

ORDINANCE NO. 1014

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
FIRESTONE, COLORADO, REPEALING AND RE-ENACTING IN ITS
ENTIRETY TITLE 6 “ANIMALS” OF THE FIRESTONE MUNICIPAL
CODE**

WHEREAS, the Board of Trustees of the Town of Firestone (“Town”) has determined that the Town’s current regulations regarding animals set forth in Title 6 of the Firestone Municipal Code are outdated and not sufficiently aligned with best practices or the Town’s current administrative procedures; and

WHEREAS, the Town desires to repeal and reenact Title 6 of the Firestone Municipal Code to address these existing deficiencies, and the Town finds that repealing and re-enacting will increase the effectiveness of the Firestone Municipal Code with regard to those regulations and underlying goals.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO:

Section 1. Title 6, “Animals,” of the Firestone Municipal Code is hereby repealed in its entirety and re-enacted to read as follows:

TITLE 6. ANIMALS

CHAPTER 6.01. DEFINITIONS

Sec. 6.01.010. Definitions.

The following words, terms and phrases, when used in this title shall, unless otherwise specified, mean as follows:

Abandon means the leaving of an animal without adequate provisions for the animal's proper care by its owner.

Animal means any of the kingdom (Animalia) of living beings typically differing from plants in capacity for spontaneous movement and rapid motor response to stimulation; consistent therewith, any one of the lower animals distinguished from man.

Animal owner or *owner* means any person who owns, keeps, harbors, possesses, or otherwise has custody or control of any animal in the town, whether such person is a resident or nonresident of the town.

Animal owner's authorized agent means any person who acts for or in the place of the animal owner by authority from the animal owner.

Animal shelter means any premise designated by the town for the purpose of boarding the caring for any animal impounded under the provisions of this chapter or any other ordinance of the town or law of the state.

Cat means any domesticated animal of the species felis domestica.

Community services officer means any person empowered by the Town of Firestone to enforce the provisions of this chapter, including peace officers, as defined in C.R.S. §§ 18-3-201(2) and 30-15-105, personnel of the Firestone Police Department, or any employee of the town designated or authorized by the town manager or by the town manager's authorized representative.

Dog means any domesticated animal of the species canis familiaris, or other species of the family canidae.

Guard dog means a dog disciplined, through special training, to protect persons and/or property by attacking or threatening to attack any person found within the area authorized to be patrolled by the dog.

Harbor means the activity of the occupant of any premises on which an animal is kept or to which an animal customarily returns for food and care which contributes to the animal's habit or tendency to stay at or return to said premises for care and sustenance.

Humane trap means box type live traps which do not cause bodily harm to the animal intended to be captured or any other animal or person coming in contact with such trap.

Leash means a substantial chain, cord, rope or similar device sufficient to hold an animal in restraint, and which is not more than six feet in length.

Livestock means cattle, swine, sheep, goats and such horses, mules, asses, and other animals associated with or used in the farm or ranch production of food, fiber or agricultural products.

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

Neglect means failure to provide food, water or protection from the elements, opportunity for exercise, or other customary care, usual and proper for an animal's health and well-being and includes, but is not limited to, leaving an animal unattended in a vehicle without adequate ventilation and water, or leaving an animal tethered in such a manner that it becomes entangled and endangers itself or is unable to reach necessary water or shelter.

Rabies inoculation means the inoculation of an animal with a rabies vaccine approved by the Colorado Department of Health and administered by a Colorado licensed veterinarian.

Running at large means any animal, unless specifically excepted by this chapter, not under the direct and competent control of the owner or the owner's authorized agent by means of a leash,

except an animal on or within the owner's motor vehicle provided when such vehicle is parked the animal shall be within the enclosed portion of said motor vehicle or tethered so as to restrain the animal within the confines of the motor vehicle.

Stray animal means any animal, with or without a registration rabies inoculation tag, found unattended, running at large or unattached anywhere within the town.

Town clerk shall mean the town clerk or the town clerk's authorized designee.

Town manager shall mean the town manager or the manager's authorized designee.

Veterinarian means a person currently licensed by the State of Colorado to practice veterinary medicine.

Vicious animal means any animal that is the cause of unprovoked bites, snaps at or attacks humans or other animals on public or private property or without provocation approaches any person on public or private property in a terrorizing manner or in an apparent attitude of attack; provided, however, that an animal shall not be deemed a vicious animal by reason of having bitten or attacked by 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 into or upon the animal owner's automobile or other vehicle wherein such animal is confined, or which is parked on the street immediately adjacent to the owner's property;
- (3) Any person engaged in attacking or molesting another person;
- (4) Any person engaged in attempting to stop an altercation between such animal and another animal; and
- (5) Any person who deliberately and wantonly provokes such animal to bite or to attack such person, another person, or another animal.

Secs. 6.01.020 – 6.01.200 Reserved.

