacation(s) at their November 13, 2012 meeting.

**Financial Impact/Budget:**

N/A.

**Legal issues:**

N/A.

**Other issues:**

None.

**Previously presented or discussed:**

N/A.

**Attachments:**

Site Location Map / Aerial Photo Map

Comprehensive Plan Future Land Use Map / Existing City Zoning Map

Kirby Subdivision Plat

Proposed Ordinance

BACKGROUND INFORMATION				
<b>Location:</b>		2856 B 3/4 Road		
<b>Applicants:</b>		Chance Catlin, Owner City of Grand Junction, Applicant/Representative		
<b>Existing Land Use:</b>		Single-Family Detached Home		
<b>Proposed Land Use:</b>		N/A		
<b>Surrounding Land Use:</b>	<b>North</b>	Single-Family Detached (Mahan Manor Subdivision)		
	<b>South</b>	Single-Family Detached		
	<b>East</b>	Single-Family Detached (UnawEEP Heights Subdivision)		
	<b>West</b>	Single-Family Detached		
<b>Existing Zoning:</b>		R-4, (Residential – 4 du/ac)		
<b>Proposed Zoning:</b>		N/A		
<b>Surrounding Zoning:</b>	<b>North</b>	R-4, (Residential – 4 du/ac) (City)		
	<b>South</b>	RSF-4, (Residential Single Family – 4 du/ac) (County)		
	<b>East</b>	R-4, (Residential – 4 du/ac) (City)		
	<b>West</b>	RSF-4, (Residential Single Family – 4 du/ac) (County)		
<b>Future Land Use Designation:</b>		Residential Medium Low (2 – 4 du/ac)		
<b>Zoning within density range?</b>		N/A	Yes	No

**Sections 21.02.090 and 100 of the Grand Junction Zoning and Development Code:**

The vacation of the subdivision plat shall conform to the following:

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

The proposed vacation does not conflict with the Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City.

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

No parcel will be landlocked as a result of the proposed vacation. The property will revert to one property with an existing single-family detached home with access to B 3/4 Road once the vacations are approved.

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

Access will not be restricted to the point where access is unreasonable, economically prohibitive or reduces or devalues any property. Once the vacations are approved, the property will revert to one property with an existing single-family detached home with access to B 3/4 Road.

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);

There will be no adverse impacts to the general community and the quality of public facilities and services provided will not be reduced due to the vacation requests. The City is retaining the outer subdivision boundary utility, irrigation and drainage easements which may benefit adjacent property owners and future subdivision development.

e. The provision of adequate public facilities and services to any property as required in Section 21.06 of the Grand Junction Zoning and Development Code shall not be inhibited by the proposed vacation.

The provision of adequate public facilities and services will not be inhibited by the proposed vacations. The property will revert to one property with an existing single-family detached home with access to B 3/4 Road, services to which will not be affected by the vacation. No adverse comments were received from the utility review agencies during the staff review process concerning the proposed vacations. Irrigation easements are preserved by the proposed vacation, in case "downstream" irrigation water users need those to continue their services.

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

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

See above.

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

See above.

- 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.

See above.

- 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).

See above.

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

See above.

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

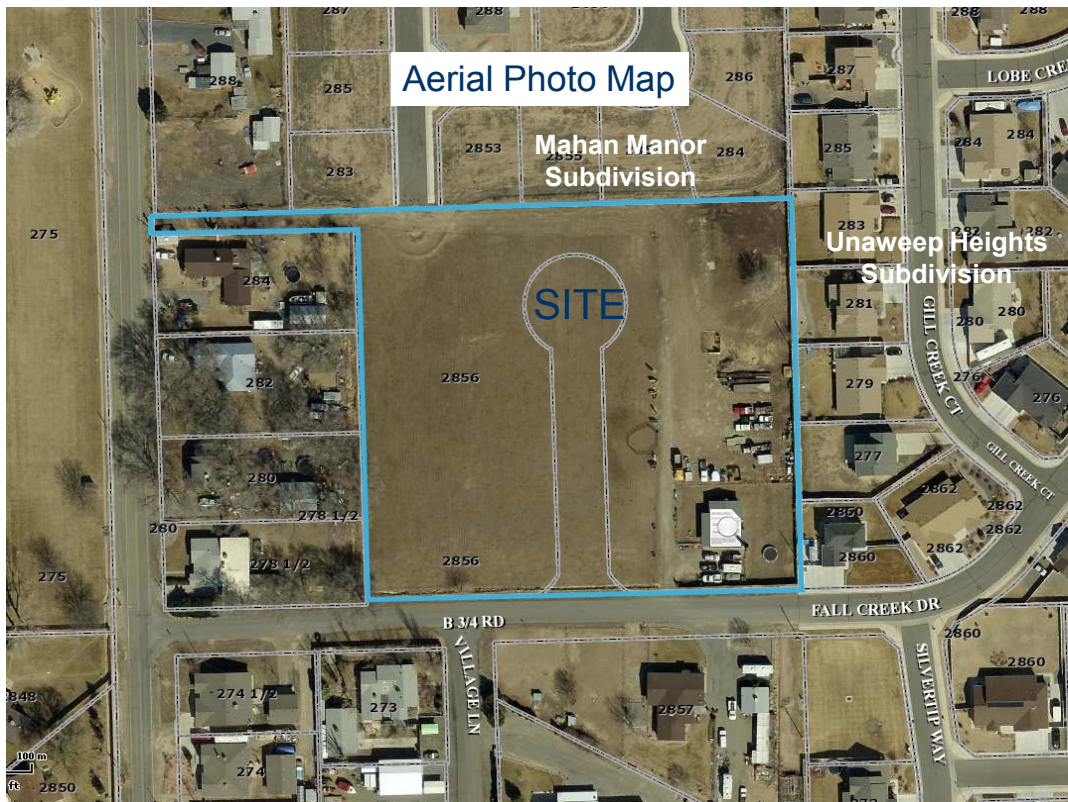
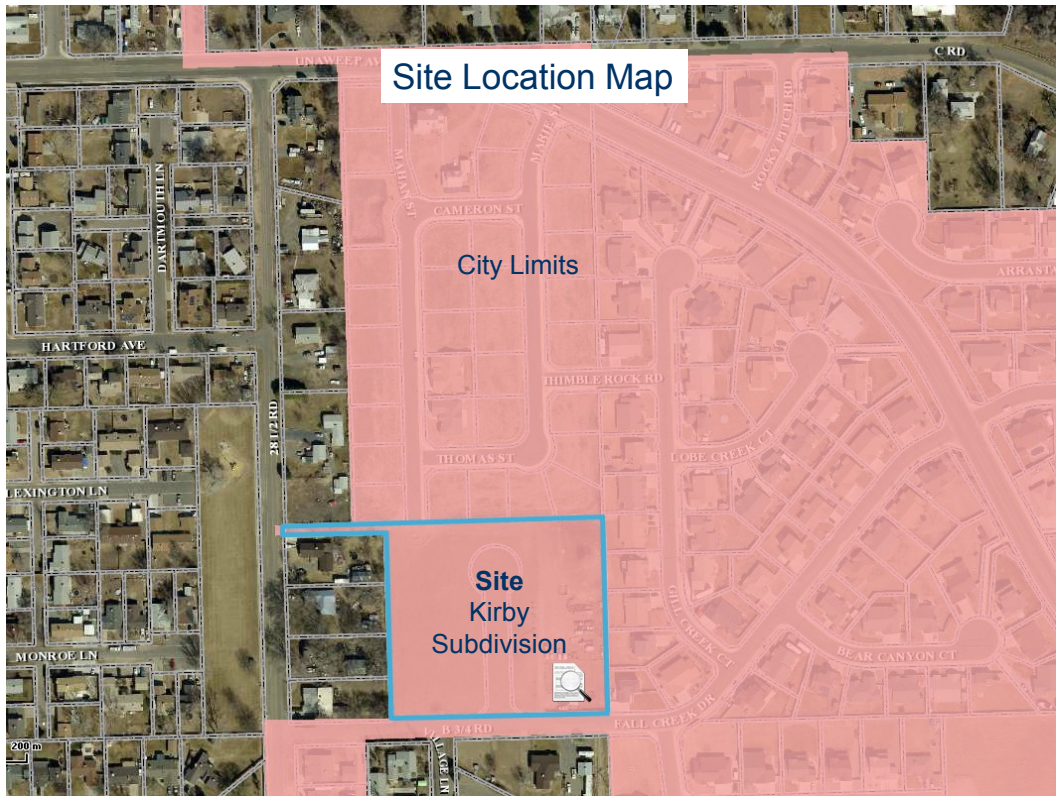
The public benefits of the proposed vacation include: prevention of the sale of paper lots that do not have adequate public infrastructure; making way for a future subdivision that will provide a better street configuration and connectivity and will meet modern subdivision standards. Maintenance requirements for the City will not change as a result of the proposed plat and portions of easement/right-of-way vacations. No public utilities have been installed with the exception of some historical irrigation structures that serve adjacent properties. The property will revert to a single lot with an existing single-family detached home and this will not affect City maintenance requirements or traffic circulation.

