

**CITY OF GRAND JUNCTION, COLORADO
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**

RECITALS:

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

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

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

**Chapter 6.04
ANIMAL REGULATIONS**

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

(a) It shall be unlawful for any person to own, possess, harbor, sell, or in any other manner traffic in the following species of animals:

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

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

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

6.04.070 Interference with enforcement.

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

6.04.080 Inspection procedure.

Whenever the Animal Services Officer or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises conditions such that the keeping or the maintaining of any animal is so hazardous, unsafe or dangerous as to require an inspection to safeguard the animal or the public health or safety, the Animal Services Officer or the Animal Services Officer's authorized representative is hereby authorized to enter such property at any reasonable time and to inspect such property and perform any duty imposed upon the Animal Services Officer by this chapter or by other applicable law; provided, that:

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

(b) If such property is unoccupied, the Animal Services Officer shall first make a reasonable effort to locate the owner or other person having charge or control of the property and request entry, explaining the Animal Services Officer's reasons therefor. If such entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, the Animal Services Officer or the Animal Services Officer's authorized representative shall have recourse to every remedy provided by law to secure lawful entry and inspect the property.

6.04.090 Dead animals.

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

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

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

6.04.110 Board of Animal Services.

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

6.04.120 Removal and disposal of dog excrement.

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

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

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

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

(e) No person shall fail to possess a shovel, scoop or other suitable equipment for removing dog excrement while the dog and the owner, keeper or person in charge of

the dog are upon any public property, sidewalk or way within the jurisdictional boundary of this chapter. For the purposes of this section, an Animal Services Officer, police officer or other officer or agent of the City of Grand Junction having jurisdiction to enforce this code may make a prima facie determination as to the sufficiency of any scoop, shovel or removal device. The owner, keeper or person in charge of the dog shall be relieved from the obligations of this subsection (e) if the dog is: used or participating in a parade, exhibition or demonstration authorized by the City of Grand Junction; or the dog is being actively used or is participating as an operative in a law enforcement search, investigation or other official law enforcement activity; or the dog is being transported in an automobile, truck or similar conveyance and the dog remains confined within the automobile, truck or similar conveyance at all times while being transported on or within the specified areas. Law enforcement officers shall be required to properly remove and dispose of excrement of law enforcement canine(s) after completion of any search, investigation or official law enforcement activity.

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

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

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

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

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

6.08.030 Impoundment regulations.

(a) Impoundment, Boarding and Sale.

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

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

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

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

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

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

(b) Disposition of Impounded Animals.

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

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

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

(d) **Illegally Taking Animal from Pound.** It shall be unlawful for any person to break open or in any manner, directly or indirectly, aid or assist in breaking open any pound,

pen, enclosure or other place used for the safekeeping of any animal taken up under the provisions of this section with the intent of releasing any animal therein confined.

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

Chapter 6.12 DOGS AND CATS

6.12.010 Intent.

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

6.12.020 Definitions.

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

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

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

Animal Services Center means the authorized facility or facilities designated by the City Council or the City Manager for the purposes of impounding, caring for, or disposing of animals held under the authority of this chapter or State law.

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

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

At large means to be off the premises of the owner or custodian and not under direct physical control of the owner or custodian by means of a leash. A dog may be off leash and otherwise at large while actually working livestock, locating or retrieving wild game in a lawful season for a licensed hunter, assisting law enforcement officers or participating in an organized training class, dog show, obedience trial or event in which the dog is participating and/or is entertainment. The livestock and locating or retrieving wild game exceptions shall not apply in:

- (1) Downtown Grand Junction: defined as the area bounded on the east by 12th Street and on the west by First Street; and on the north by the north side of the pavement of Grand Avenue, and on the south by the south side of the pavement of Colorado Avenue; or
- (2) The North Avenue corridor: defined as the area one-half block north and south of North Avenue – from First Street on the west to 29 Road on the east.

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

County means the County of Mesa, Colorado.

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

Dangerous dog means a dog which:

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

- (5) Is at large and exhibits aggressive behavior on two or more occasions;
- (6) Demonstrates tendencies that would cause a reasonable person to believe that the dog would inflict bodily or serious bodily injury upon any person or domestic animal while the dog is without effective and immediate control;
- (7) Has engaged in a dogfighting contest with the owner's knowledge; or
- (8) Has been specifically found to be dangerous by any court or jury;

Provided, however, that a dog which attacks, terrorizes, or causes any bodily injury to a person or animal in immediate response to objectively unreasonable provocation shall not be found to be dangerous if the dog owner establishes such facts as an affirmative defense to a charge for violation of GJMC 6.12.060 or to the satisfaction of the investigating Animal Services Officer.

