

TITLE 6

Animals

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CHAPTER 6.04

General Provisions

6.04.010 Definitions.

For the purposes of this Title, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

(1) *Animal* includes any cattle, horses, mules, sheep, goats or other hard-hoofed animals and Vietnamese pot-bellied pigs (as defined below).

(2) *Fowl* includes chickens, ducks, geese, turkeys, guineas, pigeons and like poultry.

(3) *Vietnamese pot-bellied pig* refers to the species known as *Sus scrofa* and no other species of swine, and shall be included within the definition of *animal* as defined above. (Ord. 1119 §§1, 2, 1994; prior code §5-1)

6.04.020 Running at large prohibited.

No person shall permit an animal, rabbit or fowl kept or maintained by such person to be at large within the City. Any animal or fowl running at large is declared to be a nuisance. (Prior code §5-2)

6.04.030 Sanitation requirements.

The premises upon which animals are kept shall be maintained in a sanitary condition and shall at all reasonable hours be subject to inspection by representatives of the County Health Department. It is unlawful for any person to refuse to permit such inspection. (Prior code §5-3)

6.04.040 Cruelty prohibited.

No person shall inhumanely, unnecessarily or cruelly beat, injure or otherwise abuse any dumb animal. (Prior code §5-4)

6.04.050 Riding negligently.

No persons shall negligently or recklessly ride or drive any horse, mule or other animal in or through any street or alley within the City so as to endanger the safety of pedestrians or other persons. (Prior code §5-5)

6.04.060 Removal of dead animals.

(a) Any animal or brute which is killed or dies from any cause shall at once be removed by the owner or keeper beyond the limits of the City and buried.

(b) No person shall put any dead animal or part of the carcass of any dead animal into any lake, river, creek, pond, road, street, alley, lot, lane, field or any place within one (1) mile of the City limits, unless the same and every part thereof is buried at least two (2) feet underground. No owner thereof

shall knowingly permit the same to remain in any such place to the injury of the health or to the annoyance of any citizen of the City. (Prior code §5-6)

CHAPTER 6.08

Permits to Keep Animals

6.08.010 Permit required.

No person shall keep or maintain animals, rabbits, Vietnamese pot-bellied pigs or fowl within the City unless such person has a valid permit to do so. (Ord. 1119 §§5, 6, 1994; prior code §5-7)

6.08.020 Application.

Application for a permit to keep animals, rabbits, Vietnamese pot-bellied pigs or fowl shall be made in writing to the City Clerk. (Ord. 1119 §§7, 8, 1994; prior code §5-8)

6.08.030 Fees.

The permit fee to be paid in conjunction with the permit required by Section 6.08.020 shall be five dollars (\$5.00) for each animal, and an application fee of one dollar (\$1.00) for each ten (10) rabbits or fowl (except pigeons) or fraction of such number, and an application fee of one dollar (\$1.00) for each twenty (20) pigeons or fraction of such number shall be required. (Ord. 1119 §§9, 10, 1994; prior code §5-9)

6.08.040 Inspection for sanitation.

Following application for a permit, the County Health Department shall cause the premises to be inspected, and if all permit conditions provided for in this Section are complied with, shall authorize issuance of the permit to any person to keep animals, rabbits, Vietnamese pot-bellied pigs or fowl on certain described premises within the City. The following conditions or requirements shall be complied with:

- (1) For animals (other than Vietnamese pot-bellied pigs) there shall be at least one (1) acre of land exclusive of the residence or business building utilized by the public.
- (2) The number of animals shall not exceed one (1) animal per residence or business building.
- (3) All manure shall be removed daily from the City or shall be stored daily in fly-tight containers acceptable to the Health Department and kept tightly closed at all times except when being stored or removed, and the contents of the fly-tight containers shall be removed from the City at least once each week; provided, however, that this provision shall not apply to manure spread as fertilizer upon cultivated ground or lawns.
- (4) Drinking facilities shall be provided with adequate overflow drainage to prevent saturation of surrounding soil.

(5) Spillage and leftovers from animal, rabbit and fowl feedings must be removed or so disposed of as to prevent fly or rodent propagation or creation of odors.

(6) Except for Vietnamese pot-bellied pigs, the shed, shelter, pen or enclosure for animals shall not be closer than one hundred (100) feet to any dwelling house, place of business or street.

(7) The shed, shelter, coop or enclosure for rabbits or fowl shall not be closer than fifty (50) feet to any place of business, dwelling, house or street.

(8) All sheds or other shelters for such animals, rabbits or fowl shall be kept free of rodents and shall be thoroughly sprayed with insect spray and deodorant at intervals of not less than twice each week during the months of June to September, inclusive, of each year, and shall be kept in good repair, and a fresh covering of straw, wood shavings or corn cobs shall be placed on the floor each day.

