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ORDINANCE NO. 769

ORDINANCE TO REGULATE THE CARE, TREATMENT, CONTROL,
POUNDMENT, TYPES AND NUMBERS OF ANIMALS WITHIN THE TOWN OF
BERTHOUD

TITLE 18 ANIMALS

Definitions
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Article 1: GENERAL PROVISIONS

18-1-110 Definitions

For the purpose of this title the following words and phrases shall be defined as set out below:

- A. "Abandon" means to either: (1) relinquish or give up an animal with the intent of never again exercising one's right of ownership or control, or (2) leaving of an animal by its owner or other person having charge, care, custody or control without making effective provisions for its proper care.
- B. "Animal" means any live, vertebrate creature, domesticated or wild, excluding fish.
- C. "Animal control officer" shall mean any person commissioned by the Chief of Police as a special officer who is qualified to perform animal control duties and enforce the laws of the Town pertaining to animals, which may include police officers, reserve police officers, and employees of the Humane Society for Larimer County.
- D. "Animal shelter" shall mean any facility operated by a humane society or the Town for the purpose of impounding or caring for animals held under the authority of the laws, regulations or ordinances of the State, County or Town.
- E. "At large" shall mean outside of a fence or other enclosure which restrains the animal to a particular premises, whether on public or private property, or not under

the control of the keeper. A dog or cat tethered to a stationary object with access to a street, sidewalk, alley, trail or other public property is deemed to be "at large."

F. "Competent person" means an individual who has the present ability to physically restrain an animal or to whose voice the animal is trained to respond and in fact does respond.

G. "Control" means the ability to immediately and consistently restrict, restrain, direct and command the actions of an animal which shall require the animal to be on a leash or lead. It shall be prima facie evidence that an animal is not in control if the animal is trespassing, or not immediately responding to the direction of its keeper. Cats are specifically excepted from the application of this definition, and their keepers are exempt from the provisions of this Title requiring animals to be controlled, except to the extent that a cat trespasses onto the property of another without the consent of the property owner.

H. "Dwelling unit" shall mean one (1) or more rooms and a single kitchen designed for or occupied as a unit by one (1) family or individual for living and cooking purposes.

I. "Estray" means any bovine animal, horse, mule or ass found running at large upon public or private lands whose owner is either known or unknown in the section where found or which outside the limits of its usual range or pasture.

J. "Estrus" means a period of sexual activity in the female dog initiated by swelling of the vulva, sanguineous discharge, and heightened estrogen secretions and terminated by a period of quiescence of the reproductive organs, with a fall in circulating hormonal levels and an absence of sexual behavior all of which causes the female dog to be capable of conception and attractive to the male dog for the purpose of mating.

K. "Humane society" means the Humane Society for Larimer County, Inc., Fort Collins, Colorado.

L. "Humane trap" means a device designed to capture or contain an animal without causing injury.

M. "Keeper" includes one or more of the following: a person at least twelve (12) years old having control or purporting to have control over any animal; the person named on the licensing records of any animal as the owner; the occupant of the premises where the animal is usually kept if such premises are other than the premises of the owner as shown on the licensing record, or any person in possession of, harboring or allowing any animal to remain about their premises for a period of five (5) consecutive days or more. If an animal has more than one keeper, all such persons are jointly and severally liable for the acts or omissions of the keeper under this title even if the animal was in the possession of or under the control of a keeper at the time of the offense.

N. "Leash" or "lead" means a thong, cord, rope, chain or similar device which holds an animal in restraint.

O. "Livestock" shall include horses, cattle, mules, asses, goats, sheep, swine, buffalo and cattalo.

P. "Neighborhood" means an area within one thousand feet of the property line of the property wherein the animal is kept or maintained.

Q. "Performing animal exhibition" means any spectacle, display, act or event, including circuses, in which animals are featured for entertainment.

R. "Person" means an individual or legally created entity.

S. "Pet" means any animal that has been bred and/or raised to live in or about the habitation of humans and is dependent on people for food and shelter.

