

Title 6

Animals¹

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¹ For statutory provisions authorizing municipalities to regulate and control animals and fowl, see CRS § 31-15-401(1)(m) (1975 Supp.).

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Chapter 6.04

Definitions

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6.04.010 General.

The definitions and terms used in this title, unless the context otherwise indicates, are herewith defined as set forth in this Chapter. (Ord. 528 § 1 (part), 2003)

6.04.020 Animal.

"Animal" means all reptiles and warm-blooded mammals, except *Homo sapiens*, both domesticated and undomesticated, male or female, spayed, neutered or unspayed or unneutered.

A. "Dog" means any animal of the canine species,

B. "Cat" means any animal of the feline species,

C. Household pet means and includes any breed of dog, cat, rabbit, guinea pig, gerbil, hamster, mice, rat, ferret, bird, poultry, fish, non-venomous reptiles, amphibians, invertebrates and any other animal commonly accepted as a pet, whether such animal is kept inside or outside, except livestock, as defined in subsection D of this section and except any animals prohibited by law or regulations as a household pet,

D. Livestock means and includes any farm animal not normally considered a household pet, including but not limited to any breed of horse, mule, burrow, goat, llama, cattle, swine (except Vietnamese potbellied pigs), sheep, bison, elk, and deer,

E. Poultry means and includes any breed of chicken, turkey, duck, goose, peafowl or other feathered animal,

F. Vietnamese Potbellied Pig shall mean the dwarf swine breed developed from the "I" breed of Vietnam pig as a household pet. (Ord. 528 § 1 (part), 2003)

6.04.030 Animal Control Officer.

"Animal control officer" means and includes all employees of the Hayden Police Department. (Ord. 528 § 1 (part), 2003)

6.04.040 Animal, Female.

"Female animal" means an animal of female gender whether or not surgery on the genital organs has been performed. (Ord. 528 § 1 (part), 2003)

6.04.050 Animal, Female, Spayed.

"Spayed female animal" means any female animal on which an ovariectomy or hysterectomy has been performed by a licensed veterinarian and for which a certificate asserting the operation has been performed has been issued. (Ord. 528 § 1 (part), 2003)

6.04.060 Animal, Male.

"Male animal" means any animal of the masculine gender, either castrated or not castrated. (Ord. 528 § 1 (part), 2003)

6.04.070 Animal, Male, Neutered.

"Neutered male animal" means any animal of masculine gender which has been castrated. (Ord. 528 § 1 (part), 2003)

6.04.080 License Year.

The "license year" is June 1 through May 31. (Ord. 528 § 1 (part), 2003)

6.04.090 Owner.

"Owner" means a person who owns, possesses, controls, maintains, keeps or harbors an animal or knowingly permits an animal to remain for a minimum of seven days on or about property or premises owned, controlled or occupied by such person. (Ord. 528 § 1 (part), 2003)

6.04.100 Stray.

"Stray" means an animal which does not have or appear to have a license or rabies tag and does not appear to have an owner or whose owner is unknown. (Ord. 528 § 1 (part), 2003)

6.04.110 Vaccination, Rabies.

"Rabies vaccination" means the inoculation by a licensed veterinarian of a dog, cat or other animal with a rabies vaccine approved by the Colorado Department of Health. (Ord. 528 § 1 (part), 2003)

6.04.120 Animal Bite.

The opening or puncturing of the skin by the teeth or claws of an animal. (Ord. 528 § 1 (part), 2003)

6.04.130 Vicious Animal.

"Vicious animal" means any animal that:

1. Inflicts unprovoked bites or scratches or other injuries on human beings or other animals;
2. Attacks human beings or other animals either on public or private property;
3. Approaches any person in a vicious or terrorizing manner or in an apparent attitude of attack upon the streets, sidewalks, or any public or private grounds or places or in any store, shopping center or other facility frequented by the public; or
4. Menaces or terrorizes or acts in a menacing or terrorizing manner from any vehicle parked either upon public or private property. To those persons passing by the vehicle. (Ord. 528 § 1 (part), 2003)

6.04.140 Kennel.

"Kennel" means any commercial facility with indoor and/or outdoor facilities constructed for the purpose of boarding, breeding or training animals for profit by any person whether licensed or unlicensed. (Ord. 528 § 1 (part), 2003)

