

TOWN OF TIMNATH

ORDINANCE NO. 9-2006

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF TIMNATH AMENDING CHAPTER 7 OF THE TIMNATH MUNICIPAL CODE REGARDING THE KEEPING OF ANIMALS IN THE TOWN; AND AMENDING THOSE PROVISIONS REGARDING THE PROHIBITION OF THE SALE, POSSESSION, USE OR DISPLAY OF FIREWORKS BY RENUMBERING SECTIONS 7.91 THROUGH 7.94, AS SECTIONS 7.181 THROUGH 7.184.

WHEREAS, Article III, Chapter 7, of the Timnath Municipal Code establishes certain regulations for the keeping of animals within the Town of Timnath based on the Larimer County animal control regulations; and

WHEREAS, it has been determined by the Board of Trustees that it is appropriate to repeal the existing regulations for the keeping of animals and adopt regulations more appropriate for enforcement by municipality; and

WHEREAS, Article IV, Chapter 7, of the Timnath Municipal Code establishes certain regulations regarding the use and public display of fireworks; and

WHEREAS, it has become necessary to renumber those sections of the Timnath Municipal Code due to the adoption of the new animal control regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF TIMNATH, COLORADO, as follows:

Section 1. Article III, Chapter 7, of the Timnath Municipal Code entitled "Animals," is hereby repealed in its entirety and reenacted as set forth in Exhibit A, attached hereto and incorporated herein by reference.

Section 2. Article IV, Chapter 7 of the Timnath Municipal Code entitled "Fireworks," is hereby amended by the renumbering of Sections 7.91 through 7.94, as Sections 7.181 through 7.184.

Section 3. Effective Date. This ordinance shall be published and become effective as provided by law.

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 All other ordinances or portions thereof inconsistent or conflicting with this ordinance are hereby repealed to the extent of such inconsistency or conflict.

Section 5. Severability. 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 declares that it would have passed this Ordinance and each part or parts here have irrespective of the fact that any one or part or parts be declared unconstitutional or invalid.

Section 6. Penalties. Violations of this ordinance are punishable as provided in Chapter 1, Article IV of the Timnath Municipal Code.

Section 7. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 8. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED this
21st day of June, 2006.**



ATTEST:

By Linda Thompson
Linda Thompson, Town Clerk

Donna Benson
Donna Benson, Mayor

Exhibit A

ARTICLE III

7.61. Definitions

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section:

Animal shall mean any live, vertebrate creature, domestic or wild, excluding fish.

Animal control officer shall mean any employee of the Larimer County Humane Society responsible for the performance of the duties prescribed in the contract between the Town and the Society, or any person commissioned by the Larimer County Sheriff as a special officer who is qualified to perform animal control duties and enforce the laws of the Town pertaining to animals.

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.

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, and not under the control, by leash or lead, of the owner or keeper. Animals tethered to a stationary object within reach of a street, sidewalk, alley, trail or other public access are deemed to be "at large."

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.

Humane Society shall mean the Larimer Humane Society, Fort Collins, Colorado.

Keeper shall mean a person who has custodial or supervisory authority or control over an animal.

Leash or lead shall mean a thong, cord, rope, chain or similar device which holds an animal in restraint.

Live trap shall mean a box-style trap made of caging material designed for the live capture of animals.

Owner shall mean any person 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

Exhibit A

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. The parent or guardian of an owner under eighteen (18) years of age shall be deemed the owner, as defined herein. If an animal has more than one (1) owner, all such persons are jointly and severally liable for the acts or omissions of an owner under this Chapter even if the animal was in the possession of or under the control of a keeper at the time of the offense.

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

Pet animal shall mean 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.

Police officer shall mean any member of Larimer County Sheriff's Department commissioned as a peace officer.

Restraint shall mean: (1) secured by a leash or lead under the physical control of a responsible 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.

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

Trap shall mean any mechanical device, snare, deadfall, pit or other device used for capturing, holding or killing an animal.

7.62. License required

A. The owner or keeper of any dog kept within the Town shall secure from the Town or the Humane Society, within thirty (30) days of acquiring possession of said dog, a license for the keeping of the same, which license shall at all times be kept current by said owner or keeper. It is a defense to a charge of violating this Section that:

1. The owner or keeper of the dog had not yet lived in the Town for thirty (30) days;
or
2. The dog was four (4) months of age or less.