CHAPTER 6.02 - LICENSES.

Sec. 6.02.010. Required.

- (a) The owner of any dog or cat over the age of six months shall obtain an annual license for such animal from the town clerk within 30 days after the owner establishes a domicile in the town, takes possession of the animal, or the animal attains the age of six months, whichever occurs last.

- (b) The owner of any dog or cat licensed pursuant to this chapter shall securely attach the license to the animal's collar to be worn by the animal at all times.

Sec. 6.02.020. Prerequisite to issuance.

- (a) Upon application for a license, the applicant shall exhibit to the town clerk a certificate from a veterinarian that the animal has been inoculated as required by section 6.03.010.
- (b) Certificate of vaccination: The veterinarian administering the vaccination shall execute and furnish to the animal owner as evidence thereof a certificate of vaccination, upon a form issued by the veterinarian. The certificate shall contain the following:
 - (1) The animal owner's name, address and telephone number;
 - (2) The breed, sex, color and name of the inoculated animal;
 - (3) The date of inoculation;
 - (4) The type of vaccine used;
 - (5) Where applicable, the tag number of the rabies vaccination issued; and
 - (6) The signature of the veterinarian issuing the certificate.
- (c) If any animal bites any person within a ten-day period preceding the date on which such animal is to be vaccinated, the owner of such animal shall report such fact to the veterinarian and no rabies vaccine shall be administered until after a ten-day observation period.

Sec. 6.02.030. Fees.

An animal owner shall pay an annual license fee established by resolution of the Board of Trustees. Such fee shall be reduced for any animal owner who presents written proof from a veterinarian that such animal has been spayed or neutered.

Sec. 6.02.040. Records.

The town clerk shall keep a record of all town certificates and licenses issued pursuant to this chapter.

Sec. 6.02.050. Harboring unvaccinated and nonregistered animals.

It shall be unlawful for any person to keep, harbor or possess any animal not vaccinated and licensed as required by this title.

CHAPTER 6.03 - ANIMAL DISEASE CONTROL

Sec. 6.03.010. Vaccination required.

- (a) It shall be unlawful for any person to own a dog or cat over six months of age unless such animal is currently vaccinated against rabies.
- (b) Every owner of a dog or cat shall keep and exhibit upon the lawful request of a community services officer, a certificate of vaccination evidencing the most current vaccination for each such animal.
- (c) Rabies vaccinations shall be kept current in accordance with the guidelines set forth in the Compendium of Animal Rabies Control as promulgated by the National Association of State Public Health Veterinarians.

Sec. 6.03.020. Reporting animal bites.

- (a) Whenever any animal has bitten any person, it shall be the duty of the owner of such animal or of any person, having knowledge of such bite to immediately report such fact to a community services officer or the police department, stating, if known, the location of such animal.
- (b) Whenever any animal is affected by rabies, or suspected of having rabies, or has been bitten by or suspected of having been in contact with an animal known or suspected to be affected by rabies, the owner of such animal or any person having knowledge of such matter shall immediately report such fact to a community services officer or to the police department stating, if known, the location of such animal.
- (c) Every physician or medical practitioner shall, within 12 hours upon treatment of any person bitten by an animal within the town, report to a community services officer or to the police department the name, age, and address of the person so bitten and treated, with the permission of said person. It shall be the duty of every physician or medical practitioner to request such permission.
- (d) It shall be the duty of every veterinarian who diagnoses rabies in any animal to immediately report such fact to a community services officer or to the police department.

Sec. 6.03.030. Confinement; quarantine.

- (a) If any animal is suspected of having rabies or if any animal has bitten a person and such animal has not had a current vaccination, such animal shall be confined for a period of at least ten days from the date of the bite at the animal shelter or at a veterinary facility of the owner's choice, at the expense of the owner of the animal. During the ten-day observation period, no rabies vaccine shall be administered to the animal.
- (b) No animal held for observation on suspicion of rabies shall be released until the observation period is over, except as follows:

- (1) If the owner shows proof of current rabies vaccination, the animal may be released into rabies confinement at the owner's residence, at the discretion of the community services officer; or
 - (2) If the victim of the bite and the owner request that the rabies confinement be at the owner's residence and the victim agrees in writing to release and hold harmless the town, animal shelter and veterinary facility for releasing the animal to the owner, the animal may be released into rabies confinement at the owner's residence, at the discretion of the community services officer.
- (c) For the purposes of this section, the term "rabies confinement at owner's residence" shall mean that the animal is kept inside a secure building where no contact with animals, the animal owner's family, or persons outside the owner's family can occur for a ten-day period. During such period of confinement, the animal must not be let out to relieve itself without being on a leash and handled by a person capable of physically restraining the animal. If such animal is otherwise found outside the owner's residence during the confinement period, it shall be taken and confined at the animal shelter or at a veterinary facility of the owner's choice, at the expense of the owner, for the remainder of the confinement period.
- (d) If any animal has been bitten by another animal suspected to have rabies, the owner of such animal exposed to rabies shall report such fact to a community services officer. The community services officer shall have the power, in the officer's discretion, to have the animal suspected of having rabies or of being exposed to rabies removed from the owner's residence to a veterinary facility and placed under observation for a period of up to six months at the expense of the owner, provided that the owner may elect to have such animal destroyed in lieu thereof.
- (e) Notwithstanding the above, if a standard incubation period has not been established by the state department of health for the particular species of animal which was bitten, it shall be summarily destroyed. If the animal has been in contact with another animal or human, a necropsy shall be performed by a certified laboratory to determine rabies contamination.