(9) The construction of feeding facilities and the construction, drainage, flooring, ventilation and fly screening of all sheds, coops or other shelters shall be governed by sanitary regulations adopted by the City. (Ord. 1119 §§11, 12, 1994; prior code §5-10)

6.08.050 Term.

A permit issued pursuant to this Chapter shall continue to the end of the calendar year unless revoked as provided in Section 6.08.070. (Prior code §5-11)

6.08.060 Denial; appeal.

Upon the denial of a permit under this Chapter, the City Clerk shall cause written notice of such denial to be mailed to the applicant, notifying the applicant thereof. An applicant desiring to appeal such denial shall, within ten (10) days of receipt of notice of such denial, so notify the City Clerk in writing, requesting a hearing before the City Council. Upon receipt of such request for hearing, the City Clerk shall give notice of a hearing to the applicant in the manner provided in Section 6.08.070. Upon any such hearing of a denial of permit under this Section, the City Council shall, following such hearing, either direct that such permit be issued or affirm the denial of the permit. (Prior code §5-12)

6.08.070 Revocation; appeal.

The Health Department may recommend the revocation of any permit upon satisfactory evidence that the permittee is violating or has violated any of the conditions set forth in this Chapter. Upon such recommendation being filed with the City Clerk, the City Clerk shall cause written notice thereof to be mailed to the permittee notifying the permittee that a hearing on such recommendation will be held at a Council meeting in not less than ten (10) days from the date of mailing such notice, specifying the time and place of the hearing. If upon such hearing, the City Council finds that the permittee has violated the conditions provided for such permit, the Council may forthwith revoke the permit, and the permittee shall be allowed forty-eight (48) hours within which to rid the premises of such animals, rabbits or fowls. (Prior code §5-13)

6.08.080 Hardship permit.

Notwithstanding the provisions set forth in this Chapter, any person who considers such provisions unreasonable in his or her instance may apply to the City Council for a hardship permit. In determining whether such permit shall be authorized, the Council shall be guided by the conditions set forth in this Chapter, the size of the premises, the population density of the area and the health, peace and welfare of neighbors of the applicant. The fee for a hardship permit, the method of revocation and hearings shall be the same as in the case of other permits issued under this Chapter. (Prior code §5-14)

6.08.090 Swine and roosters.

No permit shall be issued for any male fowl capable of crowing. No swine (other than Vietnamese pot-bellied pigs) shall be kept by any person within the City, and no permit shall be issued for said swine (except for Vietnamese pot-bellied pigs). (Ord. 1119 §§3, 4, 1994; prior code §5-15)

6.08.100 Exceptions.

The area requirements or proximity of enclosures to residences, places of business and streets in this Chapter shall not be applicable to the display of fowl or animals by entrants in any show or fair authorized by the City nor to the temporary maintenance by a licensed veterinarian of animals, rabbits or fowl during the time necessary for treatment. Also, this Chapter shall not be applicable to any person engaged in operating a packinghouse or slaughterhouse governed by State Health Department regulations, nor to persons keeping animals or fowl for a temporary period of time, not to exceed seventy-two (72) hours, in connection with the operation of such business. (Prior code §5-16)

6.08.110 Violations.

(a) Any violation of any of the provisions of this Chapter shall be punishable as follows:

- (1) On a conviction of a first offense: four (4) hours of useful public service;
- (2) On a conviction of each subsequent offense: four (4) additional hours of useful public service per conviction;
- (3) In addition thereto, court costs shall be imposed as allowed by this Code.

(b) Nothing contained herein shall prohibit the imposition of a fine in addition to the minimum standards set forth below. (Ord. 1276, §2, 2000)

CHAPTER 6.10

Vietnamese Pot-bellied Pigs

6.10.010 Animal prohibited in City.

No more than one (1) domesticated Vietnamese pot-bellied pig, weighing less than one hundred (100) pounds, may be kept or maintained in any one (1) premises within the City. (Ord. 1119 §13, 1994)

6.10.020 Spay or neuter required.

All Vietnamese pot-bellied pigs must be vaccinated for rabies on an annual basis. All such pigs brought into the City must be neutered or spayed before the pig reaches six (6) months of age. (Ord. 1119 §14, 1994)

6.10.030 Vietnamese pot-bellied pig license required.

Every owner of a domesticated Vietnamese pot-bellied pig shall obtain a license for such pig within three (3) days after bringing such pig into the City, or within seven (7) days after the acquisition of the animal, and annually thereafter. At the time of licensing, such owner must show proof of compliance of vaccination and spaying or neutering as required. (Ord. 1119 §15, 1994)

6.10.040 Attachment of tag.

Every owner of a domesticated Vietnamese pot-bellied pig shall attach the license tag to the harness of such Vietnamese pot-bellied pig. Such tags shall remain attached to the collar or harness at all times, and the collar or harness shall be worn by the Vietnamese pot-bellied pig at all times. No person shall attach a rabies tag or license tag to the collar or harness of any Vietnamese pot-bellied pig for which the rabies tag or license tag was not issued. (Ord. 1119 §16, 1994)

6.10.050 Vietnamese pot-bellied pigs at large.

It shall be unlawful for any owner of a domesticated Vietnamese pot-bellied pig to permit such pig to be unattended by the owner or the owner's designee in the outdoor premises of the owner or to permit such pig unrestrained to enter upon the private property or premises of another without the prior consent of the owner or person in possession or in charge of such private property, or upon any publicly owned property and facilities. (Ord. 1119 §17, 1994)