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

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

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

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

Health Department means the County or State Health Department.

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

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

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

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

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

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

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

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

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

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

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

6.12.030 Licensing and vaccination.

(a) **Vaccination Required.** No person shall own, keep or harbor in the City any dog or cat over four months of age unless such dog or cat is vaccinated against rabies. All dogs and cats vaccinated at four months of age or older shall be revaccinated thereafter in accordance with the recommendation in the "Compendium of Animal Rabies Control" as promulgated by the National Association of State Public Health Veterinarians. After vaccinating a cat or dog for rabies, the veterinarian shall give the owner written

certification of such vaccination. Any dog or cat owner who moves into the City and owns any dog or cat four months of age or older shall comply with this chapter within 30 days afterward. If any dog or cat has bitten any person or animal within the last 10 days, the owner of said dog or cat shall report that fact to the vaccinating veterinarian and to the Animal Services Center, and no rabies vaccine shall be administered to that dog or cat until after the 10-day observation period.

(b) **Certificate of Vaccination and License.** After vaccinating a cat for rabies, the veterinarian shall give the owner written certification of such vaccination. After vaccinating a dog for rabies, the veterinarian shall take the dog owner's payment for a County license and give the dog owner a County license certificate and dog tag. Dogs must have a current license. A dog owner may choose to buy a County dog license certificate and tag from the Animal Services Center rather than a veterinarian. If so, the veterinarian shall give the owner written certification of the dog's current vaccination, which the owner shall show to an Animal Services Officer when purchasing a County license and tag. The term of any license issued cannot exceed the date the rabies vaccination expires. A dog owner may choose to license annually or may choose to purchase a license that expires concurrently with the rabies vaccination. Fees for licenses shall be as established by resolution of the City Council and on file in the City Clerk's office. Certificates of license shall contain the following information:

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

(4) The County license number, license year or term, date of issue, license fee, and licensing agent.

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

(c) **License Tags.** Concurrent with the issuance and delivery of the license referred to in subsection (b) of this section, the dog owner shall cause to be attached to the collar or harness of the vaccinated dog a metal tag, serially numbered and bearing the year of issuance, the name of Mesa County, and the telephone number of the Animal Services Center. This license tag is distinct from a metal rabies tag, which the Department of Health may separately require to be issued to an owner and worn by the dog. No dog owner shall fail to place upon his dog the collar or harness to which the tag is attached, and no dog owner shall fail to ensure that the dog at all times wears the collar or harness displaying the license tag, unless the dog is participating in a sanctioned dog show; is securely confined within the owner's premises; is aiding law enforcement officers in the performance of lawful duties; is hunting or retrieving or is training to hunt

or retrieve game; or in circumstances where attachment of a license tag would constitute a clear danger to the dog.

(d) **Duplicate Tags.** In the event of loss or destruction of the original license tag provided for in this section, the dog owner shall obtain within 30 days a duplicate from the Animal Services Center for a fee as established by resolution of the City Council and on file in the City Clerk's office and comply with the requirements set forth in this section.

(e) **Proof of Licensing.** No person shall own or harbor any dog and fail or refuse to exhibit a license certificate or license tag within a reasonable time upon demand by any Animal Services Officer.

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

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

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

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

6.12.040 Confinement.

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

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

(1) No dog owner, or any person who harbors a dog, shall fail to prevent his dog from running at large in the yard of any multiple occupancy building which is occupied by other persons; or in the common areas of mobile home complexes,

apartments, or condominium developments; or in open space areas of subdivisions or parks, unless permission is otherwise granted by the property owner or public authorities allowing dogs to be off leash.

(2) No dog owner, or any person who harbors a dog, shall permit his dog to be at, in or within the permitted area of any special event(s) in downtown Grand Junction, as defined in GJMC 6.12.020, unless permission is posted by public authorities allowing dogs to be present within the permitted area of the event. Physical or mechanical confinement of the dog is not a defense to prosecution under this section. Service dogs and police canines shall be exempt from this section. For purposes of this section special events are those activities which hold a valid permit issued by the City or the Downtown Development Authority (hereinafter referred to as "DDA"). When dogs are allowed at special events the event promoter shall provide notice in the advertising for the event and at the event location on the day(s) of the event.