Sec. 6.03.040. Destruction of rabies infected animals.

If rabies has been detected in any animal, such animal shall be summarily destroyed.

CHAPTER 6.04 - CARE AND TREATMENT OF ANIMALS

Sec.6.04.010. Cruel treatment prohibited.

- (a) It shall be unlawful for any person to knowingly or recklessly engage in any of the following acts, or any combination thereof:
- (1) Fail to provide an animal under one's care and/or control with sufficient food, water or proper shelter;

- (2) Fail to provide veterinary care when needed to prevent suffering, injury or death of an animal;
 - (3) To needlessly mutilate or injure an animal;
 - (4) To needlessly, repeatedly beat, kill or attempt to kill an animal;
 - (5) To mistreat, cruelly treat, torment, overload, overwork or otherwise abuse an animal to the extent that the animal is in imminent danger of injury, sickness or death;
 - (6) To abandon an animal or neglect such animal to the extent that the animal is in imminent danger of injury, sickness or death;
 - (7) To crop a dog's ears, dock its tail or neuter an animal, (this provision shall not apply to actions of a veterinarian);
 - (8) To confine an animal in such a way that the animal is exposed to extreme temperature or weather conditions;
 - (9) To restrain, restrict or otherwise control an animal by use or means of a chain, tether, or rope affixed to a stationary object when the animal owner or responsible party is not present on the property for longer than is necessary for such person to complete a temporary task; or
 - (10) To restrain, restrict, or otherwise control an animal by use or means of a chain, tether or rope affixed to a stationary object outdoors for longer than 5 hours in a 24-hour period or in such a manner that endangers the animal's health, safety, or well-being.
- (b) It shall be unlawful for any person to antagonize, agitate, interfere, beat, kick, strike, torture, torment, mutilate, injure, disable or kill any dog used by the town's police department when such dog is being used in the performance of the functions or duties of such department.

Sec. 6.04.020. Impoundment.

Any community services or police officer may impound an animal if such officer reasonably believes that a violation of any of the acts prohibited in section 6.04.010 exists and that impoundment is necessary for the health, safety or welfare of such animal. Such impoundment and subsequent hearing shall be in accordance with the procedure set forth in chapter 6.08 of this title.

Sec. 6.04.030. Poisoning prohibited; exceptions.

It shall be unlawful for any person to intentionally poison any animal, with the exception of rats, mice, insects or other wild animals, including but not limited to skunks, squirrels, raccoons, bats and prairie dogs. The poisoning of rats, mice, insects or wild animals must conform to the

conditions, requirements and procedures of all applicable state and federal laws, rules and regulations.

Sec. 6.04.040. Promotion of animals fights and keeping places therefor.

It shall be unlawful for any person to cause, instigate or encourage any animal to fight or to enter into combat in any manner; and it shall be unlawful for any person to maintain any place where animals are permitted or encouraged to fight for exhibition, wager or sport.

Sec. 6.04.050. Death of animals.

It shall be unlawful for the owner of any animal which dies to dump or abandon such animal on any public or private property. All animals which die shall be humanely disposed of within 24 hours of their death. All dogs, cats or other "large animals" must be disposed of by burial on private property with the permission of the person who owns or is in control of the property or transported to an animal shelter or veterinarian facility for proper disposal.

Sec. 6.04.060. Vehicular accident; animals.

Any operator of a motor vehicle whose vehicle strikes a domesticated animal shall immediately report any injury or death of such animal to the police department.

Sec. 6.04.070. Care of animals.

It shall be unlawful for any animal owner, or any owner, manager or employee of a pet shop, kennel, animal hospital or shelter to fail to maintain the facilities in a sanitary condition, provide proper heating and ventilation, provide space appropriate to the size, width and species of animal, provide adequate nutrition, provide adequate veterinary care for all animals in their care, or to fail to take reasonable care to release for sale, trade or adoption only those animals which are free of disease or injuries.

Sec. 6.04.080. Ownership of animal.

Ownership of any animal shall not be a recognized affirmative defense for a violation of any section of this chapter.

CHAPTER 6.05 - CONTROL OF ANIMALS

Sec. 6.05.010. Strict liability of animal owner.