T. "Police officer" means any member of the Police Department of the Town.

U. "Restraint" shall mean: (1) secured by a leash or lead under the physical control of a competent person, (2) tethered to a stationary object not within reach of a street, sidewalk, alley, trail or other public access, or (3) within a fence or other enclosure which limits the animal to a particular premises.

V. "Shelter" means a structure or environment, adequate to the species of pet animal, which provides protection from adverse weather conditions.

W. "Show animals" means animals such as livestock, domestic fowl, or rabbits kept primarily for purposes of display and exhibition at fairs and like events and not for commercial purposes.

X. "Trap" means any mechanical device, snare, deadfall, pit or other device used for capturing, holding or killing an animal.

Article 2: LICENSES

18-2-110 License required.

A. The owner of any dog or cat kept within the Town shall secure from the Town, within 14 days of acquiring possession of the dog or cat, a license to keep the animal, which shall at all times be kept current by the owner. It is a defense to a charge of violating this Section that:

(1) The owner of the dog or cat had not yet lived in the Town for 30 days; or

(2) The dog or cat was four (4) months of age or less.

B. No person who owns or keeps a dog or cat within the Town shall fail to obtain the license required by this section.

18-2-120 Application and term of license.

A. The applicant for an initial or renewal license under this Section shall apply on forms acceptable to the Town, and provide satisfactory evidence that the dog or cat has been vaccinated against rabies as required by Section 18-3-110. The applicant shall apply for a renewal license each year.

B. The initial license and any renewal license issued under this Section shall be valid for a period of one (1) year from the date of issuance.

C. If ownership or custody of a dog or cat licensed under this Section changes, the new owner or keeper shall obtain a new license pursuant to the terms of this Section and the license issued to the prior owner or keeper shall not be valid.

18-2-130 License and identification tags.

A. No person who owns or keeps a dog or cat within the Town shall fail to ensure that such dog or cat at all times wears a collar or harness made of a durable material to which is attached the appropriate license tag or identification tag required by this Section.

B. No person shall use any license or tag issued pursuant to the terms of this Section for any dog or cat other than the dog or cat for which the license or tag was issued.

C. If a license tag is lost or destroyed, the license holder may obtain a duplicate tag upon payment of a replacement fee of \$2.50.

18-2-140 Designation of agents.

The Town Administrator may designate agents for the purpose of the administration of this Article. The compensation and fees to be paid to such agents shall be determined by the Town Administrator.

18-2-150 License fees.

A. A license shall be issued upon compliance with the application requirements of Section 18-2-120 and payment of the applicable license fees as established by resolution of the Town Board.

B. The license fee shall be waived under the following circumstances:

1. The applicant is the keeper of an authorized police dog; or

2. The applicant is totally or partially blind, totally or partially deaf or otherwise physically disabled and is the owner of a guide dog or service dog as defined in Section 24-34-801, Colorado Revised Statutes, or other canine trained for the purpose of aiding such person; or
3. In recognition of the fact that dogs and cats often serve a greater companionship role for elderly individuals, which individuals are often less able to afford to pay licensing fees, the applicant is 62 years of age or older, and the dog or cat to be licensed is neutered or spayed.

C. Fee Schedule for spayed or neutered animals shall be \$10.00; unspayed or unneutered animals shall be \$20.00.

18-2-160 Impoundment.

Any dog or cat found within the Town away from its principal premises which does not have affixed to it by means of a collar, a valid and current license or identification tag, as required by this Section shall be impounded according to the provisions of Section 18-6-110. The owner of such dog or cat shall be responsible for payment of impound fees as set forth at Section 18-6-140 of this Title.

Article 3: RABIES CONTROL

18- 3-110 Rabies vaccination required.

A. No owner of a dog or cat over four months of age shall fail to have such dog or cat vaccinated against rabies when the dog or cat becomes four months of age and thereafter at intervals designated by the Colorado Department of Health. If any dog is found in the Town without a current rabies vaccination tag affixed to its collar or harness, the owner of such dog shall be presumed to have violated this Section.