6.10.060 Enforcement.

It shall be the duty of the Animal Control Officer to see that any Vietnamese pot-bellied pig found running at large be taken and impounded in the animal shelter designated by the City, and such Vietnamese pot-bellied pig may be taken without the necessity of filing a complaint and shall be impounded and disposed of in accordance with this Code. (Ord. 1119 §18, 1994)

6.10.070 Care and control of Vietnamese pot-bellied pigs.

Any of the following actions of a Vietnamese pot-bellied pig shall be deemed to be a nuisance:

- (1) Excessive, continuous or untimely squealing.
- (2) Trespassing upon public or private property in such a manner as to damage property, which includes damages and nuisances caused by defecation and urinating on plants, flowers and shrubs and rooting to such an extent that the animal traverses the property boundary line.
- (3) Running at large in the City. (Ord. 1119 §19, 1994)

6.10.080 Presumption.

Sustained or continuous squealing for a period of one (1) minute shall be prima facie evidence of a violation of Section 6.10.070. (Ord. 1119 §20, 1994)

6.10.090 Violations.

(a) Any violation of any of the provisions of this Chapter shall be punishable as follows:

- (1) On a conviction of a first offense: four (4) hours of useful public service.
- (2) On a conviction of each subsequent offense: four (4) additional hours of useful public service per conviction;
- (3) In addition thereto, court costs shall be imposed as allowed by this Code.

(b) Nothing contained herein shall prohibit the imposition of a fine in addition to the minimum standards set forth herein. (Ord. 1276 §3, 2000)

CHAPTER 6.12

Dogs

6.12.010 Owner defined.

As used in this Chapter, *owner* means any person owning, keeping or harboring a dog. (Prior code §5-17)

6.12.020 Abandonment prohibited.

It is unlawful for any person to abandon or cause to be abandoned any dog within the City. (Prior code §5-18)

6.12.030 Taking into food establishment prohibited.

(a) Except as hereinafter provided, no person shall take or bring any dog into any establishment which handles food or food products of any kind or character or shall permit any dog to be brought into or to remain in any such place.

(b) The preceding Subsection shall not apply to the following:

(1) Animals used in aid of handicapped persons;

(2) Animals used in conjunction with law enforcement activities, where such animals have been trained to assist law enforcement animals in the protection of law enforcement officers or in the detection of illegal or unlawful substances or devices. (Ord. 1081 §§30, 31, 1992; prior code §5-19)

6.12.040 License and vaccination required.

All dogs over six (6) months of age that are kept or harbored or maintained in the City shall be licensed and vaccinated for rabies at a frequency set forth in Section 6.12.041. (Ord. 1416 §§1, 2, 2006; Ord. 1297 §2, 2001; Prior code 5-20)

6.12.041 Determination of frequency of vaccination.

Any properly licensed veterinarian shall be authorized to determine the appropriateness of a one-year vaccination or a three-year vaccination for rabies. All licenses or receipts issued by any veterinarian shall clearly set forth the date of the vaccination and whether the vaccination is valid for one (1) year or for three (3) years. (Ord. 1297 §3, 2001)

6.12.070 License tag; attachment.

Every owner shall be required to provide each dog with a collar or harness to which the license tag must be affixed and to see that the collar and tag are constantly worn. (Prior code §5-23)

6.12.090 Enforcement Officer appointment.

The Code Enforcement Officer shall be appointed by the Director of Public Safety with the approval of the City Manager. (Ord. 1384 §§1—4, 2004; Ord. 1081 §§32, 33, 1992; prior code §5-24)

6.12.100 Impoundment; running at large.

It shall be the duty of the Code Enforcement Officer and of every police officer to apprehend any dog found running at large. Upon the impoundment of each dog, the Code Enforcement Officer shall make registration of the dog. (Ord. 1081 §§34, 35, 1992; prior code 5-26)

6.12.110 Impoundment; fees.

The Code Enforcement Officer shall have charge and custody of all dogs impounded and shall keep the animals impounded for a period of four (4) days unless the dog is sooner redeemed. A fraction of a day shall be computed as being a full day. The Code Enforcement Officer is authorized to charge the owner of any dog impounded the following fee: ten dollars (\$10.00) for the first time a dog is picked up in a given year; fifteen dollars (\$15.00) for the second time a dog is picked up in a given year; and twenty dollars (\$20.00) for the third and succeeding times a dog is picked up in a given year. Should a dog be impounded for any period exceeding four (4) days, an additional fee of seven dollars and fifty cents (\$7.50) per day shall be imposed. (Ord. 1205 §§1, 2, 1998; Ord. 1081 §§36, 37, 1992; Ord. 636 §1, 1971; prior code §5-27)

6.12.120 Impoundment; release requirements.

No dog shall be released by the Code Enforcement Officer until the dog has been duly licensed, registered and vaccinated as provided in this Chapter. (Ord. 1081 §§38, 39; prior code §5-28)