For the purpose of prosecution for violation of any section of this chapter, it shall not be necessary to prove notice or knowledge on the part of the animal owner that such animal was violating any of the sections of this chapter at the time and place charged, it being the purpose and intent of this section to impose strict liability upon the animal owner for the actions, conduct and condition of such animal.

Sec. 6.05.020. Running at large prohibited; exceptions; fences.

- (a) It shall be unlawful for any animal owner to permit an animal to run at large within the town except on the premises of the owner or on the premises of the person having charge of the animal. Dogs under the control of a public law enforcement agency or dogs in areas designated and posted by the town permitting dogs to be at large (dog parks) are exempt from this prohibition.
- (b) Fences used for the enclosure of animals shall be securely constructed and kept in good repair.

Sec. 6.05.030. Animal disturbance of peace and quiet prohibited.

It shall be unlawful for any animal owner to permit such animal to make unreasonable noise or disturb the peace and quiet of any person by barking, whining, howling, yowling, squawking or making any other noise in an excessive, continuous or untimely fashion. For purposes of this section, unreasonable noise shall mean any sound of such level and duration as to be, or tend to be, injurious to human health or welfare, or which would unreasonably interfere with the enjoyment of life or property.

Sec. 6.05.040. Confinement during estrus required; exception.

Any unspayed female animal in the stage of estrus (heat) shall be securely confined during such period within a house, building or other secure enclosure which is so constructed as to prevent other animals of the same species from gaining access to the confined animal. Any owner who does not adequately so to confine the animal during the stage of estrus, or whose animal during estrus creates a nuisance, shall be ordered by a community services officer to remove the animal to a boarding kennel, to a veterinary facility or to an animal shelter. All expenses incurred as a result of such confinement shall be paid by the animal owner. It shall be unlawful for any person to fail to comply with a community services officer's removal order and the animal shall be impounded at the owner's expense. This section shall not apply when animals are intentionally brought together within an enclosed area of the owner's premises, or any enclosed area of the owner's authorized agent's premises, for purposes of breeding.

Sec. 6.05.050. Removal of animal excrement.

- (a) It shall be unlawful for any owner to fail to prevent such animal from defecating or voiding excrement on the property of another person, common areas, or upon any street, right-of-way, park, open space or any other public place or property; provided, however, that it is a specific defense to a charge of violating this section that the owner or person having charge of the animal immediately removed or cleaned up such defecation or excrement and disposed of it in a receptacle ordinarily used for garbage or in an otherwise lawful and sanitary manner.
- (b) It shall be unlawful for an animal owner to fail to periodically remove excrement deposited by such animal on property owned or exclusively occupied by such owner so as to prevent the creation of offensive odors which interfere or unreasonably disrupt any other person's lawful use or enjoyment of one's home or property.

Sec. 6.05.060. Animals scattering trash.

It shall be unlawful for any owner to fail to prevent such animal from scavenging, scattering, tearing at or rummaging through trash, garbage or rubbish, whether such is in a receptacle or not, or from scattering or littering such trash, garbage or rubbish on or around any public or private property; provided, however, that it is a specific defense to a charge of violating this section that the owner immediately removed or cleaned up the trash, garbage or rubbish and disposed of it securely in a receptacle ordinarily used for trash, garbage or rubbish or in an otherwise lawful and sanitary manner.

Sec. 6.05.070. Picketing on public or private property or causing damage.

It shall be unlawful for any person to picket, tether or otherwise restrain or control any animal in or upon the streets or other public places of the town, or upon the private property of other persons, for longer than is necessary for the animal owner or responsible party to complete a temporary task that requires the animal to be left unattended, or in such a manner as to endanger the animal's life or well-being or to cause damage to any property.

CHAPTER 6.06 - VICIOUS ANIMALS

Sec. 6.06.010. Vicious animals prohibited.

- (a) It shall be unlawful for any person to own, possess, keep, harbor, or have control or custody of any vicious animal.
- (b) It is an affirmative defense to the charge of vicious animal that the person or animal that was bitten, clawed or approached by the vicious animal was:
 - (1) Other than in self-defense or defense of its young, attacking the animal or engaging in conduct reasonably calculated to provoke the animal to attack or bite;
 - (2) Unlawfully engaging in entry into or upon a fenced or enclosed portion of the premises upon which the animal was lawfully kept or upon a portion of the premises where the animal was lawfully restrained by leash or lead;
 - (3) Unlawfully engaging in entry into or in or upon a vehicle in which the animal as confined;
 - (4) Attempting to assault another person;
 - (5) Attempting to stop a fight between the animal and any other animal;
 - (6) Attempting to aid the animal when it was injured; or
 - (7) Attempting to capture the animal in the absence of the owner or keeper, with the exception of a peace officer, firefighter or community services officer in the performance of such person's duty.
- (c) For the purposes of this section, a person is lawfully upon the premises of an owner or keeper when such person is on the premises in the performance of any duty imposed by

law or by the express or implied invitation of the owner of such premises or the owner's agent.

