

Title 6

ANIMALS

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Chapter 6.04

ANIMAL CONTROL REGULATIONS GENERALLY

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6.04.010 Definitions. As used in this chapter, the following terms shall have the meanings indicated:

"Animal" means any and all types of animals, both domesticated and wild, male and female, singular and plural.

"At large" means off the premises of owner or custodian of the animal or fowl and not under the immediate control of the owner or custodian.

"Kennel" means the keeping of six (6) or more adult (over four months old) animals, no more than three (3) of which are canines. Animals that are commonly intended to be constantly maintained in a small, self-contained enclosure, such as caged birds and fish, are exempt from this Ordinance.

"Fowl" means any and all fowl, domesticated and wild, male and female, singular and plural. (Amended Ordinance 2010-05, November 8, 2010)

6.04.020 Keeping of certain animals unlawful.

The keeping, maintaining, harboring or boarding of animals other than the following is prohibited in Town without a valid conditional use permit:

- a) Domesticated dogs, not including hybrids with non-domesticated canines;
- b) Domesticated cats;
- c) Chickens as set out in this Code;
- d) Indoor domesticated *rodentia*, such as Guinea pigs, hamsters, gerbils, mice and rats.
- e) Fish;
- f) Indoor domesticated caged birds such as parrots and parakeets;
- g) Pigeons;
- h) Domesticated ferrets, hedgehogs, sugar gliders, and rabbits;
- i) Small reptiles, amphibians and insects maintained in a caged condition.

This chapter shall not apply to any land offered for lease by the Town if said lease specifically authorizes the keeping of such animal. (Ord 2019-01; 5/13/2019)

#### 6.04.025 Kennel Licenses

- A. No person or persons may own, rent, lease or otherwise occupy premises containing a kennel without an annual kennel license. A kennel license will be in lieu of individual licenses. Possessors of a kennel license must comply with all applicable town zoning laws and maintain proof of current rabies and parvo vaccinations for each animal. A kennel license must first be obtained from the town planning and zoning commission before a kennel license may be granted.
- B. Application for a kennel license shall be filed at the Town hall on forms provided by the Town of Marbleton for the specific purpose. Such Application shall detail the breed and size of the dogs currently living on the premises; the number, breed and size of dogs intended; details concerning how the animals are cared for, including descriptions of fencing and locations for their use; and any other information the planning and zoning commission may deem necessary.
- C. The kennel license and license fee shall be set and amended by Town Council resolution after publication and public hearing.
- D. The Planning and Zoning Commission, after a public hearing, an inspection by a designee, and notice, may approve, modify and approve, or deny a kennel license. In approving any kennel license, the Planning and Zoning Commission shall impose regulations and conditions as are necessary, to protect the public welfare. After notice to a kennel licensee, public hearing, and an opportunity to be heard, the Planning and Zoning Commission may remove or modify an existing kennel license and/or license if the use of said license or licensee is deemed to be volatile of the welfare of the Town, including, but not limited to, any violations of the Town's prohibitions and regulations regarding animals running at large, noise, and nuisances.
- E. Nothing in this or any other Ordinance of the Town shall grant, extend or convey a right upon any person or persons within the Town, and the granting of a kennel license shall not permit the keeping of animals commonly intended to be kept as livestock, such as horses, sheep and cattle. (Amended Ordinance 2010-05, November 8, 2010)

#### 6.04.030 Vicious Animals.

A. It is unlawful for any person to own, keep, allow or harbor upon any premises any dog or other animal of fierce, dangerous vicious propensities or any animal that may manifest a disposition to bite anyone, or who, without provocation, rushes, bites, snaps, growls or otherwise menaces any person lawfully in the location where such behavior is observed without having such animal properly secured and muzzled and kept in manner as to prevent the dog from posing a threat or menace to persons occupying or using adjoining sidewalks, streets, alleys or properties. No animal of fierce, dangerous or vicious propensities shall be allowed to run at large or upon the premises of anyone other than the owner, nor to pose a threat or menace or cause undue alarm to persons occupying or using adjoining sidewalks, streets, alleys or properties.