B. No owner of any animal other than a dog or cat for which rabies vaccinations are recommended by the National Association of State Public Health Veterinarians shall fail to have such animal vaccinated against rabies in accordance with and at the intervals suggested by the current Compendium of Animal Rabies Control published yearly by the National Association of State Public Health Veterinarians, Inc.

C. Every person moving into the Town from a location outside the Town shall comply with this Section within thirty (30) days after having moved to the Town.

D. Every person who owns or keeps a dog for which a rabies vaccination is required under this Section shall ensure that the dog wears a collar or harness to which its rabies tag shall be attached.

E. No person shall affix to the collar or harness of any dog, or permit to remain affixed, a tag evidencing inoculation for any other dog.

F. No person charged with violating subsection (A) of this Section shall be convicted if the person produces in court a rabies vaccination certificate which was valid at the time of the alleged violation.

18-3-120 Reporting bites required.

Any person having knowledge, or having had reported to him or her, that an animal other than a rodent, bird or reptile has bitten a human being, other than its keeper, so as to cause a break in the skin shall immediately report the occurrence to an animal control officer and shall provide further information requested by the animal control officer. For the purposes of this Section, rodents, birds and reptiles are not included under the definition of animals since they are not considered to be transmitters of the rabies virus. Bites inflicted by these animals need not be reported to the animal control officer.

18-3-130 Confinement required.

A. If any animal is suspected of having rabies or if any animal has bitten a human being other than its keeper, it shall be confined for a period of not less than ten (10) days from the date of the bite. The animal may be confined on the keeper's premises, if deemed appropriate in the discretion of the animal control officer. In the event the keeper refuses to or is unable to confine the animal, the animal shall be confined at the animal shelter or a veterinary hospital. Such confinement shall be at the expense of the owner of the animal. During the ten (10) day observation period, no rabies vaccine shall be administered to the animal.

B. The owner of any animal that has been reported as having inflicted a bite on any person shall, on demand of the animal control officer, produce said animal for examination and confinement, as prescribed in this Section. If the owner of any such animal refuses to produce the animal, the owner shall be subject to immediate arrest if there is probable cause to believe the animal has inflicted a bite upon a person, and the owner is keeping or harboring the animal and willfully refuses to produce the animal upon such demand. Such persons shall be taken before a Judge of Municipal Court, who may order the immediate production of the animal. Each day of refusal to produce the animal shall constitute a separate and individual violation of this Section.

C. No person shall remove from the Town an animal that has been reported as having inflicted a bite on a person or destroy such animal before it can be properly confined by the animal control officer.

D. For purposes of this Section, "confined on the keeper's premises" means that the animal is kept inside a secure building where no contact with animals or persons outside the keeper's family can occur for a ten (10) day period. During such period of confinement, the animal shall 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 keeper's residence during the confinement period, it

shall be taken and confined at the animal shelter or at a veterinary hospital at the expense of the owner for the remainder of the confinement period.

18-3-140 Reporting of rabies cases and bites required.

A. Every person having knowledge thereof shall report to the animal control officer any suspected or positively diagnosed occurrence of rabies and any biting by any suspected or confirmed rabid animal.

B. Every physician and other medical practitioner who treats a person or persons for bites inflicted by animals shall report such treatment to the animal control officer, giving the names and addresses of such persons.

18-3-150 Killing rabid or suspect animals authorized.

No person shall kill any suspected or confirmed rabid animal except upon the prior written consent of the animal control officer, or in defense of a human being or other animal, or to prevent the escape of such suspected or confirmed rabid animal. This Section shall not apply to State or County health officials.

18-3-160 Body removal; approval required.

No person shall remove the dead body of any suspected or confirmed rabid animal from where the animal was killed or found without the prior written approval of the animal control officer. This Section shall not apply to State or County health officials.

18-3-170 Destruction of rabid animals.

If rabies has been suspected in any animal, such animal shall be summarily destroyed and its brain tested for positive verification of rabies at the owner's expense, and the animal or its body may be disposed of according to the law, regulation or order of the Department of Health.

Article 4: CARE AND TREATMENT OF ANIMALS

18-4-110 Cruelty to animals.