Sec. 6.06.020. Exemption.

Employees or agents of the town or any local, state or federal governmental entity, using animals within the course of their duties or employment shall be exempt from the provisions of this chapter.

Sec. 6.06.030. Impoundment.

Any animal which has caused injury to any person or animal or which has unprovokedly attacked any person or animal may be seized and impounded as provided for in chapter 6.08 of this title. If, after making every reasonable attempt to seize such animal, including the solicitation of assistance from the animal's owner, if such owner is immediately ascertainable and available, the community services or police officer determines that the animal cannot be seized without exposing the officer or other persons to danger of personal injury from the animal, and the animal presents a present danger to any person, property, or other animal, it shall be lawful for the officer to destroy the animal without notice to the animal owner.

Sec. 6.06.040. Hearing.

- (a) Any animal impounded pursuant to this chapter may be held for a hearing before the municipal court to determine the disposition of such animal. The town shall notify, when ascertainable, the owner of the animal in writing of the date, time, place and purpose of the hearing at least five days before said hearing. The court shall conduct such hearing at the earliest date available to the court. If, on the date of the hearing, the duly notified owner does not appear, the court may proceed with the hearing. The hearing may take place regardless of any pending municipal charge pertaining to the animal.
- (b) At the hearing the formal rules of evidence shall not apply and any statement made by any person at such hearing shall not be used as evidence at any municipal trial. The court shall be guided by the basic notions of fairness in the conduct of such hearing and allow the parties to present evidence, witnesses and have the right of cross-examination.
- (c) The court shall consider as applicable, the following:
 - (1) Any evidence presented at any trial involving the animal;
 - (2) The conduct of the animal during the incident charged;
 - (3) Any evidence of dangerous or violent behavior by the animal or threats thereof;
 - (4) Any prior violations by the owner of the animal of this chapter or the laws of the town, or laws of any state or political subdivision thereof;

- (5) Any prior violations by any other owner of the animal, involving the same animal, of any violation of this chapter or the laws of the town, or any laws of the state or political subdivision thereof;
 - (6) Any conditions existing on the property where the animal has been or will be kept which would affect the likelihood of any danger to any person, animal or property;
 - (7) Any evidence of any ameliorative action taken by the owner of the animal which would affect the likelihood of any danger to any person, animal or property; and
 - (8) Any other evidence relevant to the issues as determined by the court.
- (d) If, at the hearing, the town establishes by a preponderance of the evidence that there is a reasonable likelihood of future injury to persons, property or animals, the court shall order the animal to remain impounded at the owner's expense until final disposition of any pending municipal charges. The owner shall bear all costs of impounding the animal regardless of the results of any municipal charges.
- (e) If the court determines that it is not appropriate to order the animal impounded, the court may order the animal returned to the owner and to be kept under such circumstances as will ensure the safety of persons, property or other animals.

Sec. 6.06.050. Vicious animal conviction permit required.

- (a) Upon conviction or entry of plea of guilty or no contest to a charge of vicious animal and in addition to any terms and conditions imposed by the municipal court judge, the owner shall be subject to the terms and conditions of a vicious animal permit issued by town clerk or such person's designee. The owner may keep the animal within the town only upon the owner's compliance with the conditions set forth in the permit, which include the following:
- (1) The owner shall, at the owner's expense, have the animal spayed or neutered and shall provide proof to the town clerk from a licensed veterinarian that the sterilization has been performed.
 - (2) The owner shall, at the owner's expense, have a microchip, conforming to the town's standards implanted into the animal and provide such information to community services. The town clerk shall maintain records containing the registration number and name of the animal and name and address of the owner. The owner shall be responsible for immediately notifying community services of any change in address.
 - (3) At all times when the animal is at the property of the owner, the owner shall keep the animal confined. When outdoors, the animal shall be confined in a securely enclosed and locked structure, except when leashed and muzzled. Such structure shall have minimum dimensions of five feet by ten feet per animal housed, secure nonwooden sides of at least six feet in height and a secure top attached to the

sides. All structures must be locked with a key or combination lock when the animal is within the structure. Such structure shall have a secure and safe bottom or floor attached to the sides of the structure or the sides of the structure shall be embedded in the ground no less than two feet below grade. All structures erected to house such animal must comply with all zoning and building regulations. All such structures must be adequately lighted and ventilated, kept in a clean and sanitary condition and provide shelter for the animal. No animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure. The secure structure requirement of this section may be waived upon the owner demonstrating to the satisfaction of the town clerk that because of homeowner covenants or property owner lease requirements, or the lack of a yard, the owner is unable to construct a conforming structure. The animal must however, be leashed and muzzled whenever outdoors upon the owner's property.