## **FINDINGS OF FACT/CONCLUSIONS**

After reviewing the Kirby Subdivision application, VAC-2012-453 for the vacation of a plat and portions of public right-of-way/easements, the Planning Commission made the following findings of fact and conclusions:

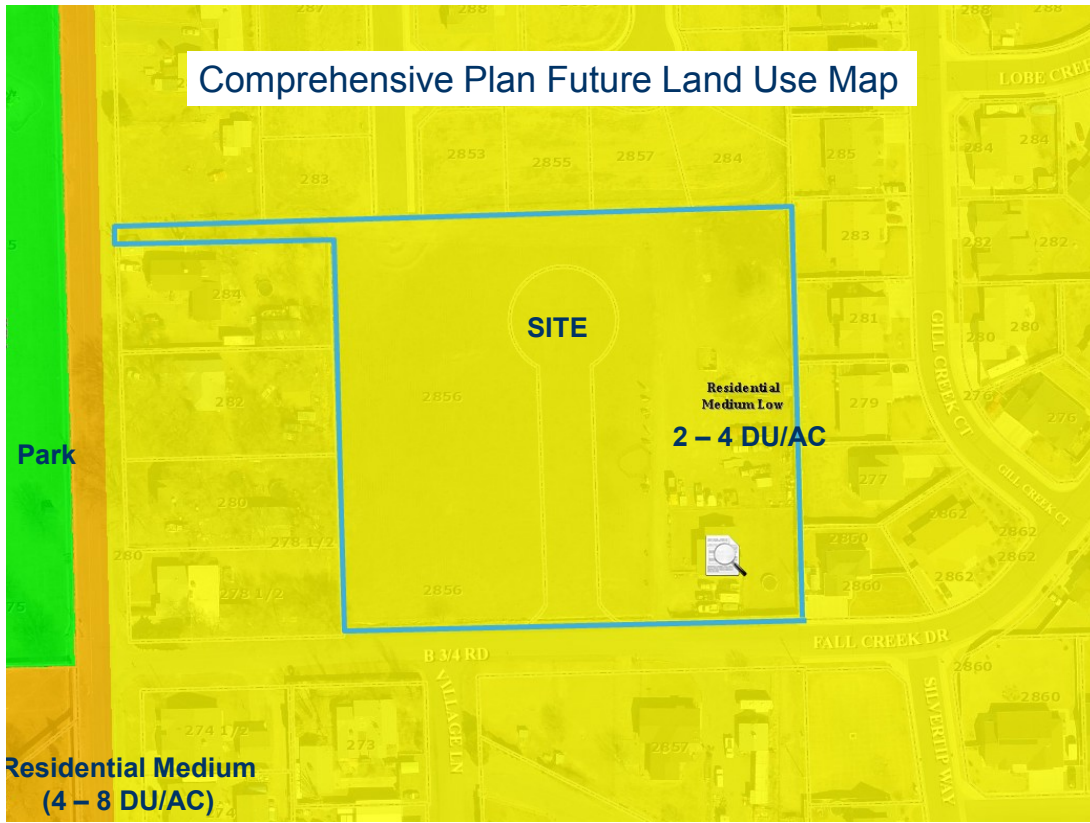
1. The requested vacations of the Kirby Subdivision plat and portions of right-of-way/easements dedicated thereon are consistent with the Comprehensive Plan.
2. The review criteria in Section 21.02.090 and 100 of the Grand Junction Zoning and Development Code have been met.