A. No person shall knowingly commit or cause to be committed any act of mistreatment or harassment or mutilation to any animal or commit or to cause to be committed any act which would harm, injure or kill any animal; or omit any act the omission of which would result in the mutilation, harm, injury or death of any animal.

B. Upon receiving information from any source that an animal is being cruelly treated or appears to be neglected or abandoned, an animal control officer

shall make prompt investigation of the animal involved and inquire into the facts of the case to determine whether the circumstances are likely to continue and, if so, whether the animal being cruelly treated, neglected or abandoned is in such serious condition that allowing it to remain in such circumstances will further endanger the life or health of the animal. The police officer or animal control officer may at any time provide such food and water as may be necessary and shall not be liable for any action for entry upon the property, other than the interior of a building, of the keeper of the animal.

C. If the animal control officer determines that such emergency situation exists and that caring for and feeding the animal at that location will not adequately protect the animal and that removal of the animal to another location for proper protection and care is advisable, the animal control officer may take such steps as are necessary for the removal of the animal in accordance with this Title. All costs of removing, treating and maintaining the animal shall be at the expense of the owner of the animal.

18-4-120 Animal fights.

No person shall cause, instigate or encourage any animal to fight or to enter into combat in any manner. No person shall train or keep any animal for the purpose of fighting. No person shall maintain any place where animals are permitted or encouraged to fight for exhibition, wager or sport.

18-4-130 Abandonment.

No keeper of an animal shall abandon such animal.

18-4-140 Trapping.

A. No person shall set or cause to be set any trap within the Town which trap is not so designed as to capture or contain an animal without causing injury to the animal and which trap has not been approved by the animal control officer. The prohibition of this Section shall not apply to any person who sets rodent snap traps baited with vegetable or dairy products for the purpose of catching rats or mice.

B. Humane traps approved for use by an animal control officer may be used for the trapping of animals. All animals trapped in an approved humane trap shall be surrendered to the animal control officer or the humane society. No person shall retain any animal captured in humane traps. Upon discovery of trapped animals, the police department or humane society shall be notified.

C. Animal control officers are authorized to use any tranquilizer guns, humane traps or other suitable devices to subdue or destroy any animal that is deemed by the animal control officer, in the officer's discretion, to be a danger to itself or to the public health and safety. No firearm may be used in the capture or disposition of such animal except by a peace officer trained in the use of the same under such

circumstances as will not, in the judgment of said peace officer, unreasonably endanger the safety of persons.

18-4-150 Failure to provide humane treatment unlawful.

No person shall fail to provide an animal owned or in the custody of such person with adequate food and water, proper shelter, veterinary care, when necessary, and humane care and treatment necessary to maintain the good health of the animal and to prevent suffering by the animal.

18-4-160 Confining in vehicle unlawful; impoundment.

A. No person shall confine any animal within a parked, closed vehicle without allowing sufficient cross-ventilation to prevent the animal from suffering heat exhaustion, heat stroke or death. Notwithstanding the foregoing, no person shall confine any animal within a parked, enclosed vehicle if the external ambient temperature is 80 degrees Fahrenheit or greater.

B. In the event any animal has been confined in a parked, closed vehicle in violation of this Section, an animal control officer may enter the vehicle by the least intrusive means reasonably necessary, leaving written notice in the vehicle of entry, and shall impound such animal to protect its well-being. If the vehicle cannot be secured following entry, a police officer shall remove all items of value from the vehicle, maintain an inventory of said items and impound the vehicle in a safe and secure location until the owner can be located. All fees for the impoundment of the animal and the vehicle shall be at the expense of the keeper of the animal.

18-4-170 Taking animal without permission.

Unless otherwise authorized by this Title, no person shall take an animal, not his or her own, from any premises, enclosed lot or building not his or her own, unless said person has first received permission from the keeper of such animal.

18-4-180 Releasing from restraint without permission; exception.

No person shall release any animal from restraint without consent of the keeper, except when necessary to preserve the life of such animal; provided, however, that when an animal has been released under such necessity, the person making such release shall immediately inform an animal control officer that he or she has done so, or in the alternative, shall immediately return the animal to the custody of its keeper.