- (4) The owner shall present the town clerk proof that the owner has procured and maintained, at all times during the term of the permit, liability insurance in a minimum amount of \$100,000.00 covering any damage or injury caused by the animal.
- (5) At all times when the animal is off the property of the owner, the animal shall be muzzled and either placed within a secure temporary enclosure, or secured by a leash of no longer than four feet in length securely fastened to a collar. Extension leashes are not permitted and leashes may not be attached to inanimate objects. The collar must be reflective, made of durable, weather-resistant materials, and consist of red stripes alternately spaced with yellow stripes each being of a width of not less than 1 inch and not more than 2 inches and set diagonal to the rim of the collar.
- (6) The owner shall post, at each entrance to the owner's property where the animal is kept, a conspicuous, reflective, lettered and clearly legible weather-resistant sign of at least eight by ten inches, which shall contain the words "BEWARE, VICIOUS ANIMAL" in lettering at least two inches in height.
- (7) The owner shall not sell, convey or transfer the animal to any person without first notifying the town clerk of the name, address and telephone number of the transferee. If the transferee resides within the town, then such person shall then be deemed the owner and subject to all requirements of this section.
- (8) The owner shall immediately notify the police department or the town clerk in the event that the animal is at-large, stolen, has acted in a vicious manner, or has died.
- (9) The owner may temporarily transport the animal through the town. During travel the animal shall be muzzled and confined either within a secure temporary

enclosure or by a leash no longer than four feet in length. Extension leashes are not permitted and leashes may not be attached to inanimate objects.

- (10) If the owner has no other animal offense convictions within two years of the issuance of the permit, the owner may petition the town clerk seeking the termination or modification of the permit requirements. In consideration of the request, the town clerk must be permitted to inspect the animal and observe it in its habitat. Any decision regarding termination or modification of the permit is within the sole discretion of the town clerk. An owner may request termination or modification of the permit on an annual basis after the initial two-year period and the town clerk may in its sole discretion modify or terminate the permit as it deems appropriate.

- (b) It shall be unlawful for any owner to fail to comply with the requirements set forth in this section.

Sec. 6.06.060. Euthanization.

Upon a conviction of vicious animal, the municipal court, in addition to the penalties set forth in this chapter may order that the animal be humanely euthanized.

Sec. 6.06.070. Authority for immediate destruction.

Nothing in this chapter shall be construed to prevent the immediate destruction of any vicious animal when deemed necessary in the interest of public safety by the community services officer or other law enforcement person, as provided by law.

CHAPTER 6.07 - RESTRICTIONS AND PROHIBITIONS

Sec. 6.07.010. Livestock prohibited.

It shall be unlawful for any person to own, keep, maintain, possess, harbor or care for, or permit any livestock or fowl, which includes but is not limited to, horses, mules, donkeys, burros, cattle, sheep, goats, roosters, geese, ducks, pigeons, peafowl, turkeys or swine on any property within the town except as expressly permitted by the town's zoning regulations.

Sec. 6.07.020. Exotic, wild, dangerous or unusual animals prohibited.

- (a) Except as permitted by state or federal law, rule or regulation, it shall be unlawful for any person to own, possess, keep, maintain, harbor, transport or sell within the town any living wild or dangerous animal; provided, however, that the following entities or persons shall be exempt from this section:
 - (1) Any circus, rodeo or livestock show permitted by the town's zoning regulations;
 - (2) Any entity or person as authorized by the State of Colorado Parks and Wildlife Commission's regulations and applicable state statutes; and

- (3) Any entity or person acting within the course of its duties, which lawfully has possession of and displays any wild or dangerous animal prohibited by this section without charge for educational purposes.
- (b) The term wild or dangerous animal, for the purposes of this section, shall mean and include any and all species of the following:
- (1) Bears;
 - (2) Any species of feline, including exotic cat/domesticated cat crossbreeds, other than ordinary domesticated house cats;
 - (3) Skunks;
 - (4) Poisonous or venomous amphibians or reptiles;
 - (5) Raccoons, porcupines, badgers or other similar species, except ferrets or minks, unless authorized under a state wildlife rehabilitation license;
 - (6) Deer;
 - (7) Any wolf, coyote or fox;
 - (8) Any species of nonhuman primate, but excluding animals imported under authority of state or federal law; and
 - (9) Wild geese or ducks, except as permitted under a state wildlife rehabilitation license.
- (c) *Wildlife*. In accordance with state statute, all wildlife, except as permitted by the state is deemed to be the property of the state, and right, title, interest, acquisition, transfer, sale, importation, exportation, release, donation, possession, hunting, taking, relocation and removal is permitted only as provided by state or federal statute, rule or regulation (C.R.S. 33-1-101).
- (1) Trapping, capture, relocation, removal, transport, taking or control of wild animals, including but not limited to skunks, squirrels, raccoons, bats and prairie dogs, is permitted provided that such wildlife is trapped, released, removed, relocated, exterminated or disposed of in accordance with the applicable state laws, rules and regulations and any state division of wildlife or department of agriculture permitting process.
 - (2) It shall be the responsibility of the property owner to dispose of any dead wildlife upon the owner's property in accordance with the applicable state laws, rules and regulations.