B. Dogs trained and used for the security of government installations or trained and used by law enforcement agencies are specifically exempt from certain provisions of this section.

C. If any dangerous, fierce or vicious animal so found at large cannot be safely caught and confined without danger to any officer, the animal or animals may be destroyed without further action on the part of the police officer.

D. If upon hearing, it is established to the satisfaction of the municipal judge that such animal or animals are vicious or dangerous to the public, he may order such animal or animals destroyed.

E. Any person having charge or being the owner or keeper of any such animal found violating the provisions of this section, with the exception of subsection B, is guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars, nor more than seven hundred fifty dollars, to which may be added court costs. His permit to keep, harbor or have custody of animals shall be automatically revoked and no new permit issued for a period on one year. (Ord. 2010-09; Ord. 98-3, 1998; Ord. 82-3 §2, 1982)

6.04.035 Rabies Investigation. If any animal is believed to have rabies, has been bitten by an animal suspected of having rabies, or has bitten any person, such animal shall be impounded in the town pound by any police officer or other person authorized by the town.

A. The pound master or some other designated official, upon receiving any such animal, shall make a complete registry, entering the breed, color and sex of such animal and whether licensed, and shall also make a record of the incident which led to the impounding of the animal. If the animal is licensed the pound master shall enter the name and address of the owner and number of the license tag. Not later than three days after the impounding of any such animal the owner shall be notified or, if the owner of the animal is unknown, all reasonable attempts will be made to contact the owner.

B. The animal is to be kept in the pound, segregated from other animals, for a period of fourteen days. At the end of the fourteen-day impoundment, the animal shall be inspected by a licensed veterinarian and if the animal shows no symptoms of rabies, the veterinarian may authorize the release of the animal. If the animal shows symptoms of rabies, the veterinarian may direct whatever disposition of the animal he may deem necessary, including but not limited to destroying the animal and/or conducting laboratory tests on the animal.

C. Following the fourteen-day impoundment, if the animal is found to be disease free, the owner of such animal so impounded may reclaim such animal on payment of all cost and charges incurred by the town for impounding and maintenance of the animal. (Ord. 98-4, 1999)

6.04.040 Animals and fowl at large. No person owning or having custody of dogs, cats, animals or fowl shall permit the same to go at large within the corporate limits of the Town. Any such animal or fowl will be deemed to be "at large" when it is upon the property of a person other than the owner or upon any public property and not leashed or under the control of the owner and obedient to the owner's command. Such action is declared to be a nuisance and dangerous to the public health and safety. (Ord. 2001-1; 2001; Ord. 82--3 §3, 1982; prior code §4-202)

6.04.045 Nuisance: penalty.

A. The failure of an owner to exercise proper care and control of the owner's animals to prevent them from producing annoyance, discomfort or damage to persons or property is deemed a nuisance. Without limiting the above, excessive, continuous or untimely barking, molesting passers-by, chasing vehicles, habitually attacking other domestic animals, trespassing upon private property, noxious or offensive odors emanating from animal living quarters, or unsanitary living conditions shall be deemed a nuisance.

B. The owner or other person responsible for any animal constituting a nuisance, as defined by Section 6.04.010, is guilty of a misdemeanor and, upon conviction, may be punished in accordance with Section 1.12.010 of this Code. In addition to prosecution and the penalties provided, this section may be enforced by injunction, mandamus and abatement in the manner provided by law and this Code. . (Ord. 97-1, 1997)

6.04.050 Impounding.

A. At any time the town does not maintain an impound shelter for animals, the mayor, with approval of the town council, is empowered to appoint any person in or outside the town as agent for the town for the management of an impound shelter. His service in this regard are declared to be governmental in nature, and will be compensated as agreed to by the town.