18-4-190 Leaving on or near public way unlawful.

No person shall tie or otherwise physically fasten an animal to any object on a

public way or so near to a public way that the animal has access to the public way, while leaving the animal unattended.

18-4-200 Motor vehicle strike or injury; duties of driver.

Any person who, while driving a motor vehicle, strikes or injures any animal shall:

- A. Stop and immediately report the accident to the keeper of the animal; or,
- B. If, after a reasonable search, the driver cannot locate the keeper, immediately report the accident to an animal control officer or the police.

18-4-210 Harassment of animals.

No person shall tease, tantalize or provoke any animal in a manner which causes the animal to bark excessively or to attempt to escape from its enclosure or to act in an aggressive manner.

18-4-220 Injuring or meddling with police dogs.

No person shall tease, harass, interfere or meddle with any dog or horse used by a law enforcement agency while the animal is being used by such agency or any member thereof in the performance of any of the functions or duties of such law enforcement agency or of such members.

18-4-230 Artificially treated animals prohibited.

No person shall possess, display, sell or give away dyed, or colored baby chicks, ducklings, fowl, rabbits or any other animals.

18-4-240 Poisoning of animals.

No person shall poison any animal or distribute poison in any manner whatsoever with the intent to poison, or which would, in the opinion of a reasonable person, cause the poisoning of any animal except rats, mice and any rodents. This prohibition shall not apply to persons regularly engaged in the business of fumigation or pest extermination and licensed by the State of Colorado. The distribution of any poison or poisoned food (other than that for insect control or rat or mouse poisoning) shall be prima facie evidence of a violation of this Section.

18-4-250 Maltreatment of performing animals prohibited.

No person shall put on a performing animal exhibition in which an animal is induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause or is likely to cause physical injury or suffering to the animal.

18-4-260 Disposal of dead animals.

A. If any animal dies in the Town, it shall be the duty of the keeper of the animal to cause the animal to be at once removed from the Town and buried at a sanitary landfill, cremated, or rendered at a professional rendering service facility. No person shall dispose of any dead animal by dumping said animal on any public or private property or disposing of the animal by any means other than those set forth in this Section.

B. In the event the owner of any such animal shall neglect or refuse to remove the same within 24 hours after its death, the Town may cause the animal to be removed at the expense of such owner.

Article 5: CONTROL

18-5-110 Animal at large.

A. No animal shall be at large or beyond the control of its keeper.

B. No animal owner, or any person who harbors an animal shall fail to prevent the animal 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 in public parks, trails or fairgrounds, unless permission is posted by public authorities allowing animals at large.

C. Any unspayed female animal in the state of estrus (heat) shall be confined during estrus in a house, building, or secured enclosure constructed so that no other animal of the same species may gain access to the confined animal, except for planned breeding. Keepers who do not comply with this subsection may be ordered by an animal control officer to remove the animal to a boarding facility, veterinary hospital or the animal control 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 control officer shall be a violation of this Section and any unspayed female animal in estrus may be summarily impounded in the event of noncompliance with such a removal order.

D. It shall be prima facie evidence that an animal is at large if the animal is not under restraint and the keeper is not aware of its location.

E. An animal injured on public property or the property of a third party shall be removed by the animal control officer and given adequate veterinary medical treatment if deemed necessary by the officer, pending notification to the owner. The owner of such an animal shall be responsible for all veterinary expenses, impoundment fees, and disposal fees if the animal dies.

18-5-120 Disturbance of peace and quiet.

A. No keeper of an animal shall fail to prevent it from disturbing the peace and quiet of any other person by loud and persistent barking, baying, howling, yipping, crying, yelping, whining, or making any other noise in an excessive, continuous or untimely fashion, whether the animal is on or off the keeper's premises.

B. The provocation of an animal whose noise is complained of is an affirmative defense to any charge for violation of subsection (A) of this Section.

C. No keeper of an animal which is alleged to have disturbed the peace and quiet of another person shall be charged with a violation of subsection (A) of this Section unless a keeper or a member of said person's household has received a written warning from a police officer or an animal control officer within the preceding 12 months.