Chapter 6.08

Vaccination

6.08.010 Required.

6.08.020 Certificate – Contents.

6.08.030 Authority.

6.08.040 Animal Bite – Duty to Report.

6.08.060 Removal – Animals Quarantined.

6.08.070 Quarantine – Removal.

6.08.010 Required.

Every person in possession of or having custody of a dog, cat or rabies susceptible animal shall have such dog, cat or rabies susceptible animal vaccinated for rabies and shall possess a certificate of such vaccination. (Ord. 528 § 1 (part), 2003)

6.08.020 Certificate – Contents.

Upon vaccination, the veterinarian administering the vaccine shall execute and furnish to the owner of a dog, cat or rabies susceptible animal as evidence thereof, a certificate upon a form

furnished by the Town. Such owner shall retain a duplicate copy, and one copy thereof shall be filed with the Town Clerk. Such certificate shall contain the following information:

- A. Name, address and telephone number of the owner or harbinger of the inoculated animal;
- B. Date of inoculation;
- C. Type of vaccine used;
- D. Year and series number of the rabies tag, and
- E. Breed, age, color and sex of the inoculated animal. (Ord. 528 § 1 (part), 2003)

6.08.030 Authority.

All veterinarians who are duly registered and licensed as such by the state are authorized to vaccinate a dog, cat or rabies-susceptible animal against rabies and to execute certificates of vaccination. (Ord. 528 § 1 (part), 2003)

6.08.040 Animal Bite – Duty to Report.

Any person having knowledge of an animal biting another animal or human being shall immediately report the incident to the Town Police Department, to the Town Clerk, or to the Public Health Veterinary Section of the Colorado Department of Public Health. (Ord. 528 § 1 (part), 2003)

6.08.060 Removal – Animals Quarantined.

A dog, cat or rabies-susceptible animal impounded because of biting another animal or human being shall not be removed from the pound or veterinary hospital until after a ten day observation period and a Routt County Department of Health release is secured. (Ord. 528 § 1 (part), 2003)

6.08.070 Quarantine – Removal.

It is unlawful for any person to remove from any place of isolation or quarantine any dog, cat or rabies susceptible animal which has been isolated or quarantined without consent of the impounding agency. (Ord. 528 § 1 (part), 2003)

Chapter 6.12

Licenses

6.12.010 Required – Fee.

6.12.020 Tag – Exhibition of Receipt and Certificate.

6.12.030 Exhibition of Certificate for Rabies Susceptible Animals.

6.12.040 Tag – Duplicate.

6.12.010 Required – Fee.

Any person having custody of any dog or potbellied pig three months of age or older for a minimum of thirty days shall procure a license. License fees shall be paid annually to the Town. License fees shall be five dollars for all dogs and potbellied pigs except that the fee for unneutered male dogs shall be ten dollars and the fee for un-spayed female dogs shall be ten dollars. All licenses issued under this chapter shall expire on May 31 of each year, and the full amount shall be paid for any fraction of the licensing year. Upon collection of the license fee by the Town a dated receipt shall be issued stating the name and address of the owner, tag number and description, together with a Town of Hayden license tag stamped with a serial number, year and county and state of issuance. Such license shall not be issued for any dog without proof of vaccination of that animal. (Ord. 528 § 1 (part), 2003)

6.12.020 Tag – Exhibition of Receipt and Certificate.

A. Every owner of a dog shall attach the tag evidencing the licensing and inoculation with anti-rabies vaccine to the collar or harness of the inoculated and licensed dog. Such collar or harness shall be worn by the dog at all times. The original license receipt and rabies vaccination certificate shall be retained by the owner or harbinger of the animal. It is unlawful for any person who owns or harbors any dog to fail or refuse to exhibit his copy of the license receipt and certificate of vaccination upon demand to any person charged with the enforcement of this title. Owners of dogs issued red tags for being vicious animals shall continue to be required to purchase and display the red license tags for the remaining life of these animals.