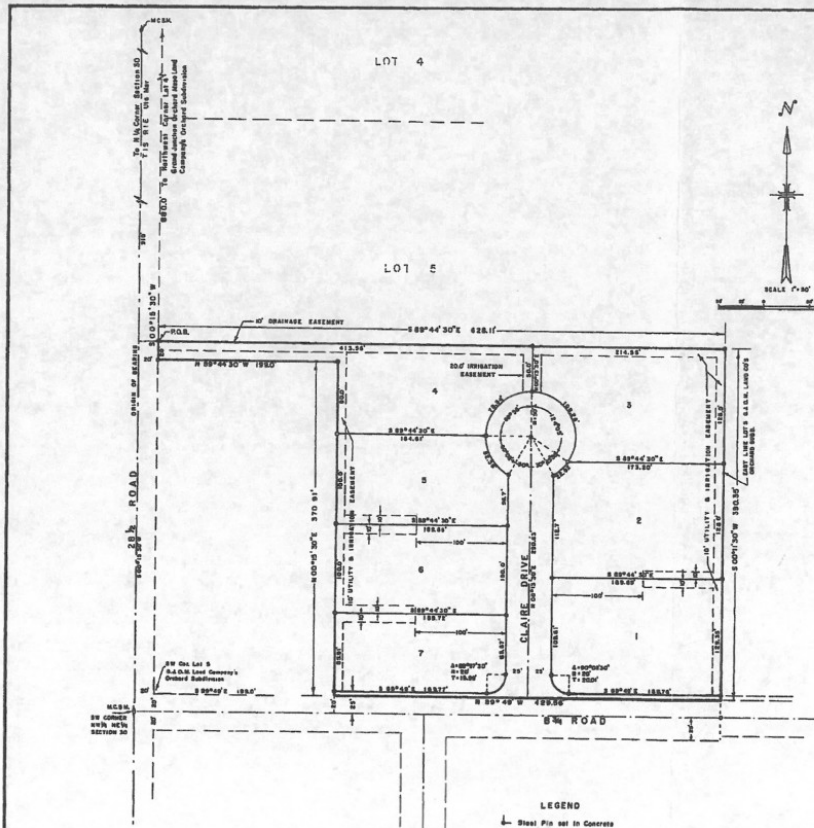


# Comprehensive Plan Future Land Use Map



# Existing Zoning Map





# KIRBY SUBDIVISION

## DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That the undersigned Joseph K Kirby and Clara L Kirby on the meters of that real property situated in the County of Mesa, State of Colorado and being in the NW 1/4, NE 1/4 of Section 30, Township 1 South, Range 1 East of the 1st Meridian as shown by the accompanying plat thereof; said real property more specifically described by name and number as follows:

Beginning at a point on the West line of Lot 5, Grand Junction Orchard Mesa Land Company's Orchard Subdivision which bears S 00° 15' 30" W 890.0 feet from the Northwest corner of Lot 4 of said subdivision, thence S 89° 44' 30" E 428.1 feet to the East line of said subdivision, thence S 00° 15' 30" W 380.35 feet to the South line of said Lot 5, thence N 89° 44' 30" W along the South line of said Lot 5 428.26 feet to a point which bears S 89° 44' 30" E 184.0 feet from the Southwest corner of said Lot 5, thence N 00° 15' 30" E 370.81 feet, thence N 89° 44' 30" W 380.3 feet, thence N 00° 15' 30" E 302.0 feet to the point of beginning.

That the said owners have caused the said real property to be laid out and surveyed as Kirby Subdivision, a subdivision of a part of the County of Mesa.

That said owners do hereby dedicate and set apart all of the streets and roads as shown on the accompanying plat to the use of the public forever and hereby dedicate those portions of said real property which are labeled as utility easements on the accompanying plat as easements for the installation and maintenance of such utilities as telephone and electric lines, poles and cables; storm and sanitary sewers, water mains, gas pipe lines, and trash portions of said real property which are labeled as irrigation easements on the accompanying plat as easements for the installation and maintenance of irrigation ditches flumes and conduits.

That all easements for installation of utilities or ditches referred to above, for grading or landscaping, and for street grading or improvements shall be financed by the seller or purchaser—not the County of Mesa.

IN WITNESS WHEREOF, said owners Joseph K Kirby and Clara L Kirby have caused their names to be hereunto subscribed this 28th day of February, A.D. 1971.

*Joseph K Kirby*  
*Clara L Kirby*

STATE OF COLORADO )  
COUNTY OF MESA )  
The foregoing instrument was acknowledged before me this 28th day of February, A.D. 1971, by Joseph K Kirby and Clara L Kirby,  
My Commission expires October 18, 1973  
Witness my hand and official seal:

*John C. Colby*

CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO )  
COUNTY OF MESA )  
I hereby certify that this instrument was filed in my office at 7:22 a.m. Feb. 18, A.D. 1971, and is duly recorded in Plat Book No. 1000003 Page 2

Fee \$10.00

COUNTY PLANNING COMMISSION CERTIFICATE

Approved this 28th day of February, A.D. 1971,  
County Planning Commission of the County of Mesa, Colorado.

*James B. Sargent*

BOARD OF COUNTY COMMISSIONER'S CERTIFICATE

Approved this 16th day of February, A.D. 1971,  
Board of County Commissioners of the County of Mesa, Colorado.

*Jack H. Walker*

SURVEYOR'S CERTIFICATE

I, William C. Quinn do hereby certify that the accompanying plat of Kirby Subdivision, a subdivision of a part of the County of Mesa has been prepared under my direct supervision, examination and checking and accurately represents a field survey of same.

*William C. Quinn*  
Surveyor

Approved for content and form only and not to the accuracy of survey, calculations and drafting.  
Pursuant to C.R.S. 1963, 196-2-2 as amended.

*Robert L. Hurd*  
2/17/71

- LEGEND
- Steel Pin set in Concrete
  - Steel Pin
  - Mesa County Survey Monument

WESTERN ENGINEERS, INC.  
PLAT OF  
**KIRBY SUBDIVISION**  
MESA COUNTY, COLORADO

NUMBER PLAT... 1000003... SHEET... 2... OF... 2  
DATE... 2/18/71... DRAWN BY... W.C. QUINN... CHECKED BY... R.L. HURD... DATE... 2/17/71

01232101 H

**CITY OF GRAND JUNCTION**

**ORDINANCE NO.**

**AN ORDINANCE VACATING THE KIRBY SUBDIVISION PLAT, RIGHT-OF-WAY FOR  
CLAIRE DRIVE, AND PORTIONS OF UTILITY, IRRIGATION AND DRAINAGE  
EASEMENTS**

**LOCATED 2856 B 3/4 ROAD**

RECITALS:

The property owner and the City of Grand Junction have requested vacation of the Kirby Subdivision plat and portions of the rights-of-way and Utility, Irrigation and Drainage easements dedicated thereon.

The City Council finds that the request is consistent with the Comprehensive Plan, the Grand Valley Circulation Plan and Sections 21.02.090 and 21.02.100 of the Grand Junction Municipal Code.

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

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

The following described subdivision plat and rights-of-way dedicated thereon are hereby vacated subject to the following:

1. Excepting 5' of the right-of-way for B  $\frac{3}{4}$  Road adjacent to the property and excepting the 10' wide perimeter utility, irrigation and drainage easements along the north, west and east property lines, which the City shall retain on behalf of the public.

The Kirby Subdivision Plat is shown on "Exhibit A".