D. The warning process to be employed prior to a charge being instituted for a violation of subsection (A) of this Section shall be substantially as follows:

1. The warning must relate to an incident separate from the charged violation.
2. An animal control officer may issue a warning after receiving a complaint of a disturbance.
3. The complainant must identify himself or herself by stating his or her name, address and telephone number. The complainant shall further state, if known, the name of the animal's keeper, and the keeper's address and telephone number, a description of the animal, description of the offense, the date, time, place and duration of the offense.
4. A record or incident report shall be kept of any such complaint and investigation.
5. The warning shall state that a complaint has been received, recite the date of the alleged offense, and conclude that the keeper's animal may have disturbed the peace or another individual. The warning shall advise the animal's keeper of the possible penalties for a violation of this section and advise the keeper that the next complaint may result in a summons being issued against the keeper. The warning shall be identified as being issued by any police or animal control officer.

E. A keeper shall be deemed to have received a warning under subsection (A) of this Section if the warning is personally served upon the keeper, posted on the keeper's premises, or placed in the U.S. mail, postage prepaid and addressed to the keeper of the animal according to the last address given by the keeper at the time the owner obtained a license certificate or license tag.

F. The identity of a complainant shall be kept confidential until a violation of this Section is charged. If a violation of this Section is charged, the complainant may sign an affidavit attesting to the violation, or may verify in writing the allegations of a complaint prior to its service upon the owner.

18-5-130 Vicious animals.

A. No person shall own or keep any vicious animal. A vicious animal is one that bites, claws, or attempts to bite or claw, any person; bites another animal; or approaches any person in an apparent attitude of attack, whether or not the attack is consummated or is capable of being consummated.

B. It is a defense to the charge of owning or keeping a vicious animal that the person or animal that was bitten; clawed or approached by the vicious animal was:

1. Attacking the animal, its young, 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.
3. Unlawfully engaging in entry into or in or upon a vehicle in which the animal was 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 keeper.

C. For the purposes of this Section, a person is lawfully upon the premises of the 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.

D. If a complaint has been filed in Municipal Court of the Town against the owner of an impounded animal for a charge under this Section, the animal shall be restrained by the owner and shall not be released except on the order of the Municipal Judge. The Municipal Judge may, upon making a finding that such animal represents a clear and present danger to the citizens or to the other animals in the community, order said animal to be destroyed in an humane manner by a veterinarian of the owner's choice, licensed in the State of Colorado, at the cost of the owner.

18-5-140 Public Nuisance.

A. It shall be unlawful for any keeper of an animal to fail to exercise proper care and control of his or her animal to prevent it from becoming a public nuisance. For the purposes of this Section, a public nuisance includes an animal which is a safety or health hazard, unlawfully injures a person or another animal, or destroys public property or the property of another, or creates offensive odors which materially interfere with or disrupt another person in the conduct of lawful activities at such person's home.

B. In the prosecution of any charge under this Section, it shall not be necessary to prove notice or knowledge on the part of the animal keeper that such animal was

violating any Section of this Title at the time and place charged, it being the intent of this Section to impose strict liability upon the animal keeper for the actions, conduct and condition of such animal.

18-5-150 Animal waste removal.

A. It shall be unlawful for the keeper of any animal to fail to **IMMEDIATELY** remove any feces deposited by such animal on **ANY STREET, SIDEWALK, PARK, OR** recreation areas **OR** private property not owned by the keeper, or in any water immediately after the animal has deposited the fecal matter.

B. It is an affirmative defense to a violation of this Section if a competent person in immediate control of the animal immediately removes deposits of fecal matter deposited by an animal in an appropriate trash container.

C. Any person who is blind, as the term is defined in 26-2-103, C.R.S., and uses a guide dog, or any person using a certified service dog shall be exempt from the provisions of this Section.

Article 6: IMPOUNDMENT AND RECLAMATION

18-6-110 Impoundment.