Sec. 6.07.030. Use of animals as inducement prohibited.

No person shall give away any animal as a prize for or as an inducement to enter any contest, game or other competition or as inducement to enter a place of amusement, for the purpose of attracting trade.

Sec. 6.07.040. Guard dog requirements.

It shall be unlawful to place or maintain guard dogs in any area for the protection of persons or property unless the following conditions are met:

- (1) The dogs shall be confined to an enclosed area adequate to ensure they will not escape;
- (2) The dogs shall be under the absolute control of a handler at all times;
- (3) Such building or enclosure shall have adequate safeguards against accidental entry by children and against accidental and unintentional entry by any person;
- (4) Warning signs shall be conspicuously posted at all access points to the property indicating the presence of guard dogs and such signs shall plainly show a telephone number where a person responsible for controlling such dogs can be reached at all times;
- (5) Prior to the posting of guard dogs on any property, the person or persons responsible for the posting shall inform community services in writing of their intention to post such dogs, the number of dogs to be posted, the location where such dog or dogs will be posted, the hours of posting and the approximate length of time such dog or dogs will be patrolling the property; and
- (6) In the event that a community services officer determines that the presence of the guard dogs or the circumstances of their presence constitutes a present danger to any person, property or animal, the community services officer shall issue a cease-and-desist order to be served upon the person notifying community services under subsection (5) of this section. Service shall be in person or by certified mail, return receipt requested, to the person responsible for the dogs as set forth in subsection (5) of this section.

CHAPTER 6.08 - IMPOUNDMENT

Sec. 6.08.010. Authorization for capture and impoundment.

Community services and police officers are hereby authorized to take or capture animals deemed by them to be included in the categories listed below and impound them at an animal shelter or other appropriate location where the animals will be confined in a humane manner. Such officers may utilize a tranquilizer dart if necessary in order to capture an animal which appears to be vicious or destroy such animal if necessary to avoid a physical threat to human beings.

- (1) Animals at large, vicious animals, animals creating a disturbance, maltreated animals and nuisance animals;
- (2) Livestock, wild or exotic animals kept in violation of this title;
- (3) Animals which were being transported by a person involved in a vehicular accident when such person becomes unable to care for or maintain control over the animal as a result of the accident and there is no responsible person present to take possession of the animal; and
- (4) Animals which will be or have been left uncared for as a result of the death, injury, arrest, detention or other incapacitation of the owner or keeper.

Sec. 6.08.020. Notice of impoundment.

If, by tags or other identification attached to the animal or any other information given to the animal shelter, the owner of an impounded animal can be identified, a community services officer shall, immediately upon impoundment, notify the owner of such impoundment by telephone, electronic mail, U.S. mail or written notice posted conspicuously upon the owner's last known residence.

Sec. 6.08.030. Minimum time for impoundment of unclaimed animals.

- (a) Unclaimed animals shall be kept at an animal shelter or other appropriate location for not less than five days unless euthanasia prior to that time is deemed necessary or appropriate by the veterinarian advising the animal shelter personnel.
- (b) A pet animal without identification, including but not limited to a microchip or collar, may be held for only three days if the animal shelter determines that the shelter has no additional resources for such pet animal or determines that such pet animal is dangerous.
- (c) For purposes of this section, the term "days" shall mean days during which the animal shelter is open to the public.

Sec. 6.08.040. Reclamation of certain animals restricted or prohibited.

The following restrictions or prohibitions shall apply to the reclamation of the following impounded animals:

- (1) Animals which are or appear to be vicious may not be reclaimed unless and until a judgment of dismissal is entered by the municipal court on the vicious animal charge or, upon a conviction or entry of a plea of guilty or no contest, the court orders the animal released.
- (2) If an animal was impounded on the basis of a violation of section 6.04.010 of this title, except for vicious, wild or exotic animals, then the notice shall include a statement, in writing, that the animal will be disposed of if the owner or keeper does not request a hearing with the town manager or such person's designee

within five days of the date of the notice. If a hearing is requested, the town manager or such person's designee shall schedule it to occur within five business days and shall give notice of same to the person requesting the hearing. If, at the conclusion of the hearing, the town manager determines that the animal was being kept in violation of any provision of this chapter, except for a vicious, wild or exotic animal, the town manager may order the animal disposed of in the manner provided in section 6.08.060 and not returned to its owner or keeper. Alternatively, if the town manager determines that, due to changed circumstances, the animal's health and the public health, safety and welfare will not be endangered thereby, the town manager may order the animal returned to its owner upon payment of impoundment, boarding or veterinary fees and any other expenses incurred by the town or the animal shelter in connection with the impoundment of the animal and its subsequent care. If the town manager determines that the animal was wrongfully impounded, the town manager shall order the animal returned without payment of such fees or expenses. If no hearing is requested, the town manager may order the animal disposed of in the manner provided in section 6.08.060.