B. Every owner of a potbellied pig shall attach the tag evidencing the licensing by the Town to the harness of the licensed potbellied pig. Such license shall be clearly visible and no owner, possessor or keeper of a potbellied pig shall refuse to exhibit his copy of the license receipt upon demand to any person charged with the enforcement of this Title. (Ord. 528 § 1 (part), 2003)

6.12.030 Exhibition of Certificate for Rabies Susceptible Animals.

Every owner or harbinger of any cat or rabies susceptible animal shall have it vaccinated against rabies and retain the rabies vaccination certificate. It is unlawful for any person who owns or harbors a cat or rabies susceptible animal to fail or refuse to exhibit his copy of the certificate of vaccination upon demand of any person charged with the enforcement of this Title. (Ord. 528 § 1 (part), 2003)

6.12.040 Tag – Duplicate.

In the event of loss or destruction of the original tag provided in Section 6.12.020, the owner of the dog shall obtain a duplicate tag from the Town Clerk and the price of such duplicate tag shall be the actual cost of the tag. (Ord. 528 § 1 (part), 2003)

Chapter 6.13

Prohibited Animals

6.13.010 Vicious Animals Prohibited.

6.13.020 Keeping of Livestock Prohibited.

6.13.030 Investigation of Complaints – Procedure.

6.13.010 Vicious Animals Prohibited.

A. It is unlawful for any person to own, keep, harbor or possess any vicious animal anywhere in the Town, provided, however, that an animal shall not be deemed a vicious animal by reason of having bitten or attacked the following:

1. Any person engaged in the unlawful entry into or upon the animal owner's property where such animal is kept;
2. Any person engaged in the unlawful entry in or upon the animal owner's automobile or other vehicle wherein such animal is confined, or which is parked in or upon the owner's property;
3. Any person engaged in attempting to stop an altercation between such animal and another animal.

B. For the purpose of this chapter, a person is lawfully upon the private property of such owner when he is on the property in the performance of any duty imposed upon him by the laws of this state or Town, or the laws or postal regulations of the United States, or when he is on such property upon the invitation, expressed or implied, of the owner thereof. (Ord. 528 § 1 (part), 2003)

6.13.020 Keeping of Livestock Prohibited.

It shall be unlawful for any person to own, keep, harbor or possess any livestock, as defined in this title, within the limits of the Town of Hayden, except where such use is permitted by applicable zoning ordinances or as provided in this chapter. (Ord. 528 § 1 (part), 2003)

6.13.030 Investigation of Complaints – Procedure.

A. It shall be the duty of the Animal Control Officer to investigate all complaints concerning vicious or dangerous animals.

B. If the Animal Control Officer deems an animal to be vicious, it shall be his duty to issue a written warning to the owner of the animal stating such viciousness, if the owner is known, and/or he shall issue a summons against the owner to appear in Municipal Court to answer charges that such owner harbors or possesses a vicious dog.

C. If the Municipal Court finds that the evidence presented substantiates such charge, the Court shall order one of the following:

1. Confinement of the animal by the owner in such a manner ordered by the Court;
2. Banning of the animal from within the limits of the Town, or
3. Destruction of the animal.

D. If the Court has ordered destruction of the animal, the owner, in order to avoid the destruction order, may present evidence to the Court that arrangement has been made to confine the animal

outside of the Town limits. If such evidence is satisfactory to the Court, the Court may order confinement of the animal in accordance with such evidence from the owner.

E. If the animal is found within the Town limits after it has been banned from the Town, it shall be taken and impounded and a summons issued to the owner. (Ord. 528 § 1 (part), 2003)

Chapter 6.14

Potbellied Pigs

6.14.010 Requirements.

6.14.010 Requirements.

Any person who owns, keeps, harbors or possess a potbellied pig in the Town shall comply with the requirements set forth below:

- A. No more than two potbellied pigs shall be kept on any property within the Town.
- B. Male potbellied pigs shall be castrated prior to the age of four months.
- C. Female potbellied pigs shall be spayed prior to the age of four months.
- D. All potbellied pigs shall be licensed with the Town as provided in Chapter 6.12.
- E. All potbellied pigs must wear a harness except when inside the owner, possessor or keeper's dwelling.
- F. No potbellied pig shall exceed the weight of two hundred pounds. (Ord. 528 § 1 (part), 2003)