Legal description:

A certain parcel of land lying in the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 30, Township 1 South, Range 1 East of the Ute Principal Meridian, County of Mesa, State of Colorado and being more particularly described as follows:

ALL of Kirby Subdivision, as same is recorded in Plat Book 11, Page 28, Public Records of Mesa County, Colorado lying North of a line 25.00 feet North of and parallel with the South line of the NW 1/4 NE 1/4 of said Section 30;

With the exception of the above-described right-of-way and easements to be retained by the City on behalf of the public.

INTRODUCED for first reading on this \_\_ day of \_\_\_\_\_, 2012 and ordered published in pamphlet form.

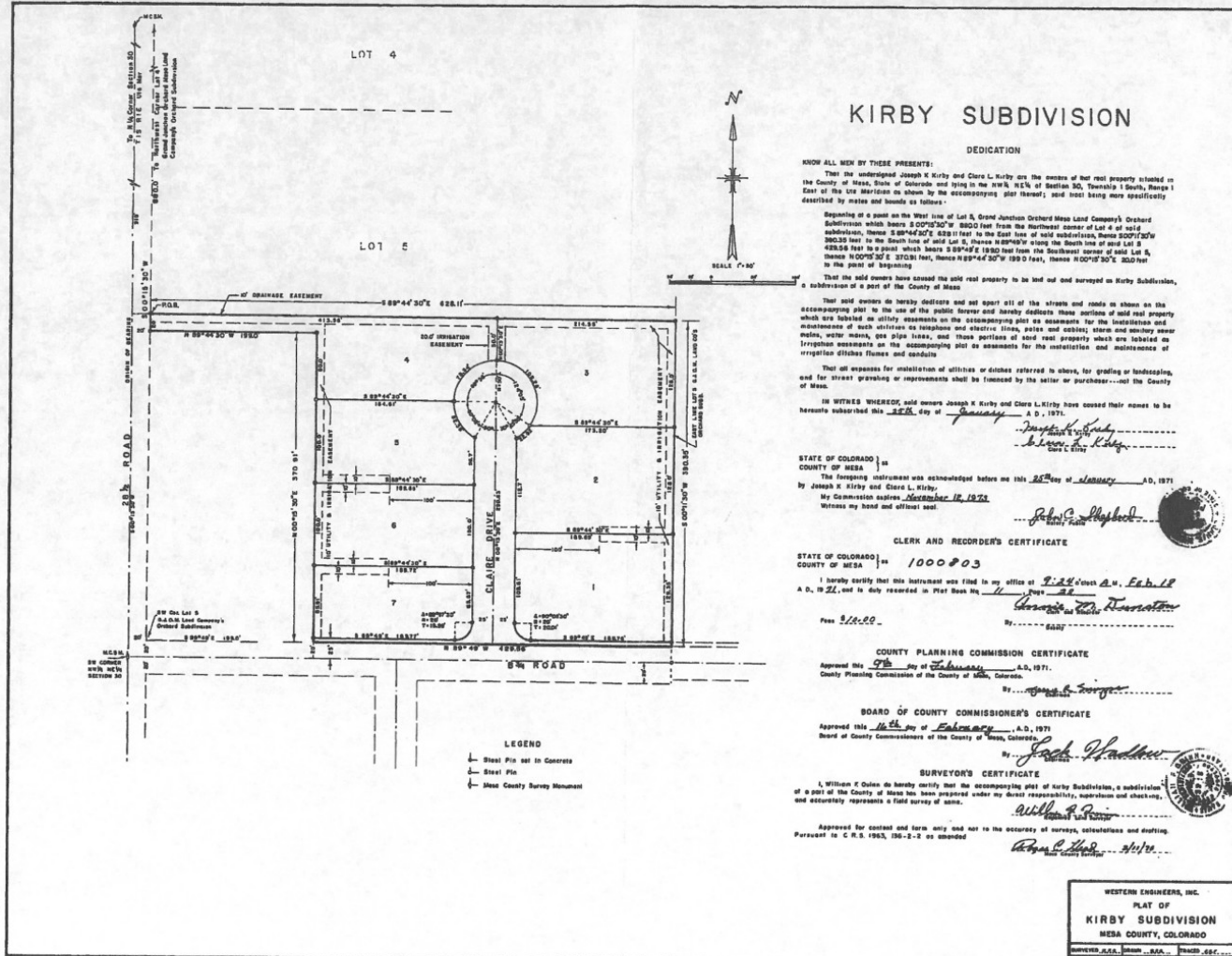
PASSED and ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2012 and ordered published in pamphlet form.

ATTEST:

\_\_\_\_\_  
President of City Council

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

# Exhibit "A"



## KIRBY SUBDIVISION

### DEDICATION

KNOW ALL MEN BY THESE PRESENTS:  
 That the undersigned Joseph K Kirby and Clara L Kirby are the owners of that real property situated in the County of Mesa, State of Colorado, and lying in the NW 1/4, NE 1/4 of Section 30, Township 1 South, Range 1 East of the 1st Meridian as shown by the accompanying plat thereof, said land being more specifically described by metes and bounds as follows:

Beginning at a point on the West line of Lot 5, Grand Junction Orchard Mesa Land Company's Orchard Subdivision which bears S 00°15'30" W 300.00 feet from the Northwest corner of Lot 4 of said subdivision, thence S 89°44'30" E 628.11 feet to the East line of said subdivision, thence S 00°15'30" W 300.00 feet to the South line of said Lot 4, thence N 89°44'30" W along the South line of said Lot 4, 428.56 feet to a point which bears S 89°44' E 19.82 feet from the Southwest corner of said Lot 4, thence N 00°15'30" E 270.81 feet, thence N 89°44'30" W 199.00 feet, thence N 00°15'30" E 300.00 feet to the point of beginning.

That the said owners have caused the said real property to be laid out and surveyed in Kirby Subdivision, a subdivision of a part of the County of Mesa.

That said owners do hereby dedicate and set apart all of the streets and roads as shown on the accompanying plat to the use of the public forever and hereby dedicates those portions of said real property which are labeled on utility easements on the accompanying plat as easements for the installation and maintenance of such utilities as telephone and electric lines, poles and cables, steam and sanitary sewer lines, water mains, gas pipe lines, and those portions of said real property which are labeled on irrigation easements on the accompanying plat as easements for the installation and maintenance of irrigation ditches flumes and conduits.

That all easements for installation of utilities or ditches referred to above, for grading or landscaping, and for street grading or improvements shall be furnished by the seller or purchaser...not the County of Mesa.

IN WITNESS WHEREOF, said owners Joseph K Kirby and Clara L Kirby have caused their names to be hereto subscribed this 28th day of January, A. D. 1971.