B. If ownership or possession of a dog licensed under this Chapter changes, the new owner or keeper shall, before taking possession of the dog, obtain a new license upon presenting the old

Exhibit A

license, if available, demonstrating compliance with the vaccination requirement and paying the fee prescribed by § 7.67.

C. This Section shall not apply to facilities licensed under Section 35-80-101 through 117, C.R.S.

7.63. Application

A. The applicant for a license under this Chapter shall apply on forms furnished by Larimer County Humane Society and shall pay the fee prescribed by § 7.67.

B. The applicant shall provide satisfactory evidence that the dog has been vaccinated against rabies as required by § 7.81.

C. The applicant shall apply for a renewal license each year.

7.64. Term of license

The initial license issued under this Chapter shall be valid for one (1) year from the month of purchase. A renewal license shall validate the license for one (1) year from the previous date of expiration.

7.65. License tags

A. No person who owns or keeps a dog within the Town shall fail to ensure that such dog 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 Division.

B. No person shall use any license or tag for any dog other than the dog for which it was issued.

C. If a license tag is lost or destroyed, the license holder may obtain a duplicate tag from the Town or the Humane Society upon payment of a replacement fee.

D. Every dog whose age is such that it is not required by this Chapter to be licensed shall bear an identification tag setting forth the name and address of its owner or keeper.

E. This Section shall not apply to facilities licensed under Section 35-80-101 through 117,

Exhibit A

C.R.S.

7.66. Licensing records

The Humane Society shall maintain a record of all licenses and tags issued and may designate a place at which duplicate originals of those records shall be maintained.

7.67. License fees; waiver

- A. A license shall be issued after payment of the applicable license fee as established by resolution of Board of Trustees.
- B. The license fee shall be waived when the application is for a guide dog or service dog for a totally or partially blind, totally or partially deaf or otherwise physically disabled person with documentation showing proof of disability (blind, deaf, or physical).

Sec. 7.67. - 7.80. Reserved.

7.81. Rabies vaccination required

- A. No owner or keeper of a dog or cat over four (4) months of age shall fail to have such dog or cat vaccinated against rabies when the dog or cat becomes four (4) months of age and again within twelve (12) months of the date of such initial vaccination. Thereafter, no such person shall fail to have the dog or cat vaccinated at intervals recommended by the veterinarian. If any dog or cat is found in the Town without a current rabies vaccination tag affixed to its collar or harness, the owner of such dog or cat shall be presumed to have violated this Section.
- B. The inoculation required in this Section shall be made by a person legally authorized to do so as designated by the County Health Department.
- C. Rabies inoculation requirements for species other than dogs shall be in accordance with the current Compendium of Animal Rabies Control published yearly by the National Association of State Public Health Veterinarians, Inc.

Exhibit A

7.82. Reporting animal bites; confinement

A. Any person having knowledge that an animal other than a rodent, rabbit, bird or reptile has bitten a human shall immediately report the incident to an animal control officer, or to the Larimer County Sheriff's Department.

B. 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 (10) days from the date of the bite at the animal shelter or at a veterinary hospital 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.

C. 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 animal control 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 hold the Town and the Humane Society harmless from liability 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 animal control officer.

D. For the purposes of this Section, *rabies confinement at owner's residence* shall mean that the animal is kept inside a secure building where no contact with animals 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 hospital of the owner's choice, at the expense of the owner, for the remainder of the confinement period.

E. 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 an animal control officer. The animal control 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 office or hospital and placed under observation for a period of up to six (6) months at the expense of the owner, provided that the owner may elect to have such animal destroyed in lieu thereof.

Exhibit A

F. Notwithstanding the above, if a standard incubation period has not been established by the State Department of Health for the particular species of animal that 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.

G. Any owner or keeper whose animal is confined pursuant to this Section shall pay a confinement and daily boarding fee as established by the Town Manager upon recommendation of the director or operator of the animal shelter plus all actual veterinary costs incurred on behalf of the animal. Said fees and costs may be collected through court-ordered restitution or in any other manner provided by law.

7.83. Destruction of rabies infected animals

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

Sec. 7.84. - 7.90. Reserved.

7.91. Improper care or treatment prohibited

A. No owner or keeper of an animal shall fail to provide that animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care, when necessary, and such other care as is customary and necessary for the animal's health and well-being, considering the species, breed and type of animal.