Chapter 6.16

Animals Running At Large

6.16.010 Prohibitions.

6.16.020 Exception.

6.16.030 Violation – Penalty.

6.16.050 Females in Estrus – Confinement.

6.16.010 Prohibitions.

It is unlawful for any owner, possessor or keeper of an animal in the Town to permit the same to run at large within the Town. An animal is deemed running at large when off or away from the premises of the owner, possessor or keeper thereof and not under the control of such owner, possessor or keeper and when such animal is more than ten feet away from such owner, possessor or keeper. (Ord. 528 § 1 (part), 2003)

6.16.020 Exception.

An animal within the automobile or other vehicle of its owner, possessor or keeper or his agent or servant or a member of his immediate family is deemed to be upon the owner's, possessor's or keeper's premises. (Ord. 528 § 1 (part), 2003)

6.16.030 Violation – Penalty.

If any such animal is found running at large or off the premises of the owner or keeper in violation of this title, it may be taken and impounded and/or the owner or possessor of the animal may be fined as provided in Chapter 6.32. (Ord. 528 § 1 (part), 2003)

6.16.050 Females in Estrus – Confinement.

It is unlawful for the owner, possessor or keeper of any female animal to permit the same to run at large while the animal is in estrus (heat or season), or to permit the same to attract other animals to the premises of such owner, possessor or keeper. If, after notice by an Animal Control Officer, the owner, possessor or keeper of the female animal in heat does not properly confine the female animal, the Animal Control Officer may take and impound the female animal at the cost of the owner, and the female animal shall not be released from impoundment unless the owner, possessor or keeper establishes that he has proper facilities for caring for and confining the female animal. The owner or keeper of the animal may also be fined as provided in Chapter 6.32. Neither the Town nor any representative thereof shall be held responsible for any pregnancy occurring due to such impoundment. (Ord. 528 § 1 (part), 2003)

Chapter 6.20

General Regulations

- 6.20.010 Animal Disturbing the Peace – Unlawful.**
- 6.20.020 Interference With Officials – Unlawful.**
- 6.20.030 Dogs Disturbing Garbage or Trash – Unlawful – Nuisance.**
- 6.20.040 Immediate Destruction of Vicious or Other Animal.**
- 6.20.050 Animal Defecation – Unlawful.**

6.20.010 Animal Disturbing the Peace – Unlawful.

It is unlawful for any owner, possessor or keeper of any animal to permit such animal to disturb any person or neighborhood by loud and persistent or habitual barking, howling, yelping, squealing, snorting, grunting, squawking, screeching, caterwauling, wailing, crowing or other loud noise. Such animal may be impounded, at the owner, keeper or possessor's cost, or the owner or keeper of the animal may be fined as provided in Chapter 6.32. (Ord. 528 § 1 (part), 2003)

6.20.020 Interference With Officials – Unlawful.

It is unlawful for any person to interfere with, molest, hinder or obstruct an animal control officer in the discharge of his official duties under this title. (Ord. 528 § 1 (part), 2003)

6.20.030 Dogs Disturbing Garbage or Trash – Unlawful – Nuisance.

It is unlawful for any owner, keeper or possessor of an animal to allow the animal to disturb or molest any trash or garbage. Such violation shall subject the owner, keeper or possessor of the animal to such additional costs as may be incurred by the disturbance or molestation of such trash or garbage. (Ord. 528 § 1 (part), 2003)

6.20.040 Immediate Destruction of Vicious or Other Animal.

Nothing in this title shall be construed to prevent the immediate destruction of any vicious dog or other animal by the animal control officer or any other law enforcement personnel when deemed necessary in the interest of public safety. (Ord. 528 § 1 (part), 2003)

6.20.050 Animal Defecation – Unlawful.

A. The owner, possessor or keeper of any animal shall be responsible for the immediate removal and lawful disposal of fecal matter deposited on any public property or private property of another, or in any waterway.