*Joseph K Kirby*  
*Clara L Kirby*  
 Co-owners

STATE OF COLORADO ) ss  
 COUNTY OF MESA ) ss

The foregoing instrument was acknowledged before me this 28th day of January, A. D. 1971 by Joseph K Kirby and Clara L Kirby, My Commission expires November 12, 1974 Witness my hand and official seal.

*Robert C. Haggard*  
 Notary Public

### CLERK AND RECORDER'S CERTIFICATE

STATE OF COLORADO ) ss  
 COUNTY OF MESA ) ss

I hereby certify that this instrument was filed in my office on 28th day of January, A. D. 1971, and is duly recorded in Plat Book No. 11 Page 86 January 28, 1971

*Thomas C. Thompson*  
 Clerk and Recorder

### COUNTY PLANNING COMMISSION CERTIFICATE

Approved this 9th day of February, A. D. 1971.  
 County Planning Commission of the County of Mesa, Colorado.

*James E. Sorenson*  
 Chairman

### BOARD OF COUNTY COMMISSIONER'S CERTIFICATE

Approved this 16th day of February, A. D. 1971  
 Board of County Commissioners of the County of Mesa, Colorado.

*Jack H. Haddock*  
 Chairman

### SURVEYOR'S CERTIFICATE

I, William C. Quinn do hereby certify that the accompanying plat of Kirby Subdivision, a subdivision of a part of the County of Mesa has been prepared under my direct responsibility, supervision and check only, and accurately represents a field survey of same.

*William C. Quinn*  
 Surveyor

Approved for content and form only and not for the accuracy of survey, calculations and drafting. Pursuant to C. S. 1963, 1967-2-2, as amended.

*Robert C. Haggard*  
 Notary Public

- LEGEND
- Steel Pin set in Concrete
  - Steel Pin
  - Mesa County Survey Monument

WESTERN ENGINEERS, INC.  
 PLAT OF  
**KIRBY SUBDIVISION**  
 MESA COUNTY, COLORADO

PREPARED BY: *W.E.I.* DRAWN BY: *W.E.I.* PLOTTED BY: *W.E.I.*  
 CHECKED BY: *W.E.I.* DATE: *1/28/71*

01232101





Date: 12/4/12  
 Author: Jay Valentine  
 Title/ Phone Ext: Internal Services  
Manager x 1517  
 Proposed Schedule:  
12/5/12  
 2nd Reading  
 (if applicable): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Attach 4  
 CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> Sole Source Contract for the Purpose of Structured Cable System for the New Fire Administration Building
<b>Action Requested/Recommendation:</b> Authorize the City Purchasing Division to Enter into a Sole Source Contract with Rocky Mountain Telecom & Data, Inc. (RMTD) in the Amount up to \$105,000
<b>Presenter(s) Name &amp; Title:</b> Jim Finlayson, Information Technology Manager Jay Valentine, Internal Services Manager

**Executive Summary:**

The Information Technology Division is recommending that a sole source purchase be approved for the acquisition of a Seimon Category 6A Structured Cable System for the new Fire Administration building. The purchase includes all materials, installation, termination, test, and certification of the system. The vendor will provide a Seimon 20 year certified installer warranty at the completion of the project.

**Background, Analysis and Options:**

The justification for the sole source is the requirement for the system to be compatible with the City’s telecommunication infrastructure. City structured cabling standards for new facilities require that the installation be performed by a Certified Seimon Installer so that the system meets the required high capacity standards of the network and will continue to meet those required for the foreseeable future as demonstrated by meeting the qualification for the Seimon 20 year installed system warranty.

Rocky Mountain Telecom & Data, Inc. (RMTD) is the only vendor that performs work in our area that has met the stringent certification process from the Seimon Company. Their installers have demonstrated the high level of expertise and quality to ensure that their installation meets the City’s standards and will qualify for the Seimon 20 year warranty. Seimon is the only structured cable manufacturer that provides a 20 year warranty that includes both the product and the installation costs.

Given the critical need to support the construction schedule for the new building, the certified installer status of RMTD, and the demonstrated competency of the proposed vendor, the Information Technology Division recommends that the structured cabling

contract for the Fire Administration building be awarded to Rocky Mountain Telecom & Data, Inc.

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

**Goal 9:** Public safety facilities and services for our citizens will be a priority in planning for growth.

This project will provide vital communications throughout the building necessary for the public safety and emergency personnel.

**Board or Committee Recommendation:**

N/A

**Financial Impact/Budget:**

This purchase will be made with funds authorized as part of the \$32.7 million Public Safety Facilities Project.

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

N/A

**Attachments:**

N/A





**Attach 5  
CITY COUNCIL AGENDA ITEM**

Date: 11-14-2012  
 Author: Darren Starr  
 Title/ Phone Ext: Streets, Storm Water,  
 and Solid Waste Manager/ #1493  
 Proposed Schedule: Dec 5,  
2012  
 2nd Reading  
 (if applicable): \_\_\_\_\_  
 \_\_\_\_\_

<b>Subject:</b> Purchase of Dump Trucks – 4X2 5 Yard Single Axle and 4X2 10 Yard Tandem Axle
<b>Action Requested/Recommendation:</b> Authorize the City Purchasing Division to Purchase a Single Axle 5 Yard CNG Dump Truck and a Tandem Axle 10 Yard CNG Dump Truck from Grand Junction Peterbuilt in the Amount of \$349,770.00
<b>Presenter(s) Name &amp; Title:</b> Jay Valentine, Internal Services Manager

**Executive Summary:** This request is for the purchase of scheduled equipment replacements for a single axle 5 yard dump truck and a tandem axle 10 yard dump truck. The recommendation is for both trucks to be equipped with compressed natural gas (CNG) engines.

**Background, Analysis and Options:** Both dump trucks are a part of the resources needed to provide ongoing maintenance in the Streets and Storm Water divisions. This equipment will be used for digging, trenching, patching, placing pipe, and other departmental functions. This equipment is a scheduled replacement for the department and has gone through the equipment replacement committee.

Two formal Invitation for Bids were issued via BidNet (an on-line site for government agencies to post solicitations) and advertised in The Daily Sentinel. All vendors offered a trade-in allowance for the trucks currently in the City’s fleet. The following amounts reflect pricing after the trade-in is taken:

<b>FIRM (Single Axle 5-Yard)</b>	<b>LOCATION</b>	<b>DIESEL</b>	<b>CNG</b>
Hanson International (2013 International)	Grand Junction, CO	\$119,918.00	N/A
GJ Peterbilt (2013 Peterbilt)	Grand Junction, CO	\$138,380.00	\$169,254.00
Western Colo Truck Co (2014 Mack)	Grand Junction, CO	\$138,500.00	N/A

<b>FIRM (Tandem Axle 11-Yard)</b>	<b>LOCATION</b>	<b>DIESEL</b>	<b>CNG</b>
Transwest Trucks (2014 Freightliner)	Grand Junction, CO	\$127,123.00	\$182,151.00
Hanson International (2013 International)	Grand Junction, CO	\$128,502.00	N/A
Western Colo Truck Co (2014 Mack)	Grand Junction, CO	\$143,730.00	N/A
GJ Peterbilt (2013 Peterbilt)	Grand Junction, CO	\$148,748.00	\$180,524.00

All offerors were asked to bid a CNG option for the dump trucks. The price difference on the single axle is \$49,336 and the difference on the tandem axle is \$53,401.