B. No person shall beat, cruelly ill-treat, torment, overload, overwork, otherwise abuse or needlessly kill an animal or cause, instigate or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans, nor shall any person transport or confine an animal in or upon any vehicle in such manner as to endanger the animal's health or life.

C. No owner of an animal shall abandon such animal.

7.92. Removal of animal waste required.

The owner or keeper of any animal shall be responsible for the immediate removal of any feces deposited by such animal on any property, public or private, not owned or exclusively occupied by the owner or keeper. The owner or keeper of any animal shall also be responsible

Exhibit A

for the periodic removal of feces deposited by such animal on property owned or exclusively occupied by such owner or keeper so as to prevent the creation of a public nuisance within the meaning of § 7.113.

7.93. Minimum size of pasture area for horses or ponies

Horses or ponies may be kept for the use of occupants of a lot and their guests provided that at least one-half (½) acre of pasture area is available for each horse or pony.

7.94. Limitation on possession and feeding of wild or exotic animals

- A.** No person shall own, feed or possess any animal for which a state license is required unless such person possesses the appropriate license from the State Division of Wildlife.
- B.** No person shall keep any wild or exotic animal within the Town unless federal or state law authorizes such possession. Notwithstanding the foregoing, in no event shall any person keep or feed the following within the Town:
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, wolf-dog hybrid, 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.

Exhibit A

C. For the purpose of this Section, *to feed* shall mean all provision of edible or drinkable material, including without limitation bones, salt licks and water.

D. It shall be a defense to a charge of violating this Section that a person is feeding only squirrels or birds, other than wild ducks or geese.

E. No person shall be subject to prosecution under Paragraph 7.94. B. 9. above unless, within one (1) year immediately preceding the date of the alleged violation, such person has been issued a written warning stating that the feeding of wild geese or ducks at the same approximate location of the alleged offense has been determined by the Town to constitute a public health and safety concern and that such feeding is prohibited by the provisions of said Paragraph.

7.95. Maltreatment of performing animals prohibited

It shall be unlawful for any person to 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.

7.96. Vehicular accidents with animals; duties.

Any operator of a vehicle whose vehicle strikes a domestic animal shall stop at once and immediately report any injury or death to the animal's owner. If the owner cannot be ascertained and located, the operator shall at once report the accident to the Humane Society or Larimer County Sheriff's Department.

7.97. Removal of dead animals required

If any animal dies in the possession of any person in the Town, it shall be the duty of such person to cause the animal to be at once removed from the Town and buried at a sanitary landfill or cremated. In case the owner or keeper of any such animal shall neglect or refuse to remove the same within ten (10) hours after its death, the Town may cause the animal to be removed at the expense of such owner or keeper. Whenever the owner or keeper of any dead animal cannot be found or ascertained, it shall be the duty of an animal control officer to remove and have such animal buried or cremated.

Exhibit A

Sec. 7.98. - 7.110 Reserved.

7.111. Animals at large prohibited

- A. All pet animals, except birds, shall be kept under restraint. It shall be unlawful for the owner or keeper of any pet animal, except birds, to permit such animal to be at large in the Town. The following shall be exempt from this prohibition:
1. Dogs under the control of a public law enforcement agency.
 2. Dogs in areas designated or signed permitting animals to be at large, such as dog parks.
- B. All pet birds within the Town shall be kept under physical control at all times. For the purposes of this Section, *physical control* shall not require the use of a leash, lead or tether, but shall require that the owner or keeper of said pet bird be able to immediately control the bird, physically or verbally, so that the bird does not present a threat to the safety of persons or property.
- C. All female animals in heat shall be kept inside a building or within a fence or other enclosure which limits the animal to a particular premise, so that the animal cannot come into contact with a male animal except for a planned breeding. When allowed outside to relieve itself, said animal shall be under the observation of the owner or keeper.
- D. Doves and pigeons kept as pets shall be exempt from the provisions of this Division.
- E. Fences that are intended as enclosures for any animal shall be securely constructed, adequate for the purpose and kept in good repair.

7.112. Animal disturbance of peace and quiet prohibited

No owner or keeper of an animal shall 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. No person shall be deemed guilty of a violation of this Section unless the investigation of such violation was undertaken by the Larimer County Humane Society because of a citizen complaint.

Exhibit A

7.113. Public nuisance prohibited

It shall be unlawful for any owner or keeper 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, damages or destroys 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.

