

**TOWN OF TIMNATH  
ORDINANCE NO. 20-2007**

**AN ORDINANCE AMENDING CHAPTER 7, ARTICLE III OF THE TIMNATH  
MUNICIPAL CODE CONCERNING ANIMAL CONTROL**

**WHEREAS**, the Town Council of the Town of Timnath ("Town") pursuant to C.R.S. § 31-15-401 has the power to regulate animals; and

**WHEREAS**, pursuant to that power, the Town Council has previously enacted Chapter 7, Article III of the Timnath Municipal Code ("Code"); and

**WHEREAS**, in order to ensure Chapter 7, Article III reflects the desires of the Town and includes provisions which are fair to all in enforcement and applicability, the Town Council desires to amend certain provisions of that Article.

**NOW, THEREFORE, THE COUNCIL OF THE TOWN OF TIMNATH,  
COLORADO, ORDAINS:**

**Section 1.** Chapter 7, Article III of the Timnath Municipal Code is hereby amended to read in its entirety:

**7.61. Definitions:** The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

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

*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."

*Authorized Town Official* shall mean any designated Animal Control officer, the designated Code Enforcement Officer, any other designated official of the Town, a designated law enforcement officer, or an employee of the Larimer 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.

*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* or *Society* shall mean the Larimer Humane Society, Fort Collins, Colorado, or such other shelter as the Town designates.

*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 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 law enforcement officer designated by the Town or member of Larimer County Sheriffs Department commissioned as a peace officer.

*Restraint* shall mean: (1) secured by a leash or lead not to exceed ten feet (10') 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 or containment device which limits the animal to a particular premises. In the event the containment device is an invisible fence, a sign indicating the presence of an invisible fence must be posted on the property.

*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, within thirty (30) days of acquiring possession of said dog or moving to Town, 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 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 Article.

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 35-80-10 1 through 117, 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.

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. 7.69. - 7.80. Reserved.

**7.81. Rabies vaccination required or acceptable titer**

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.

D. In lieu of the required rabies inoculation, any owner of a dog or cat may present proof of an acceptable titer, as the requirements for the same are set by the state.

**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 Authorized Town Official, or to the Larimer County Sheriffs 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 Authorized Town Official in accordance with the standards set forth by the County Health Department; 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 Authorized Town Official. If the owner of the animal does not possess sufficient property to allow the animal to relieve itself without the threat of exposing other animals to nose-to-nose mucous membrane contact or possible contact with another person, the animal cannot be kept at the owner's residence and must be contained at an animal shelter or veterinary hospital of the owner's choice, at the expense of the owner.

D. For the purposes of this Section, rabies confinement at owner's residence shall mean that the animal is kept inside a secure building or is within a fence or other enclosure which limits the animal to a particular premise for a ten-day (10-day) period, so that the animal cannot come into contact with people or animals outside of the immediate family household. 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. The intent of this Section is to prohibit nose-to-nose mucous membrane contact with another animal or contact with a person. As a result, the confined animal should not be permitted to approach a fence which also constitutes the perimeter of the owner's property if such proximity to the fence could potentially produce contact with another animal or person. If the animal is let out to relieve itself, restraint by a tether is insufficient restraint. 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 Authorized Town Official. The Authorized Town Official 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.

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, appropriate testing 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 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 (1/2) 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.

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**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 Authorized Town Official to remove and have such animal buried or cremated.

Sec. 7.98. - 7.110 Reserved.

#### **7.111. Animals at large prohibited**

A. All dogs shall be kept under restraint. It shall be unlawful for the owner or keeper of any dog to permit such dog 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 confined. For the purposes of female animals in heat, "confinement" means containing the animal inside a building or within a fence or other enclosure which limits the animal to a particular premises 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**

A. 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.

B. A person is in violation of this Section when:

1. A warning has previously been issued by any Authorized Town Official; and
2. Two (2) or more persons from two (2) separate households file complaints with any Authorized Town Official; and
3. An Authorized Town Official and/or the Humane Society have investigated the complaint.

**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, Authorized Town Official 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 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 ("EPA"). 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 or other EPA approved eradication method to destroy prairie dogs or other burrowing rodents. Any person who desires to eradicate prairie dogs must first dust the prairie dog colony for fleas.

**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 owner, if known, or 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 Authorized Town Official 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.

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:** Any Authorized Town Official and/or 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 Authorized Town Official 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.

**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 or ill.

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 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 Town Council, 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 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.

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 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 Authorized Town Officials prohibited:** No person shall knowingly interfere with, impede or obstruct any Authorized Town Official 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 Authorized Town Official.

**7.163. Right of entry:** Right to enter premises for enforcement of this Article is governed by Chapter 1, Article V of this Code.

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 Chapter 1.

**7.172. Additional penalties or requirements for vicious animals:** In addition to the penalties provided in Chapter 1, 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.

**Section 2. 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 Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or parts be declared unconstitutional or invalid.

**Section 3. Repealer.** All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

**Section 4. Code Revision.** Because this Ordinance revises an entire Article of the Municipal Code, minor changes such as the format, numbering and other changes necessary to unify the revised Code may be necessary. The Town Clerk is hereby authorized to make such changes, provided that neither the intent nor substantive content will be altered by such changes.


**Section 5. Effective Date.** This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Charter.

**INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, SET FOR PUBLIC HEARING AND SECOND**

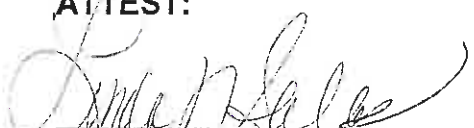
READING AT 7:00 P.M. ON DECEMBER 19, 2007 AT THE TIMNATH ELEMENTARY SCHOOL, 3909 MAIN STREET, TIMNATH COLORADO AND ORDERED PUBLISHED BY TITLE THIS 5TH DAY OF DECEMBER, 2007.

MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON DECEMBER 19, 2007.

TOWN OF TIMNATH, COLORADO

  
\_\_\_\_\_  
Donna Benson, Mayor

ATTEST:

  
\_\_\_\_\_  
Linda Salas, Town Clerk