6.12.130 Impoundment; notice.

Not later than one (1) day after the impounding of any dog, if the owner is known, the owner shall be notified of the impoundment. The owner of any unlicensed dog so impounded may reclaim such dog upon the payment of the licensing fee and the charges provided in Section 6.12.110. (Ord. 1081 §§40, 41, 1992; prior code §5-29)

6.12.140 Impoundment; disposal of unredeemed dogs.

If at the expiration of four (4) days and following the expiration of three (3) days of the giving notice of impounding provided in Section 6.12.130, such dog has not been redeemed, it may be destroyed; provided, however, that the Code Enforcement Officer may, in lieu of the destruction of unredeemed dogs, retain such dogs and transfer such dogs to such persons as he or she desires, provided that such dogs are licensed before any transfer thereof. Any dog which appears to be suffering from rabies or affected by mange or any other infectious disease shall not be released, and may be forthwith destroyed. (Ord. 1081 §§42, 43, 1992; prior code 5-29)

6.12.150 Nuisance.

It is unlawful for any owner to fail to exercise proper care and control of his or her dogs to prevent them from becoming a public nuisance. Excessive, continuous or untimely barking, molesting passersby, chasing vehicles, habitual attacking of other domestic animals, trespassing upon school grounds or trespassing upon private property in such manner as to damage property, shall be a nuisance. (Ord. 864 §1, 1983)

6.12.155 Presumption.

Sustained or continuous barking for a period of one (1) minute shall be prima facie evidence of a violation of Section 6.12.150. (Ord. 864 §2, 1983)

6.12.160 Vicious dogs at large.

Any dangerous, fierce or vicious dog (to include but not limited to a dog which has been found to be a *vicious dog* under the provisions of Section 6.16.010 of this Title) found at large and that dog cannot be safely taken up or impounded may be slain by any police officer. (Ord. 1416 §§3, 4, 2006; Prior code §5-32)

6.12.170 Rabies treatment.

(a) Whenever any dog is believed to have rabies or has been bitten by a dog suspected of having rabies, such dog shall be immediately impounded and isolated by the pound master and shall be retained under the observation of a veterinarian, at the expense of the owner, for a period of ten (10) days.

(b) It is unlawful for any person knowing or suspecting a dog has rabies to allow such dog to be taken off his or her premises or beyond the limits of the City without written permission of the pound master. It is further unlawful for any owner or other person, upon ascertaining a dog has rabies, to fail to notify the pound master or a policeman.

(c) Any dog unlicensed pursuant to this Chapter, regardless of age, which bites any person, shall be suspected of having rabies, and shall be handled in accordance with Subsections (a) and (b) above and must be licensed in accordance with the provisions of this Chapter before being released by the pound master. (Prior code §5-33)

6.12.180 Causing fights prohibited.

No person shall cause or assist in causing dogs to fight in any place within the City. (Prior code §5-34)

6.12.181 Sanitation; responsibility of owner.

(a) It is unlawful for any owner, keeper or controller of any animal to refuse or fail to remove promptly any excrement deposited by said animal upon any common thoroughfare, street, sidewalk, play area, park, other public property or any private property when permission of the owner or tenant of said property has not been obtained.

(b) It is unlawful for any animal owner, keeper or controller to fail to remove promptly all fecal wastes from private premises as necessary to prevent diseases, hazards and odors. (Ord. 1430, §1, 2006)

6.12.190 At large owner control required.

No person being the owner of a dog shall permit such dog at large or to be off the premises of the owner unless such dog is accompanied by a person and under the control of such person by either leash, cord or chain or within a vehicle or other confinement. (Prior code §5-35)

6.12.200 Notice or knowledge of violations of Sections 6.12.150 and 6.12.190 not necessary for prosecution of owner or keeper.

For the purpose of prosecution for violations of Sections 6.12.150 and 6.12.190 of this Code, it shall not be necessary to obtain a conviction to prove notice or knowledge, on the part of the owner, possessor or keeper of the dog in question, that such dog was violating any of the provisions of this Code at the time and place charged, it being the purpose and intent of this Section to impose strict liability upon the owner, possessor or keeper of any dog for the actions, conduct and condition of such dog. (Ord. 864 §3, 1983; Ord. 840 §1, 1982)

6.12.210 Violations.

(a) Any violation of any of the provisions of Section 6.12.010 through 6.12.190 inclusive shall be punishable as follows:

(1) On a conviction of a first offense, a minimum sentence of four (4) hours of useful public service.

(2) On a conviction of each subsequent offense, a minimum sentence of four (4) additional hours of useful public service shall be imposed for that conviction.

(3) In addition thereto, any conviction shall be the basis for court costs to be imposed as allowed by this Code.

(4) In addition thereto, any conviction shall be the basis for the imposition of a fine imposed in an amount as allowed by this Code.

(b) Nothing contained herein shall prohibit the imposition of a fine in addition to the minimum standards set forth herein. (Ord. 1416 §§5, 6, 2006; Ord. 1276 §4, 2000)

CHAPTER 6.16

Vicious Dogs

6.16.010 Definition of terms.

As used in this Chapter:

(1) *Owner* means any person, firm, corporation, organization or department possessing, harboring or having the care or custody of a dog.