7.114. Vicious animals prohibited

A. It shall be unlawful for any person to 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 in a vicious or terrorizing manner 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. 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 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 owner or keeper, with the exception of a peace officer, firefighter, animal control officer or other code enforcement officer in the performance of his or her duty.

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

Exhibit A

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. 7.115. - 7.120 Reserved.

7.121. Quantity of pet animals restricted

In no event shall any person keep at his or her premises more pet animals than can be properly maintained in a healthy condition without presenting a health or safety hazard to the owners, keeper or others and without constituting a nuisance to the occupants of neighboring properties.

7.122. Use of poisons restricted

No person shall poison any animal or distribute poison in any manner with the intent to poison any animal, except that mice, rats or any rodents other than hamsters, guinea pigs and squirrels may be poisoned by the use of a poisonous substance approved for such use by the United States Environmental Protection Agency. This prohibition shall not apply to persons regularly engaged in the business of fumigation or pest extermination and licensed by the State of Colorado; provided, however, that such persons may use only fumigants to destroy prairie dogs or other burrowing rodents.

7.123. Trapping restricted

A. No person shall use, set, place, maintain or tend any trap in the Town, except that live traps may be set for the purpose of: (1) trapping animals which are at large in violation of this Chapter, so long as any animals trapped are turned over to the Humane Society as soon as possible upon discovery, or (2) trapping wild animals including but not limited to skunks, squirrels, raccoons and prairie dogs, provided that any animals trapped are released or disposed of in the manner required by the Humane Society and the Division of Wildlife. Any traps found in violation of this Subsection shall be confiscated and destroyed by an animal control officer or peace officer.

B. Notwithstanding the provisions of Subsection (a) above, rodent snap traps baited with vegetable or dairy products may be used on private property for the purpose of catching rats or mice.

Exhibit A

C. In the event that the presence of a wild or domestic animal within the Town creates an imminent threat of injury to persons or serious damage to property, the appropriate law enforcement agency at the time, after consultation with the Humane Society and, in the case of a wild animal, the State Division of Wildlife, may authorize the capture and disposition of said animal by such means as he or she may consider reasonably necessary; provided, however, that no firearm may be utilized 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 others.

Sec. 7.124. - 7.130. Reserved.

7.131. Authorization for capture and impoundment

Animal control officers 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.

- A. Animals at large, vicious animals, animals creating a disturbance, maltreated animals and nuisance animals.
- B. Wild or exotic animals kept in violation of § 7.94.
- C. 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.
- D. 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 owner or keeper.

7.132. 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, 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 as shown by Humane Society records.

Exhibit A

7.133. 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 (5) days unless the veterinarian advising the animal shelter personnel deems euthanasia prior to that time is deemed necessary or appropriate.
- B. A pet animal without identification, including but not limited to a microchip or collar, may be held for only three (3) days if the animal shelter supervisor 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, days shall mean days during which the animal shelter is open to the public.

7.134. Reclamation of certain animals restricted or prohibited

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

- A. 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 judgment of guilty or no contest, the court orders the animal released for the purpose of immediately transporting the animal outside of the Town. Animals released under court order for the purpose of immediately transporting the animal outside of Town, shall have a microchip implant or tattoo identifying the animal as being banned from Town. The cost of the microchip or tattoo shall be paid by the owner.
- B. If an animal was impounded on the basis of a violation of any provision of § 7.91, § 7.95 or § 7.121, then the notice required by § 7.132 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 within ten (10) days of the date of the notice. If a hearing is requested, the Town Manager shall schedule it to occur within five (5) Town 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 § 7.91, § 7.95 or § 7.121, the Town Manager may order the animal disposed of in the manner provided in § 7.135 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 or keeper upon payment of impoundment, boarding or veterinary fees and any other expenses incurred by

Exhibit A

the Town or the animal shelter in connection with the impoundment of the animal and its subsequent care 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. 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 § 7.135.

C. Wild or exotic animals kept in violation of § 7.94 shall not be released to the owner or any other person; provided, however, that the Humane Society may release such animals to the appropriate authorities or a zoo.