A. Animal control officers and police officers are hereby authorized to take or capture animals deemed by them to be included in the following categories and impound them at the animal shelter or other appropriate location where the animals will be confined in an humane manner:

1. Animals at large, vicious animals, animals creating a disturbance, maltreated animals, abandoned and nuisance animals;
2. Animals which are not licensed or have not been vaccinated against rabies;
3. Wild or exotic animals kept in violation of Section 18-7-140.
4. 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 other keeper present to take possession of the animal;
5. Animals which will apparently be or have been left uncared for as a result of the death, injury, arrest, detention or other incapacitation of the keeper.

B. Such animal control officers and police 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 physical harm to human beings.

18-6-120 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, an animal control officer or other animal shelter representative shall attempt to notify the owner of the animal of such impoundment by telephone or mail.

18-6-130 Minimum time for impoundment.

Unclaimed animals shall be kept at an animal shelter or other appropriate location for not less than five (5) days unless euthanasia prior to that time is deemed necessary or appropriate by the veterinarian advising the animal shelter personnel.

18-6-140 Impoundment fees.

A. The keeper having charge, care, custody or control of any animal shall be liable for all fees and charges incurred as a result of the impoundment of the animal. The Town or any independent contractor with whom the Town has agreed to provide impoundment facilities shall not release any animal impounded until all fees incurred are paid. Currently an impoundment fee of \$25.00 and a boarding fee of \$7.00 per day shall be collected from any person owning, or having charge, care, custody or control of any animal impounded pursuant to this Title or who voluntarily surrenders an animal to the Town for euthanization or adoption.

B. An owner or keeper reclaiming an impounded animal which is not validly licensed as required under this Section shall license the animal and present evidence thereof to the animal shelter prior to reclaiming the animal. If the animal does not have a current rabies tag, the keeper shall present a current rabies vaccination certificate for such animal issued by a licensed veterinarian prior to reclaiming the animal. If the keeper cannot provide a current rabies vaccination certificate or license, the owner may place a cash deposit of \$50.00 with the animal shelter to be refunded upon presenting, within seven (7) days thereafter, proof of current rabies vaccination and license. If proof of current rabies vaccination and license is not presented within said seven (7) days, the deposit shall be forfeited and shall become the property of the animal shelter unless a licensed veterinarian recommends that the owner be allowed a greater time to obtain a vaccination due to the condition of the animal.

C. Failure to reclaim an animal prior to the determination that it has become the property of the Town as set forth in Section 18-6-150 shall not relieve the keeper of the responsibility for all fees and costs incurred prior to said determination.

18-6-150 Euthanization or adoption.

Any animal not reclaimed by its owner within five (5) days after notice of impoundment is delivered to its owner or keeper shall become the property of the humane society and shall be placed for adoption or humanely euthanized. In the event the owner cannot be found within five (5) days after impoundment, then the

animal shall become the property of the humane society and shall be placed for adoption or humanely euthanized. Any animal may be euthanized at any time pursuant to the direction or authorization of a licensed veterinarian or state or other health authorities if required for public safety or in the best interests of the animal.

18-6-160 Sterilization of adopted animals required.

No unclaimed dog or cat shall be released for adoption without being sterilized or without a written agreement from the adopter, guaranteeing that such animal be sterilized or is to be used for breeding purposes.

Article 7: KEEPING OF ANIMALS

18-7-110 Limitations on the number of household pets.

No person shall keep, house or maintain, in or upon any dwelling unit or lot more than two (2) pets per genus per adult household member. Animals up to four (4) months of age which can be properly maintained in a healthy condition without presenting a health or safety hazard to the owner, keeper or others and without constituting a nuisance to the occupants of neighboring properties may be kept as long as the owner of the pet is not breeding the pet more frequently than every two (2) years or maintaining a kennel operation. Any person may petition the Town for a variance to this Section which may be granted by the Town Administrator or designee upon showing of good cause by the applicant. The variance may be revoked for good cause at the discretion of the Town Administrator or designee after notice and hearing.

18-7-120 Limitations on livestock.

Livestock are specifically permitted only on agriculturally zoned parcels.

18-7-130 Livestock at large.

No person shall permit any livestock to be running at large within the Town, except that horses being ridden or being led by the reins shall not be deemed to be running at large.