(2) *Vicious dog* means:

a. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to or otherwise threaten the safety of human beings or domestic animals;

b. Any dog which because of its size, physical nature or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this Chapter;

c. Any dog which, without provocation, attacks or bites, or has attacked or bitten a human being or domestic animal;

d. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting; or

e. Any offspring of any dog as defined in this Subsection (2).

(3) *Unconfined vicious dog.*

a. A vicious dog is *unconfined* if the dog is not securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure must have minimum dimensions of five (5) feet by ten (10) feet and must have secure sides and a secure top.

b. Unless alternate construction materials are approved by the Code Enforcement Officer prior to construction of the structure, only fencing/wire materials shall be used in the construction of said pen or structure. Such pen or structure must have a minimum dimension of five (5) feet by ten (10) feet and be constructed of a metal fabric no thinner than 12-gauge with holes in the fabric no larger than three (3) inches.

c. Sides must be secured to the top and bottom of the enclosure. The top of the enclosure must be completely enclosed and must be secured to the top of all of the sides of the structure.

d. The enclosure must have a bottom that is completely enclosed. The bottom must be constructed of a metal fabric no thinner than 12-gauge with holes in the fabric no larger than three (3) inches or concrete no less than three (3) inches thick secured to the sides. If there is no bottom, the sides (to include the fabric) must be embedded into the ground no less than two (2) feet.

e. If the Code Enforcement Officer is requested to authorize use of alternative construction materials, those alternate materials must be of such a nature as to comply with the general intent of this Section as to security and containment of the animal.

f. This enclosure must also provide protection from the elements for the dog and must be adequately lighted and kept in a clean and sanitary condition.

(4) No dog may be declared "vicious" if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog. (Ord. 1416 §§7, 8, 2006; Ord. 1383 §§1—3, 2004; Ord. 1275 §§1, 2, 2000; Ord. 964 §1, 1988)

6.16.020 Confinement.

The owner of a vicious dog shall not suffer or permit the dog to go unconfined. (Ord. 964 §2, 1988)

6.16.021 Confinement inspections.

(a) Initial inspections. Within ten (10) days after a determination that a dog is vicious as defined by Section 6.16.010, the City shall inspect the premises of the owner of the dog to determine that the confinement requirements of Section 6.16.020 and the signage requirements of 6.16.040 are being complied with.

(b) Periodic inspections. Within thirty (30) days after a determination that a dog is vicious as defined by Section 6.16.010, the City shall inspect the premises of the owner of the dog to determine that the confinement requirements of Section 6.16.020 and the signage requirements of 6.16.040 are being complied with.

(c) Periodic inspections. Within sixty (60) days after a determination that a dog is vicious as defined by Section 6.16.010, the City shall inspect the premises of the owner of the dog to determine that the confinement requirements of Section 6.16.020 and the signage requirements of 6.16.040 are being complied with.

(d) Annual inspections. Within three hundred sixty-five (365) days and each year after a determination that a dog is vicious as defined by Section 6.16.010, the City shall inspect the premises of the owner of the dog to determine that the confinement requirements of Section 6.16.020 and the signage requirements of 6.16.040 are being complied with. (Ord. 1416 §9, 2006)

6.16.030 Leash and muzzle.

The owner of a vicious dog shall not suffer or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash, not exceeding six (6) feet in length, and under the physical restraint of a responsible person. (Ord. 964 §3, 1988)

6.16.040 Signs.

The owner of a vicious dog shall display clearly visible warning signs indicating that there is a vicious dog on the premises and shall be posted on the owner's premises. A sign shall be posted on the pen or kennel of the animal, on all entrances to the property, and on all fences which are adjacent to any street, sidewalk, alleyway or neighbor's yard. Such signs shall be in lettering clearly visible from the property line or a distance of fifty (50) feet (whichever is greater). The letters of the sign shall be constructed of such materials as to be visible during nondaylight hours. (Ord. 1416 §§10, 11, 2006; Ord. 964 §4, 1988)

6.16.050 Insurance.

Owners of vicious dogs must, within ten (10) days of the effective date of the ordinance codified herein, provide proof to the City Clerk of public liability insurance in the amount of at least fifty

thousand dollars (\$50,000.00), insuring the owner for any personal injuries inflicted by his or her vicious dog. (Ord. 964 §5, 1988)

6.16.060 Registration and identification photographs.

Any person having the custody, ownership or control of any vicious dog must, within ten (10) days of the effective date of the ordinance codified herein, register said dog with the City on a form to be provided by the City. Said form shall require the following information: name, address and telephone number of the dog's owner; the address where the dog is harbored if different from the owner's address; dog's sex, color, rabies certificate and tag number. At the time of the registration, said owner, keeper or harborer must provide the City Clerk two (2) photographs of the animal, clearly showing the color and approximate size of the animal. (Ord. 964 §6, 1988)

6.16.070 Reporting requirements.

All owners, keepers or harborers of a vicious dog must, within ten (10) days of the incident (defined below), report the following information in writing to the City Clerk as required hereinafter:

- (1) The removal from the City or death of a vicious dog;
- (2) The birth of offspring of a vicious dog, as defined in Section 6.16.010(2)d or 6.16.010(2)e above.
- (3) The new address of a vicious dog owner, should the owner move within the corporate City limits. (Ord. 964 §7, 1988)

6.16.080 Sale or transfer of ownership prohibited.

No person shall sell, barter or in any other way dispose of a vicious dog registered with the City to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog; provided that the registered owner of a vicious dog may sell or otherwise dispose of a registered dog or the offspring of such dog to persons who do not reside within the City. (Ord. 964 §8, 1988)

6.16.090 Animals born of registered dogs.

All offspring born of vicious dogs, defined in Section 6.16.010(2)d or 6.16.010(2)e above, registered with the City must be registered in accordance with the requirements of Section 6.16.070 above. (Ord. 964 §9, 1988)

6.16.100 Dog fighting.

No person shall possess, harbor, maintain, care or have custody of any dog for the purpose of dog fighting or train, torment, badger, bait or use any dog for the purpose of causing or encouraging the dog to attack human beings or domestic animals. (Ord. 964 §10, 1988)

6.16.110 Confiscations.

(a) Any vicious dog shall be immediately confiscated by the Police Department if: (1) the dog is not validly registered; (2) the owner does not secure the liability insurance coverage required; (3) the dog is not maintained in the proper enclosure; or (4) the dog is outside of the dwelling of the owner or outside of the proper enclosure and not under the physical restraint of the owner. The owner of any dog so confiscated may within five (5) days reclaim the dog upon providing satisfactory proof to the Police Department that the violation has been corrected and upon the payment of the appropriate impoundment fees. If the owner does not reclaim the dog within five (5) days, the dog shall be thereafter destroyed in an expeditious and humane manner.

(b) If the vicious dog of an owner with a prior conviction under this Chapter attacks or bites a person or another domestic animal, the dangerous dog shall be immediately confiscated by the Police Department and placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

(c) Any dog that aggressively attacks and causes severe injury or death of any human being, whether the dog has previously been declared potentially vicious or vicious, shall be immediately confiscated by the Police Department, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner. (Ord. 964 §11, 1988)

6.16.120 Determination of a vicious dog.

(a) In the event that a law enforcement officer has probable cause to believe that a dog is vicious, the chief dog officer or his or her immediate supervisor or the Director of Public Safety or his or her designee, shall be empowered to convene a hearing for the purpose of determining whether or not the dog in question should be declared vicious. The dog officer or Director of Public Safety shall conduct or cause to be conducted an investigation and shall notify the owner or keeper of the dog that a hearing will be held, at which time he or she may have the opportunity to present evidence why the dog should not be declared vicious. The hearing shall be held promptly within no less than five (5) nor more than ten (10) days after service of notice upon the owner or keeper of the dog. The hearing shall be informal and shall be open to the public.

(b) After the hearing, the owner or keeper of the dog shall be notified in writing of the determination. If a determination is made that the dog is vicious, the owner or keeper shall comply with the provision of this Chapter in accordance with a time schedule established by the dog officer or Director of Public Safety, but in no case more than thirty (30) days subsequent to the date of the determination. If the owner or keeper of the dog contests the determination, he or she may, within five (5) days of such determination, bring a petition in the Municipal Court within the City wherein the dog is owned or kept, praying that the Court conduct its own hearing on whether or not the dog should be declared vicious. After service of notice upon the dog officer, the Court shall conduct a hearing *de novo* and make its own determination as to viciousness. Said hearing shall be conducted within seven (7) days of the service of the notice upon the dog officer or law enforcement officer involved. The issue shall be decided upon the preponderance of the evidence. If the Court rules the dog to be vicious, the Court may establish a time schedule to insure compliance with this Chapter, but in no case more than thirty (30) days subsequent to the date of the Court's determination.

(c) The Court may decide all issues for or against the owner or keeper of the dog regardless of the fact that said owner or keeper fails to appear at said hearing.

(d) The determination of the Municipal Court shall be final and conclusive upon all parties thereto. However, any law enforcement officer shall have the right to declare a dog to be vicious for any subsequent actions of the dog.

(e) In the event that the law enforcement officer has probable cause to believe that the dog in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the law enforcement officer may seize and impound the dog pending the aforesaid hearings. The owner or keeper of the dog shall be liable to the city or town where the dog is impounded for the costs and expenses of keeping such dog, if the dog is determined to be vicious. (Ord. 1384 §§1—4, 2004; Ord. 964 §12, 1988)

6.16.129 Vicious dog may be slain.

Any vicious dog (which has been found to be a *vicious dog* under the provisions of Section 6.16.010) found at large and that cannot be safely taken up or impounded may be slain by any police officer. (Ord. 1416 §12, 2006)

6.16.130 Penalties.

(a) Any violation of any of the provisions of Sections 6.16.010 through 6.16.150, inclusive, shall be punishable as follows:

(1) On a conviction of a first offense: a minimum mandatory fine of five hundred dollars (\$500.00), together with sixteen (16) hours of useful public service (suspended if the owner agrees to permanently dispose of the dog).