7.135. Impound fees

A. An owner or keeper reclaiming an impounded animal shall pay an impound fee and a daily boarding fee, both as established by the resolution of the Board of Trustees, plus all actual and necessary veterinary costs incurred on behalf of the animal. The amount of the impound fee may depend upon the type of animal involved, its age, its licensing status and whether it has been impounded more than once in a twelve-month period. No owner or keeper may reclaim an impounded animal until he or she has paid the impoundment fee, boarding fees and veterinary costs

B. It is unlawful for an owner or keeper 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 as set forth in § 7.136 of this Code shall not relieve the owner or keeper 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 fifteen (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 § 7.132 of this Code. The Humane Society is authorized to collect said fees as court-ordered restitution or in any other manner allowed by law or equity.

C. An owner or keeper 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. An owner or keeper reclaiming an impounded dog must also present satisfactory proof of a valid license to the animal shelter prior to reclaiming the dog. An owner or keeper reclaiming an impounded dog which is not validly licensed must license the animal. If proof of vaccination and license cannot be provided, the animal shelter shall release the impounded dog to the owner or keeper with the requirement that satisfactory proof of vaccination and license shall be furnished by the owner or keeper within forty-eight (48) hours after release. If proof of vaccination for a cat cannot be provided, the animal shelter shall release the impounded cat to the owner or keeper with the requirement that satisfactory proof of vaccination shall be furnished by the owner or keeper

Exhibit A

within forty-eight (48) hours after release.

D. The animal shelter may waive any and all fees and costs other than the vaccination and licensing which are required under the provisions of this Article if the animal shelter supervisor determines that the payment of such fees would create an undue hardship.

7.136. Adoption or disposal of unclaimed animals

Any animal not reclaimed by its owner within the period of time set forth in § 7.133 of this Code shall become the property of the Town or Humane Society and may be placed for adoption in a suitable home or humanely euthanized. In disposing of unclaimed animals, it shall be unlawful for the Town or Humane Society to surrender live animals to any hospital or institution of learning for use in research. It shall, however, be lawful for the Town or Humane Society to donate euthanized unclaimed animals to any hospital or institution of learning for use in research or education.

7.137. Sterilization of adopted animals required

No dog shall be released for adoption without being sterilized or without a written agreement from the adopter guaranteeing that such animal will be sterilized within a certain period of time after the date of release. It shall be unlawful for the adopter to violate the terms of such written agreement.

Sec. 7.137. - 7.150 Reserved.

7.150. Killing or capturing wild birds restricted

It shall be unlawful for any person at any time in the Town to shoot at, wound, kill, capture, ensnare, net, trap or in any other manner molest or injure any wild bird or in any manner molest or injure the nest, eggs or young of any such bird. The appropriate law enforcement agency at the time shall have authority to grant or deny a permit for the killing, capturing or molestation of nuisance birds with the consent or approval of the State Division of Wildlife when it is shown that the birds are, or may become, a nuisance or health hazard in any particular location in the Town. The permit shall be granted or denied within five (5) working days of the date the request is made.

It shall be unlawful for any person at any time in the Town to capture, ensnare, net, trap

Exhibit A

or keep any wild bird for the purpose of rehabilitating the bird, except under a valid license issued by the Colorado Division of Wildlife.

Sec. 7.151. - 7.160. Reserved.

7.161. Enforcement personnel

Those persons designated by the Town shall enforce the civil and criminal provisions of this Chapter.

7.162. Interference with animal control officers prohibited

No person shall knowingly interfere with, impede or obstruct any animal control 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 an animal control officer.

7.163. Right of entry

Animal control officers and Sheriff's Department deputies are hereby authorized to enter upon any premises, excluding a dwelling unit, in the Town for the purpose of impounding animals which they are authorized hereunder to impound, or for any other purpose authorized by this Chapter.

Sec. 7.164. - 7.170 Reserved.

7.171. General penalties

Any person found guilty of violating any provision of this Chapter, whether by acting in a manner declared to be unlawful or by failing to act as required, shall be punished in the manner described in § 1.72

Exhibit A

7.172. Additional penalties or requirements for vicious animals

In addition to the penalties provided in § 1.72, the Municipal Judge shall order any animal determined to be vicious barred from the Town or destroyed by the Humane Society. If the Judge orders the specific disposition of the animal, such order shall be carried out immediately. If the owner of the animal is given a choice as to the disposition of the animal, the Judge shall order the owner to immediately surrender the animal to the animal shelter for impoundment if the same has not already occurred. Such impoundment shall be at the owner's expense. The owner shall make a decision as to the disposition of the animal within five (5) days. If the animal is to be taken out of the Town, the animal shall be released to the owner for the purpose of immediately transporting the animal outside of the Town.