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

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

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

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

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

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

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

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

Provocation is not a defense to this section where the response of the dog is not in proportion to the claimed act of provocation;

6.12.060 Dangerous dogs.

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

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

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

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

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

(c) **Dangerous Dog - Special Permit Required.** The owner of any dog that has been found to be a Dangerous Dog by any Court and is residing within the City shall obtain an annual special permit and identification tag for such animal. The permit shall expire on December 31 of the year for which the permit is issued. An application for the special permit and identification tag shall be made to the City within 30 days of becoming a resident of the City and within 30 days prior to the expiration date of the

existing permit. The Dangerous Dog Special Permit tag shall be worn by the dog at all times.

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

- (1) Keep the dog confined to an area from which it cannot escape; or
- (2) Keep the dog under complete control of the handler at all times; and
- (3) Post warning signs bearing letters not less than 10 inches high conspicuously about the area of confinement indicating the presence of a guard dog.

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

6.12.090 Seizure and impoundment.

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

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

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

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

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

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

(e) **Length of Impoundment.**

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

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

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

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

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

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

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

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

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

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

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

6.12.100 Redemption from impoundment and disposition.

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

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

(c) Disposition of Dangerous Dogs and Habitual Offenders.

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

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

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

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

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

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

6.12.110 Enforcement.

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

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

(c) **Penalty Assessment Procedure.**

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

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

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

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

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

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

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

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

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

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

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

6.12.120 Animal Services Center charges and fees.

(a) **Charges and Fees Authorized and Required.** Charges and fees for seizure, impoundment, boarding, licensing, veterinarian care and adoption of an animal shall be cumulatively assessed to any animal owner according to the schedules adopted by

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

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

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

6.12.130 Violation unlawful – Penalty.

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

6.12.140 Penalty assessment – Fine schedule.

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

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

Penalties for violation of GJMC 6.12.040, Dogs running at large, shall include a surcharge of \$25.00 payable to the City of Grand Junction Parks and Recreation Department for the establishment and maintenance of dog park(s). Fines shall not be suspended or waived in order to offset the surcharge.

Penalties for violation of GJMC 6.12.040 Dogs Running at Large shall include a surcharge of \$50.00 payable to Mesa County Animal Services Canine Spay/Neuter Voucher Program if the dog owner cannot provide proof that the dog has been spayed or neutered. The surcharge cannot be waived unless the dog owner provides

documentation from Mesa County Animal Services proving that the animal was subsequently neutered.

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

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

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

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

6.12.160 Indemnity clause.

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

6.12.170 Violations not involving bodily injury.

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

6.12.180 Violations involving bodily injury.

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

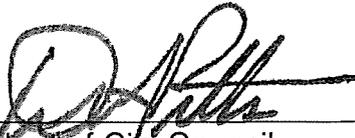
6.12.190 Severability clause.

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

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

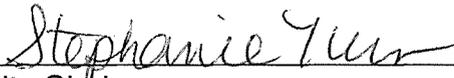
INTRODUCED on first reading the 19th day of November, 2012 and ordered published in pamphlet form.

PASSED and **ADOPTED** on second reading the 5th day of December, 2012 and ordered published in pamphlet form.

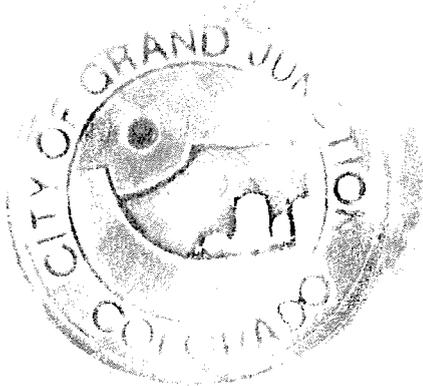


President of City Council

ATTEST:



City Clerk



I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4561 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 19th day of November, 2012 and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 5th day of December, 2012, at which Ordinance No. 4561 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 7th day of December 2012.

Stephanie Tuin
Stephanie Tuin, MMC
City Clerk



Published: November 21, 2012
Published: December 7, 2012
Effective: January 6, 2013