(2) On a conviction of a second offense: a minimum mandatory fine of one thousand dollars (\$1,000.00), together with a minimum sentence of ten (10) days jail.

(3) On a conviction of a third and subsequent offense: a minimum mandatory fine of two thousand (\$2,000.00), together with a minimum sentence of thirty (30) days jail.

(4) In addition thereto, court costs shall be imposed as allowed by this Code.

(5) Any sentence for a first offense may be suspended if the owner permanently removes the dog from this jurisdiction.

(6) The court may suspend portions of any sentence for a second and subsequent offense only if good cause is shown by clear and convincing evidence.

(b) Nothing contained herein shall prohibit the imposition of a fine in addition to the minimum standards set forth herein. (Ord. 1416 §§13, 14, 2006; Ord. 1276 §5, 2000; Ord. 964 §13, 1988)

6.16.140 Exemptions.

The provisions of this Chapter shall not apply to K-9 or other dogs owned by any Police Department or other law enforcement agency or privately owned by any law enforcement officer if said dog is regularly used in the performance of police work at the request of the law enforcement agency. (Ord. 964 §14, 1988)

6.16.150 Severability.

If any section, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any Court, such decision shall not affect the validity of the remaining portions of this Chapter. (Ord. 964 §16, 1988)

6.16.161 Tag requirements.

(a) In addition to the requirements of licensing and registration imposed by Sections 6.12.040, 6.12.050 and 6.16.060, any dog determined to be vicious shall have a vicious dog tag (as defined below) issued to that dog to be worn by that dog at all times.

(b) Upon registration of a vicious dog as defined by Section 6.16.010, the City Clerk shall provide specifically colored tags which shall clearly state that the dog has been determined to be *vicious* as defined by Section 6.16.010. (Ord. 1416 §15, 2006)

CHAPTER 6.17

Pit Bull Breeds

6.17.010 Definitions.

These definitions apply to Section 6.17.010 through 6.17.090 inclusive.

(1) An *owner* is defined as any person who owns, possesses, keeps, exercises control over, maintains, harbors, transports or sells an animal.

(2) A *pit bull* is defined as any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier or any dog displaying the majority of physical traits of any one (1) or more of the above breeds, or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds.

(3) A *secure temporary enclosure* is a secure enclosure used for purposes of transporting a pit bull and which includes a top and bottom permanently attached to the sides except for a "door" for removal of the pit bull. Such enclosure must be of such material, and such door closed and secured in such a manner, that the pit bull cannot exit the enclosure on its own. (Ord. 1431 §1, 2006)

6.17.020 Pit bulls prohibited.

It shall be unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport or sell within the City any pit bull as defined herein. (Ord. 1431 §1, 2006)

6.17.030 Exceptions.

The prohibition in Section 6.17.020 shall not apply in the following enumerated circumstances. Failure by the owner to comply and remain in compliance with all of the terms of any applicable exception shall subject the pit bull to immediate impoundment and disposal pursuant to Sections 6.17.060 and 6.17.070 below and shall operate to prevent the owner from asserting such exception as a defense in any prosecution hereunder.

(1) The owner of a pit bull who has applied for and received a dog license for such pit bull pursuant to Section 6.17.040 below, on or before December 1, 2006, and who maintains the pit bull at all times in compliance with the pit bull license requirements of Sections 6.17.040 and 6.17.050 below and all other applicable requirements of this Code, may keep a pit bull within the City.

(2) The City's animal shelter may temporarily harbor and transport any pit bull for purposes of enforcing the provisions of this Chapter.

(3) Any humane society or other entity or association operating an animal shelter which is registered with the City may temporarily hold any pit bull that it has received or otherwise recovered, but only for so long a period of time as it takes to contact the City's animal shelter and either turn the pit bull over to the animal shelter employees or receive permission to destroy or have destroyed the pit bull pursuant to the provisions of Section 6.17.060. (Ord. 1431 §1, 2006)

6.17.040 License requirements.

(a) The owner of the pit bull shall provide proof of rabies vaccination and shall pay the annual pit bull license fee of fifty dollars (\$50.00). (b) The owner of the pit bull shall keep current the license for such pit bull through annual renewal. Such license is not transferable and shall be renewable only by the holder of the license or by a member of the immediate family of such licensee. A pit bull license tag will be issued to the owner at the time of issuance of the license. Such license tag shall be attached to the pit bull by means of a collar or harness and shall not be attached to any pit bull other than the pit bull for which the license was issued. If the pit bull tag is lost or destroyed, a duplicate tag may be issued upon the payment of a ten-dollar fee.

(c) The owner must be at least twenty-one (21) years of age as of January 1, 2006.

(d) The owner shall present to the City Manager proof that the owner has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00) covering any damage or injury which may be caused by a pit bull during the twelve-month period covered by the pit bull license. The policy shall contain a provision requiring the insurance company to provide written notice to the City Manager not less than fifteen (15) days prior to any cancellation, termination or expiration of the policy.