18-7-140 Exotic animals.

A. Except as provided in subsection (B), no person shall own or keep within the Town any animal which is not commonly domesticated or which is not common to North America or which, irrespective of geographic origin, is of a wild or predatory nature.

B. The provisions of subsection (A) shall not apply to the owning or keeping of pot bellied pigs, birds, small rodents or small nonpoisonous reptiles not exceeding six feet (6') in length commonly used for educational or experimental purposes or for

pets, nor shall such provisions apply to the owning or keeping of exotic animals by zoos, circuses or recognized institutions of learning or scientific research.

C. No person shall own, possess, harbor, transport, sell, or in any other manner traffic in the following species of animals:

1. Poisonous snakes and poisonous reptiles; and all nonpoisonous snakes with a length greater than six feet (6');
2. Gorillas, chimpanzees, orangutans, and any other primates;
3. Any species of felines 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 or minks;
6. Any wolf, coyote, fox or other species of canine other than the ordinary domesticated dog.

D. The provisions of subsections (A,B,C) shall not be applicable to any bona fide zoo or any circus or carnival licensed by the Town or any bona fide research institute using wild, exotic animals for scientific research.

18-7-150 Exceptions to keeping and transporting certain animals.

The prohibitions of this Section shall not be deemed applicable to any circus, rodeo, zoo, livestock show or menagerie licensed by the Town, to persons authorized by the Town Administrator to keep live wild or dangerous animals for purposes of scientific research, or to licensed veterinarians at their usual places of business, provided such premises are properly zoned for that purpose.

Article 8: ENFORCEMENT AND PENALTIES

18-8-110 Enforcement.

Police officers, animal control officers and wildlife conservation officers are authorized to enforce the provisions of this Title.

18-8-120 Interference with animal control officer.

No person shall interfere with, hinder, or prevent a peace officer, a wildlife conservation officer, an animal control officer or such officer's authorized representative in the discharge of the officer's duties as prescribed in this Title. No person shall fail to obey a lawful order of any such officer.

18-8-130 Inspection powers.

Whenever necessary to make an inspection to enforce any of the provisions of this Section, or whenever a police officer or animal control officer or authorized representative has probable cause to believe that there exists in any building or upon any premises any animal which is afflicted with rabies, or is being mistreated or neglected, the police officer, animal control officer or authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the officer by this Title; provided, that if such building or premises is occupied, the police officer, animal control officer or authorized representative shall first present proper credentials and request entry; and if such building or premises is unoccupied, the police officer, animal control officer or authorized representative shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, or the owner or person having control cannot be located, the police officer, animal control officer or authorized representative shall secure entry pursuant to a warrant regularly issued.

18-8-140 Humane Society personnel designated peace officers.

Animal control personnel, officers, agents and employees of the Humane Society of Larimer County, Inc. are hereby authorized to enforce the provisions of this Title to the extent provided in the current contract, then in force, between the Town and the Humane Society. Under such circumstances, the officers, agents and employees of the Humane Society are peace officers within the Colorado Municipal Court Rules of Procedures, for purposes of issuing summonses and complaints relating to the enforcement of this Title. Nothing in this Title shall be construed to, and in no way does, limit the authority of police officers to enforce this Title.

18-8-150 Penalties.

- A. It is unlawful for any person to violate any of the provisions stated in this Title.
- B. Every person found guilty of violating any provision of this Title, whether by acting in a manner declared to be unlawful or by failing to act as required, **MAY** be punished as provided in this Code, and **SENTENCED TO** serve up to 90 days in jail, or pay a fine of up to \$300, or both **SUCH FINE AND IMPRISONMENT.**

That this ordinance shall be in full force and effect thirty days after final publication, adoption and signature of the Mayor.

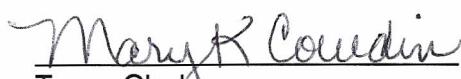
Dated this 26th day of August, 1997.

TOWN OF BERTHOUD:



Richard Strachan
Mayor

ATTEST:


Mary K. Cowdin
Town Clerk

Published: 8-28-97