B. Any owner, possessor or keeper of any animal shall be responsible for the removal and lawful disposal of fecal matter on the owner, possessor or keeper's private property in a timely manner so as not to cause an odor or health violation. (Ord. 528 § 1 (part), 2003)

Chapter 6.24

Impoundment

6.24.010 Animal Shelter.

6.24.020 Notice of Impoundment.

6.24.030 Release of Impounded Animals.

6.24.050 Disposal of Unclaimed Animals.

6.24.060 Alternative to Impoundment – Notice of Chapter Violation.

6.24.070 Immunity.

6.24.010 Animal Shelter.

An animal shelter shall be designated by the Board of Trustees and may include such temporary facilities as are feasible in the Town or such other facilities outside of the Town as may be selected by the Animal Control Officer. (Ord. 528 § 1 (part), 2003)

6.24.020 Notice of Impoundment.

Immediately upon impounding any animal, the Animal Control Officer shall make a reasonable effort to notify the animal's owner when possible and a notice of impoundment and description of the animal shall be posted at the Town Hall. (Ord. 528 § 1 (part), 2003)

6.24.030 Release of Impounded Animals.

Any animal impounded for a violation of any section of this ordinance shall be released to their owner upon the payment of the cost of such penalty as is specified in Chapter 6.32, impoundment costs and the daily care and feeding charge. Any owner subsequently found innocent of any violation of this title shall not be required to pay any penalty, impoundment or daily care and feeding charge. No dog without a current Town license and current rabies inoculation tag shall be released to its owner until the owner has purchased the license and made arrangements to have the dog inoculated against rabies. (Ord. 528 § 1 (part), 2003)

6.24.050 Disposal of Unclaimed Animals.

If an animal has not been redeemed from impoundment within three days, it shall be deemed abandoned and the Animal Control Officer or such other person who has custody of the animal may humanely euthanize the animal. (Ord. 528 § 1 (part), 2003)

6.24.060 Alternative to Impoundment – Notice of Chapter Violation.

In addition to or in lieu of impounding an animal, the Animal Control Officer may issue to the known owner, possessor or keeper of such animal a notice of violation, or may attach such notice on the collar of the animal. Such notice shall impose upon the owner a penalty as specified in Chapter 6.32. (Ord. 528 § 1 (part), 2003)

6.24.070 Immunity.

Neither the Town, nor any representative thereof, nor the impoundment facility, nor any representative thereof, shall be held responsible for any injury or illness occurring during the apprehension or subsequent impoundment of any animal. (Ord. 528 § 1 (part), 2003)

Chapter 6.28

Cruelty to Animals

6.28.010 Poisoning of Animals Prohibited.

6.28.020 Cruelty to Animals – Abandonment of Animals.

6.28.010 Poisoning of Animals Prohibited.

It is unlawful for any person to poison any animal or animals or to distribute poison in any manner whatsoever with intent or for the purpose of poisoning any animal within the Town limits, except rodents. (Ord. 528 § 1 (part), 2003)

6.28.020 Cruelty to Animals – Abandonment of Animals.

No owner shall fail to provide his animal with sufficient, good and wholesome food, water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment. No person will beat, cruelly treat, torment, overload, overwork or otherwise abuse any animal, or cause or permit any dogfight, cockfight, bullfight or other conflict

between animals and humans. No owner of any animal shall abandon any animal. (Ord. 528 § 1 (part), 2003)

Chapter 6.32

Penalty

6.32.010 General Penalty.

6.32.020 Penalty Assessment for an Animal Running at Large.

6.32.030 Penalty Assessment for an Animal Violating Certain Chapters.

6.32.040 Penalty Assessment for an Animal Without a Tag.

6.32.010 General Penalty.

Any person convicted of violating any provisions of this title shall, upon conviction, be punished by a fine of not more than three hundred dollars or by imprisonment for not more than ninety days, or by both such fine and imprisonment, with the exception of a violation of Section 6.16.010, which shall be governed by Section 6.32.020. (Ord. 528 § 1 (part), 2003)

6.32.020 Penalty Assessment for an Animal Running at Large.

The penalty assessment for animals running at large shall be:

- A. First Offense: \$25
- B. Second Offense: \$50
- C. Third and Subsequent Offenses: \$75

(Ord. 528 § 1 (part), 2003)

6.32.030 Penalty Assessment for an Animal Violating Certain Chapters.

The penalty assessment for violations of Sections 6.16.050, 6.20.010, 6.20.030 and 6.20.050 shall be the following:

- A. First Offense: \$50
- B. Second Offense: \$75
- C. Third and Subsequent Offenses: \$100

(Ord. 528 § 1 (part), 2003)

6.32.040 Penalty Assessment for an Animal Without a Tag.

The penalty assessment for an animal within the Town limits without a current animal license shall be ten dollars for each offense. (Ord. 528 § 1 (part), 2003)