B. Impounded animals, whether in the town impound shelter or a private facility, shall be kept in a humane manner. The poundmaster, or some other designated official, or person upon receiving any animal or fowl shall make a complete registry, entering the breed, color and sex of such animal and whether such animal has a permit or tag. If by a permit tag or by other means the owner can be identified, the poundmaster or other responsible person shall immediately upon impoundment notify the owner by telephone or mail of the impoundment of the animal. If the owner of the animal is unknown, written notice shall be posted for three days at two or more conspicuous places in the town describing the animal and the place and time of taking. The owner of any animal so impounded may reclaim such animal upon payment of any required permit fee, if unpaid, and of all costs and charges incurred by the town for impoundment and maintenance of the animal. The cost of the following shall be paid to the town clerk or poundmaster:

1. For impounding any animal, \$15.00;
2. The boarding fee for keeping the animal, \$25.00 for each day or part thereof;
3. For veterinary expense, shots, etc., the actual cost thereof;
4. For giving notice, \$3.00.

B. It shall be the duty of the poundmaster or other designated person or official to keep all animals which have been impounded for a period of not less than three days, if not sooner claimed by the owner of such animal. If at the expiration of three days from the date of notice to

the owner or posting of notice such animal shall not have been redeemed, it may be destroyed. Any animal which appears to be suffering from rabies or infected with hydrophobia, mange or other infectious or dangerous disease shall not be released but may be forthwith destroyed.

C. The owner reclaiming an impounded animal may also be proceeded against for violation of this Chapter and his permit may be revoked. Notwithstanding the provisions of this section, if a dog is found at large and its owner can be immediately identified and located, such animal need not be impounded but may, instead, be taken to the owner. In such case, the law enforcement officer or other officer shall notify the owner which may be cited for a violation of this Chapter. (Ord. 2000-3, 2000; Ord. 86-1 §2, 1986)

6.04.060 Property owner may impound. Any person finding any animal or fowl upon his property to his injury or annoyance may take up the same and remove it to the animal shelter. If the shelter will not take possession of it or is not readily available, he may hold the animal or fowl in his own possession and as soon as possible notify the town marshal of this custody, giving a description of the animal or fowl and the name of the owner, if known. (Ord. 82-3 §4(part), 1982; prior code §4204)

6.04.070 Town marshal to take possession. The town marshal, as soon as possible after receiving notice, will dispatch an agent to appear at the premises and take possession of the animal or fowl. (Ord. 82-3 §4(part), 1982; prior code §4-205)

6.04.080 Return to owner. If the officer has, or with reasonable dispatch can obtain, the name of the owner or custodian of the animal or fowl, he will return it to the residence of said owner. If there is no one at the address, he will leave a notice where the owner or custodian may reclaim the property. He will then leave the animal or fowl at the nearest animal shelter and will secure or cause to be secured and served or have served a warrant of arrest on the owner or custodian for permitting the animal or fowl to go at large. (Ord. 82-3 §4(part), 1982; prior code §4-206)

6.04.090 Owner to pay board for animal. The owner or custodian who redeems an animal from the impound shelter will pay a board bill at the rate of \$15.00 for each day or part of a day the animal is in the impound shelter.(Ord. 2000-4,2000; Ord. 82-3 §4(part), 1982; prior code §4-207)

6.04.100 Officer may impound. Any law enforcement officer or the animal control officer or other person designated by the town for such purpose is authorized to capture and impound any animal or fowl kept in violation of this chapter, or Ordinance 9.12.130, or found at large. Impounding is to be in accordance with the procedure authorized by this chapter. In the event capture cannot be effected promptly, the officer, person or agent is authorized to destroy the animal or fowl. Nothing in this Ordinance shall be read to require the issuance of a citation, arraignment, trial, or other judicial process prior to the capture or impounding of an animal or fowl. (Ord. 2009-07, Ord. 86-1 §3, 1986; Ord. 82-3 §5, 1982; prior code §4-208)

6.04.110 Violation: Penalty. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding seven hundred fifty dollars for each offense. Additionally, for Ordinances 6.25.05 and