(e) The owner shall, at the owner's expense, have the pit bull spayed or neutered and shall present to the City Manager documentary proof from a licensed veterinarian that this sterilization has been performed.

(f) The owner shall bring the pit bull to the City animal shelter where a person authorized by the City Manager shall cause a registration number to be assigned to the pit bull. The City Manager shall maintain a file containing the registration numbers and names of the pit bulls and the names and addresses of the owners. The owner shall promptly notify the City Manager of any change of address.

(g) At all times when a pit bull is at the property of the owner, the owner shall keep the pit bull confined as that term is defined in Paragraph 6.16.010(3). At all times when a pit bull is away from the property of the owner, the owner shall keep the pit bull either securely leashed and muzzled or in a secure temporary enclosure as that term is defined in Paragraph 6.17.010(3) above.

(h) The owner shall not sell or otherwise transfer the pit bull to any person except a member of the owner's immediate family, who will then become the owner and will be subject to all of the provisions of this Section. The owner shall notify the City Manager within five (5) days in the event that the pit bull is lost, stolen, dies or has a litter. In the event of a litter, the owner must deliver the puppies to the City Animal shelter for destruction or permanently remove the puppies from the City limits and provide sufficient evidence of such removal by the time the puppies are weaned, but in no event shall the owner be allowed to keep within the City limits a pit bull puppy, born after the effective date of December 1, 2006, that is more than eight (8) weeks old. Any pit bull puppies kept contrary to the provisions of this Section are subject to immediate impoundment and disposal pursuant to Section 6.17.060 below.

(i) The owner shall have posted, at each possible entrance to the owner's property where the pit bull is kept, a conspicuous and clearly legible pit bull sign. Such pit bull sign must be at least eight (8) inches by ten (10) inches in rectangular dimensions and shall contain only the words "PIT BULL DOG" in lettering not less than two (2) inches in height.

(j) The owner shall also comply with the signage requirements of Section 6.16.040 of this Title.

(k) The owner shall be in compliance with the enclosure requirements defined in Paragraph 6.16.010(3). (Ord. 1431 §1, 2006)

6.17.050 Renewal of license.

The owner of any pit bull which had been licensed pursuant to Section 6.17.040 above, on or before December 1, 2006, shall be allowed to keep such pit bull within the City upon compliance with the terms of the exception contained in Section 6.17.030 above, but only if the owner applies for and receives an annual pit bull license on or before January 1 of each calendar year thereafter. As a condition of issuance of a pit bull license, the owner shall at the time of application comply with or otherwise provide sufficient evidence that the owner is in compliance with all of the requirements of Section 6.17.040. (Ord. 1431 §1, 2006)

6.17.060 Immediate impound.

Notwithstanding the provisions of Section 6.17.030 above, the City Manager is authorized to immediately impound any pit bull found in the City which does not fall within the exceptions listed in Section 6.17.030, and the City animal shelter may house or dispose of such pit bull in such manner as the procedures in Section 6.17.080 below require. (Ord. 1431 §1, 2006)

6.17.070 Review.

(a) When the City Manager has impounded any pit bull pursuant to this Chapter and the owner of such dog disputes the classification of such dog as a pit bull, the owner of such dog may file a written petition with the Municipal Court for a hearing concerning such classification no later than seven (7) days after impoundment. Such petition shall include the name and address, including mailing address, of the petitioner. The Municipal Court will then issue a notice of hearing date by mailing a copy to the petitioner's address no later than ten (10) days prior to the date of the hearing. Where no written request from the owner for a hearing is received by the Municipal Court within seven (7) days of impoundment, the pit bull shall be destroyed and no further hearing or inquiry need be conducted.

(b) The hearing, if any, will be held before the Municipal Court. Any facts which the petitioner wishes to be considered shall be submitted under oath or affirmation either in writing or orally at the hearing. The Municipal Court shall make a final determination whether the dog is a pit bull as defined in Subsection 16.17.010(b) above. Such final determination shall be considered a final order of the City subject to review under Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

(c) If the dog is found to be a pit bull, it shall be destroyed, unless the owner produces evidence deemed sufficient by the City Manger that the pit bull is to be permanently taken out of the City, and the owner pays the cost of impoundment. If the dog is found not to be a pit bull, the dog shall be released to the owner. The procedures in this Section shall not apply and the owner is not entitled to such a hearing with respect to any dog which was impounded as the immediate result of an attack or bite as defined in Paragraph 6.16.010(2). In those instances, the dog shall be handled and the procedures governed by the provisions of Sections 6.16.010 through 6.16.161 inclusive. (Ord. 1431 §1, 2006)

6.17.080 Destruction.

Destruction of animals confiscated pursuant to Section 6.17.010 et. seq. shall be by euthanization as administered by a licensed veterinarian. (Ord. 1431 §1, 2006)

6.17.090 Inspections.

The City Manager, or his or her designee, shall have the right to make physical inspections of any premises at which a licensed pit bull is registered. The inspection requirements shall be similar in scope and frequency as those outlined in Section 6.16.021. (Ord. 1431 §1, 2006)