Using the current differential between the cost of diesel and the cost of CNG, it is not anticipated that the City could recoup the incremental cost of truck over the life of the vehicle.

**Board or Committee Recommendation:**

This equipment replacement was approved by the equipment committee and Fleet Services.

**Financial Impact/Budget:**

Budgeted funds for the diesel option on both purchases have been accrued in the Fleet Replacement Internal Service Fund. Additional sums of money for the CNG option will be recaptured through user charges in future years.

**Legal issues:**

N/A

**Other issues:**

N/A

**Previously presented or discussed:**

In 2007, City Council passed Resolution No. 112-07 supporting the efforts of GJ CORE to promote conservation and reuse of our resources. The resolution in part states:

*Local governments are in a unique position to implement and coordinate local action that will lead to significant and real reductions in energy use by influencing land use, transportation, building construction, waste management and management of City facilities and operations. Local government actions taken to conserve resources and increase energy efficiency provide multiple local benefits by decreasing pollution, creating jobs, reducing energy expenditures, enhancing urban livability and sustainability, and saving money for the City government, its businesses and its citizens.*

**Attachments:**

N/A



Date: 11/26/12  
 Author: Jay Valentine  
 Title/ Phone Ext: Internal Services  
Manager xt.1517  
 Proposed Schedule: November  
19<sup>th</sup>. 2012  
 2nd Reading  
 (if applicable): December 5<sup>th</sup>.  
2012  
 File # (if applicable): \_\_\_\_\_

**Attach 6**  
**CITY COUNCIL AGENDA ITEM**

<b>Subject:</b> 2012 Supplemental Appropriation Ordinance and the 2013 Budget Appropriation Ordinance
<b>Action Requested/Recommendation:</b> Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form.
<b>Presenter(s) Name &amp; Title:</b> 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:

<b>FUND NAME</b>	<b>FUND #</b>	<b>APPROPRIATION</b>
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 19<sup>th</sup> day of November, 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:

<b>FUND NAME</b>	<b>FUND #</b>	<b>APPROPRIATION</b>
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 19<sup>th</sup> day of November, 2012.

**TO BE PASSED AND ADOPTED** the \_\_\_\_ day of \_\_\_\_\_, 2012 and ordered published in pamphlet form.

Attest:

---

President of the Council

---

City Clerk





**Attach 7  
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): \_\_\_\_\_

<b>Subject:</b> Amendment to Title 6, Animals, of the Grand Junction Municipal Code Adopting Changes to the Rules and Regulations Regarding Animals within the City
<b>Action Requested/Recommendation:</b> Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form
<b>Presenter(s) Name &amp; Title:</b> 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~~his 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'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 ~~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'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 ~~ServicesControl~~ 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 ~~ServicesControl~~ Officer, when knowledge thereof shall come to the officer~~him~~, 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 ~~Services~~[Control](#) Officer or a representative to be in pain or contagious to other animals. If identified to an owner, the ~~Animal Services~~[Control](#) Center will make every reasonable effort to contact the owner for a period of 24 hours, after which time the animal may be immediately euthanized.

## **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 ~~Title~~chapter 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 ~~A~~Animal ~~Services~~Control ~~Ce~~nter 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 ~~A~~Animal ~~Services~~Control ~~Ce~~nter 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 ~~A~~Animal ~~ServicesControl~~ ~~C~~center at no cost to the owner.

(fg) **Removal of Impounded Animals.** No person shall remove any impounded animal from the ~~A~~Animal ~~ServicesControl~~ ~~C~~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 ~~A~~Animal ~~ServicesControl~~ ~~C~~center only upon timely demand at the ~~A~~Animal ~~ServicesControl~~ ~~C~~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 ~~A~~Animal ~~ServicesControl~~ ~~C~~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 ~~A~~Animal ~~ServicesControl~~ ~~C~~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 ~~Services~~control ~~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 ~~C~~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~~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 unsprayed 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 unsprayed 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 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 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 19<sup>th</sup> day of November\_, 2012 and ordered published in pamphlet form.

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

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President of City Council

ATTEST:

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City Clerk



Date: November 5, 2012

Author: Senta Costello

Title/ Phone Ext: Senior Planner  
x1442

Proposed Schedule: 1<sup>st</sup> Reading  
November 19, 2012

2nd Reading (if applicable):  
December 5, 2012

File # (if applicable): VAC-2012-484

**Attach 8**  
**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 and 50

**Action Requested/Recommendation:** Hold a Public Hearing and Consider Final Passage and Final Publication in Pamphlet Form

**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 and 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 and 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  
Proposed Ordinance

1.

BACKGROUND INFORMATION					
Location:		2195 Hwy 6 and 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:

- g. 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.

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

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

- i. 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.

- j. 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.

- k. 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.