027, the Court may impose up to six (6) months in jail for each offense. Each day or instance if violation is committed or permitted to continue shall constitute a separate offense, and shall be punishable as such hereunder. Payment of animal board and room in order to redeem an impounded animal or restitution for veterinary care shall in no wise reduce the penalty imposed by this chapter. (Ord. 2015-03; 2/8/2016)

## Chapter 6.08

### DOGS

#### Sections:

6.08.010	License Fee
6.08.020	License
6.08.030	Collar tag
6.08.040	Impounding
6.08.050	Animal control officer
6.08.060	Violation; penalty

6.08.010 License Fee. Any person living within the limits of the town who shall own or keep a dog cat shall, after the first day of April of each year, pay an annual license fee of \$2.50 for each neutered male dog or cat or spayed female dog or cat, and \$5.00 for each unneutered male dog or cat or unspayed female dog or cat. (Ord. 2001-2, 3/12/2001).

6.08.020 License. The Town Clerk, upon receipt of a bona fide certificate showing that the dog or cat to be licensed received an inoculation for rabies and, in the case of canines, parvo, and upon the collection in advance of the appropriate license fee, shall issue a license to any person desiring to keep a dog or cat. Such license shall be renewed annually and numbered in the order of issuance. (Ord. 2010-07; Ord. 2001-3, 2001; Ord. 86-1 §5 (part), 1986; Ord. 82-3 §6 (part), 1982; prior code §4211).

6.08.030 Collar tag. The town clerk shall issue a metal plate or tag with each dog or cat license. The tag shall bear the number of the license and the date and year of the issuance of the same. On request the owner shall produce the license to any appropriate authority of the Town. (Ord. 2001-4, 2001; Ord. 86-1 §5 (part), 1986; Ord. 82-3 §6 (part), 1982; prior code §4-212)

6.08.040 Impounding. Any dog or cat found within the town limits of the town without a current license tag shall be impounded and disposed of if unredeemed according to the

provisions of this chapter. (Ord. 2001-5, 2001; Ord. 86-1 §5 (part), 1986; Ord. 82-3 §6 (part), 1982; prior code §4-213)

6.08.050 Animal control officer. The town council shall appoint an animal control officer, who shall receive such compensation as determined from time to time by the town council. The animal control officer shall be authorized to issue citations to persons violating the provisions of this chapter. In addition, the animal control officer may take any other action that the town marshal or his agent is authorized to take under this chapter. Except for the authority to issue citations under this chapter, the animal control officer shall have no peace officer authority and he shall not carry a gun except in the event of rabid animals. (Ord.86-1 §5 (part), 1986; Ord. 85-4 §1, 1985) 6.08.060 .

6.08.060 Violation. penalty. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding seven hundred fifty dollars for the each offense. Each day such violation is committed or permitted to continue shall constitute a separate offense, and shall be punishable as such hereunder. Payment of animal board and room in order to redeem an impounded animal or restitution for veterinary care shall in no wise reduce the penalty imposed by this chapter.

## Chapter 6.25

### MISTREATMENT

#### Sections:

- 6.25.025 Willful killing of domestic animals.
- 6.08.020 Animal Abuse.

6.25.025 Willful killing of domestic animals. No person in the town shall wilfully kill, maim or disfigure any horse, dog or other domestic animal or administer poison to any such animal, or expose any poisonous substance with the intent that it shall be taken by any such animal except in the exercise of a lawful business or in discharge of an official duty. This Ordinance shall not prevent the humane killing of a terminally injured or ill animal by law enforcement, animal control officer a veterinarian or owner of said animal (Ord. 2015-03; 2/8/2016)

6.25.027 Animal abuse. No person in the town shall inhumanly, unnecessarily or cruelly override, beat, injure, torture or otherwise abuse any animal. No owner, keeper, or harbinger of any animal shall suffer the same to stand hitched to any hitching rack, post, building or other object for an unnecessary period of time considering the conditions existing for such animal during said period of time. No owner, keeper or harbor of any animal shall allow the same to go without food, drink, necessary veterinary care or shelter or abandon or neglect the same. (Ord. 2015-03; 2/8/2016)