- (3) Wild or exotic animals kept in violation of this chapter shall not be released to the owner or any other person; provided, however, that such animal may be released to the appropriate authorities.

Sec. 6.08.050. Impound fees.

- (a) An owner or keeper reclaiming an impounded animal shall pay all impound and daily boarding fees, established by the animal shelter, plus all actual and necessary veterinary costs incurred on behalf of the animal. No owner or keeper may reclaim an impounded animal until he or she has paid all impoundment and boarding fees and veterinary costs.
- (b) It is unlawful for an owner of any impounded animal to fail to pay all fees and charges incurred as a result of the impoundment. Failure to reclaim an animal prior to a determination that the animal has become the property of the town or its designated animal shelter shall not relieve the owner of the impounded animal of the responsibility to pay all impound fees and costs incurred prior to said determination. Payment of said fees and costs shall be due within 15 days of receipt of a written notice for fees and costs due. Notice shall be delivered in the same manner as a notice of impound as set forth in this chapter.
- (c) An owner reclaiming an impounded dog or cat must present satisfactory proof of vaccination for rabies to the animal shelter prior to reclaiming the dog or cat. If proof of vaccination cannot be provided, the animal shelter shall release the impounded dog or cat to the owner or keeper with the requirement that satisfactory proof of vaccination and license shall be furnished by the owner or keeper within 48 hours after release.

Sec. 6.08.060. Adoption or disposal of unclaimed animals.

Any animal not reclaimed by its owner within the period of time set forth in section 6.08.030 of this chapter shall become the property of the town or the animal shelter and may be placed for adoption in a suitable home or humanely euthanized.

CHAPTER 6.09 - INSPECTION/ENFORCEMENT

Sec. 6.09.010. Inspections.

- (a) Whenever it is necessary to make an inspection to enforce any of the provisions of this title or other applicable law, or to perform any duty imposed herein or other applicable laws, or whenever a community services or police officer has reasonable cause to believe that there exists in any building, structure, enclosure, or premises any violation of this title, such officer is hereby authorized to enter such location to inspect the same and perform any duty imposed upon such officer by this title or other applicable law; providing that:
 - (1) If such building, structure, enclosure, or premises is occupied, a community services or police officer shall first present proper credentials to the occupant and request entry explaining reasons therefor;
 - (2) If entry is refused, the community services or police officer shall give the owner or occupant a 24-hour written notice of intention to inspect. If said owner or occupant cannot be located after reasonable effort, the 24-hour written notice of intention to inspect shall be posted in a conspicuous place upon the property. Said notice given to the owner or occupant or posted on the premises shall state that the property owner has the right to refuse entry and that in the event such entry is refused, inspection may be made upon issuance of a search warrant by a municipal judge of the town or by a judge of any other court having jurisdiction;
 - (3) After expiration of said 24-hour period from the giving of such notice, the officer may appear before the municipal court of the town or any other court having jurisdiction and upon a showing of a probable cause shall obtain a search warrant entitling such officer to enter said location. Upon presentation of said search warrant and proper credentials, or possession of same in the case of an unoccupied location, the officer may enter into said location using such reasonable force as may be necessary to gain entry therein.
- (b) Notwithstanding the foregoing, if a community services or police officer has reasonable cause to believe that the keeping, possessing or maintaining of any animal is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the animal or the public health or safety, the officer shall have the right immediately to enter and inspect such property and may use any reasonable means required to effect such entry and make such inspection, whether such property is occupied or unoccupied and whether or not permission to inspect has been obtained. If the property is occupied, the officer shall first present proper credentials to the owner or occupant and demand entry explaining his/her reasons therefor and the purpose of the inspection.

- (c) It shall be unlawful for any person to fail or refuse, after proper demand has been made as provided in subsection (b) above, to permit a community services or police officer to make any inspection provided for therein.

Sec. 6.09.020. Interference with community services officers prohibited.

No person shall knowingly interfere with, impede or obstruct any community services officer who is attempting to discharge or is in the course of discharging an official duty, nor shall any person fail to obey the lawful order of a community services officer.

Section 2. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees hereby declare it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. Violations of this ordinance shall be punishable in accordance with Section 1.16.010 of the Municipal Code of the Town of Firestone, Colorado.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL this ___th day of _____, 2022.

TOWN OF FIRESTONE, COLORADO

Drew Peterson, Mayor

ATTEST:

APPROVED AS TO FORM:

Jessica Koenig, CMC, Town Clerk

William P. Hayashi, Town Attorney