- l. 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

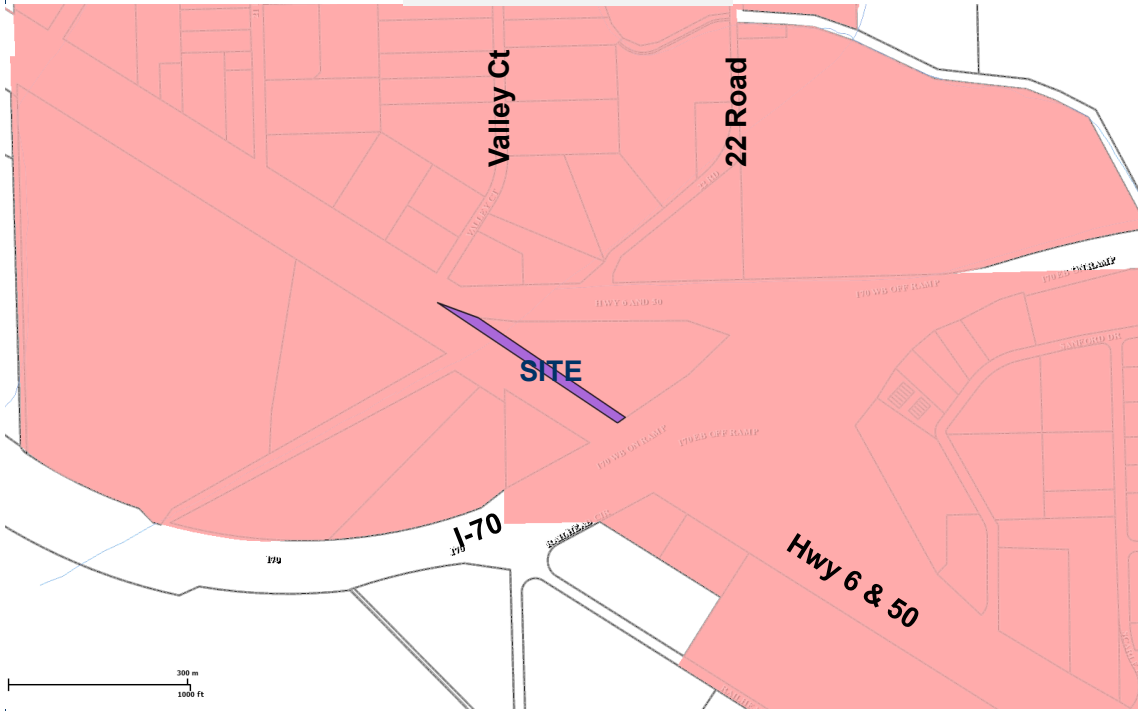
After reviewing the Weigh Station Right-Of-Way Vacation application, VAC-2012-484 for the vacation of a public right-of-way, I make the following findings of fact and conclusions:

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

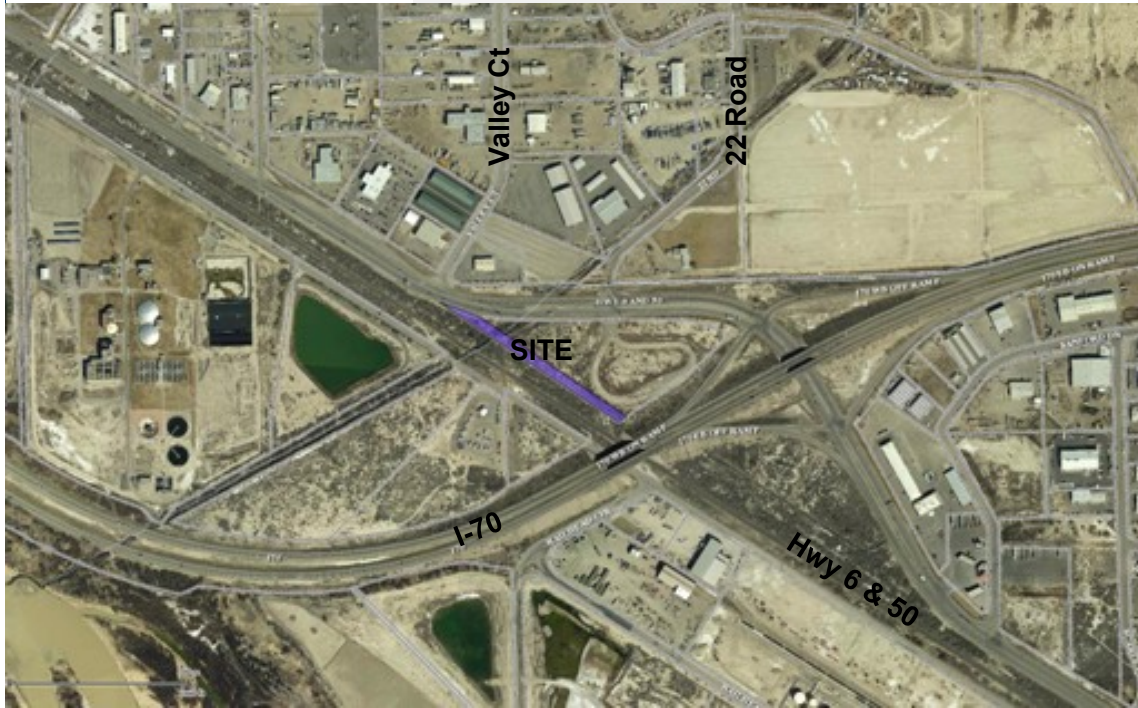
### Attachments:

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

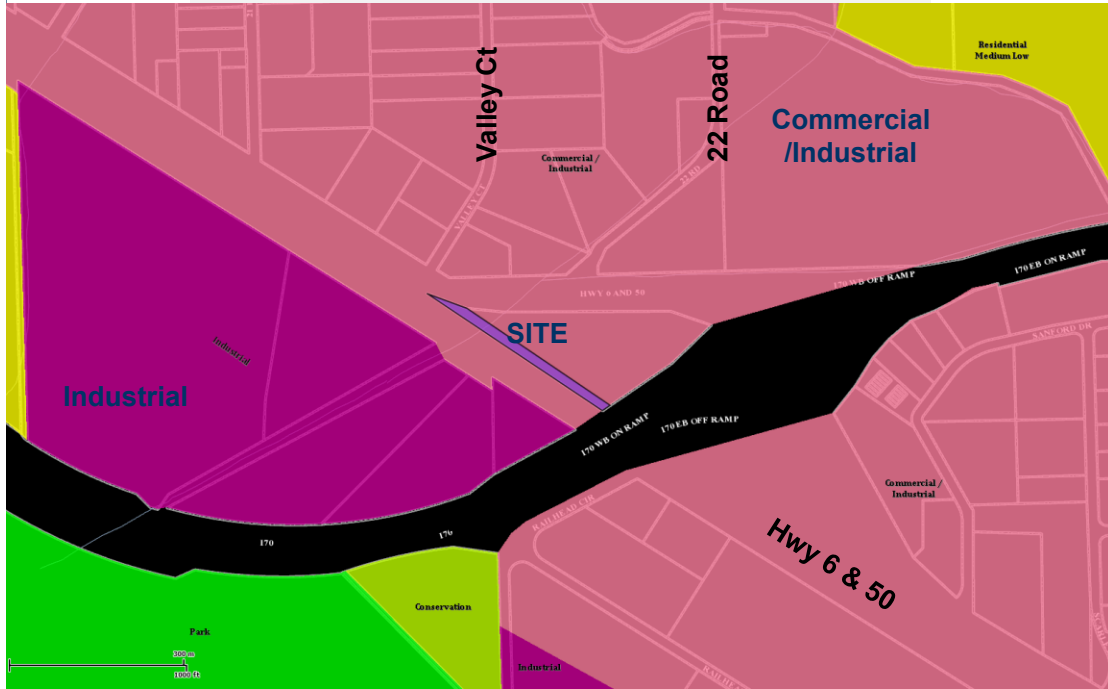
Site Location Map



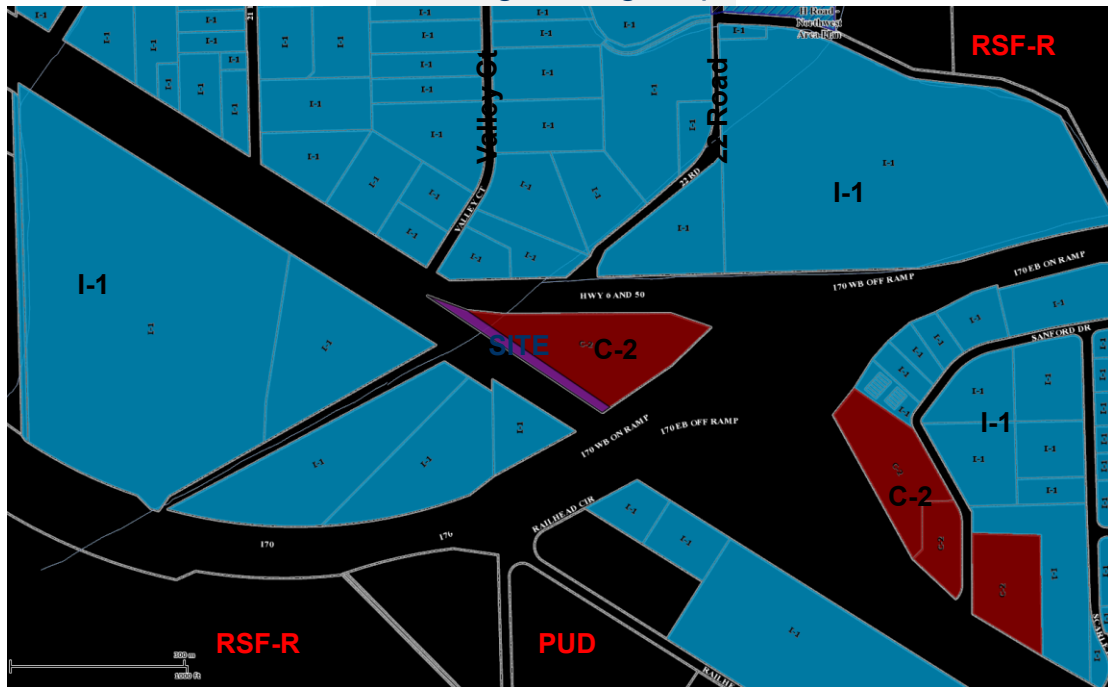
Aerial Photo Map



## 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 AND 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 19th day of November, 2012 and ordered published in pamphlet form.

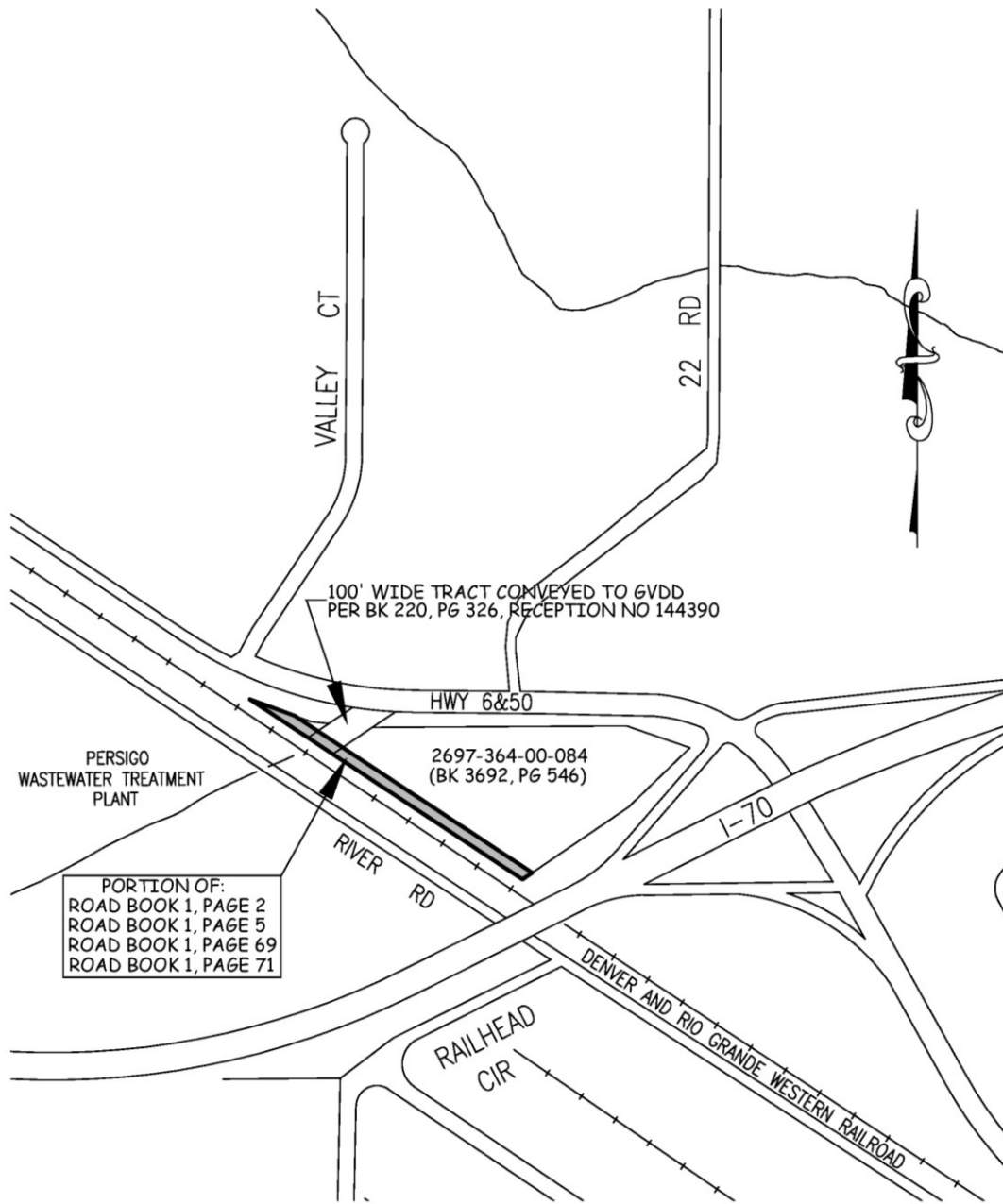
PASSED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2012 and ordered published in pamphlet form.

ATTEST:

\_\_\_\_\_  
President of City Council

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

# EXHIBIT "A"



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

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

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

**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

