

ORDINANCE NO. 558

AN ORDINANCE IN EXISTANCE FOR THE DURATION OF THE GRANADA/HOLLY POLICE DEPARTMENT ESTABLISHING ANIMAL CONTROL OFFENSES AND REPEALING ALL PRIOR ORDINANCES IN CONFLICT THEREWITH, AND PROVIDING PENALTIES FOR VIOLATION THEREOF

WHEREAS, the Board of Trustees for the Town of Holly has determined that the present ordinances of the Town of Holly for animal control offenses are incomplete and inadequate, and the manner of arrangement, classification and indexing thereof is insufficient to meet the current and immediate needs of the Town; and

WHEREAS, the Town Board has determined that topics, which should be the subject of arrangement, classification and indexing of animal control offenses should include, but are not limited to, government and public officers, streets and public places, public, private and personal property, public peace, order, noise, miscellaneous animal offenses to protect the health, safety and welfare of the citizens of the Town of Holly;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF HOLLY, PROWERS COUNTY, COLORADO

Paragraph 1. The penalties by the Holly Municipal Code are hereby adopted as follows;

(1) General penalty for violation.

Any person who shall violate or fail to comply with any provision of this Code for which a different penalty is not specifically provided shall, upon conviction thereof, be punished by a fine not exceeding three hundred dollars (\$300.00) or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment, except as hereinafter provided in subsection (2) of this Section 1, "Application of penalties to juveniles." In addition, such person shall pay all costs and expenses in the case, including attorney fees incurred by the Town of Holly. Each day such violation continues shall be considered a separate offense.

(2) Application of penalties to juveniles.

Every person who, at the time of commission of the offense, was at least ten (10) but not yet eighteen (18) years of age, and who is subsequently convicted of, or pleads guilty or nolo contendere to, a violation of any provision of this Code, shall be punished by a fine of not more than three hundred dollars (\$300.00) per violation or count. Any voluntary plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge shall subject the person so pleading to all fines and/or penalties applicable to the original charge. Nothing in this Section shall be construed to prohibit incarceration in an appropriate facility, at the time of charging, of a juvenile violating any section of this Code.

(3) Jurisdiction over juveniles.

No child, upon conviction of a violation of a municipal ordinance in the Municipal Court, shall be incarcerated or held in detention by reason of such conviction, but, rather, shall be subject to the provision of the Colorado Revised Statutes. The fine to be imposed upon any child convicted of a municipal ordinance violation in the Municipal Court shall be limited to an amount not in excess of three hundred dollars (\$300.00) for each separate offense upon which conviction shall be had.

Paragraph 2. *The enforcement of this ordinance is as follows:*

Any Town of Holly animal control officer or police officer is authorized to enforce the provisions of this ordinance, and the Municipal Court shall have the jurisdiction to hear and try any person charged with its violation. If such person is found guilty, such person shall be punished in accordance with the provisions of Section 1 of this Code.

ARTICLE XI Animal Control

Division 1. General Provisions

Section 1-1-10 Definitions.

The following words have the meanings as described to them in this Article.

- 1) *Animal* means any live vertebrate creature, domestic or wild, except human beings.
- 2) *Animal Control Officer* means any person who is employed by the Town and authorized by the Chief of Police to administer and enforce this Article.
- 3) *Animal establishment* means any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, performing animal exhibition or kennel. This term shall not include veterinary medical facilities, licensed research facilities or facilities operated by government agencies.
- 4) *Animal shelter* means a facility operated by the Town for the purpose of impounding and caring for animals.
- 5) *At large*. An animal shall be deemed to be running *at large* when off or away from the premises, the owner, possessor, keeper or lessee, and not under control thereof. An animal shall also be deemed to be running at large when not under control on the common grounds of condominiums, townhomes, apartment complexes and mobile home parks.
- 6) *Bodily injury* means physical pain, illness or any impairment of physical or mental condition.
- 7) *Circus* means a commercial variety show featuring animal acts for public entertainment.
- 8) *Control*. An animal shall be construed to be under *control* of a person as follows:

- a. Confinement within a vehicle, fencing or other adequate enclosure where the animal has no access to passers-by, or
- b. Attachment to a leash not over six (6) feet in length and held by a person of sufficient size and strength to restrain the animal, or
- c. Tethered on the premises of its owner, possessor, keeper or lessee such that it does not have access to passers-by on a public street, sidewalk or right-of-way.

Nothing herein shall restrict the ordinary uses of service animals, seeing-eye, hearing-aid animals etc.

- 9) *Dwelling unit* means one (1) or more rooms and a single kitchen designed for, or occupied as, a single living unit.
- 10) *Humane manner* means care of an animal, including but not limited to adequate heat, ventilation, sanitary shelter and wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species and breed.
- 11) *Kennel* means any establishment or dwelling unit kept or being used for the purpose of keeping, boarding, breeding, buying, selling, grooming, letting for hire or engaging in the training of animals.
- 12) *Leash or lead* means a cord, rope, chain or similar device, which holds an animal in restraint and which is not more than six (6) feet in length.
- 13) *Neighborhood* means the area within five hundred (500) feet of the exterior boundaries of the property where the animal is kept.
- 14) *Owner* means any person, partnership, corporation or association owning any animal, or having the same in his or her care, custody or control; or who causes, encourages or suffers the same to remain upon his or her premises for a period of more than three (3) days.
- 15) *Performing animal exhibition* means any spectacle, display, act or event other than a circus in which performing animal are used.
- 16) *Pet* means any animal customarily kept for pleasure, rather than for utility.
- 17) *Pet shop* means the premises of any person, partnership or corporation, whether operated separately or in connection with another business enterprise, that buys, sells or boards animals.
- 18) *Premises* means real property owned, rented, leased, used, kept or occupied by a person.
- 19) *Rabies vaccination* means the inoculation of an animal with a rabies vaccine approved by the Colorado Department of Health.
- 20) *Restraint* means physical control by use of a lead or leash.
- 21) *Trap* means any device used to contain or capture an animal.

- 22) *Veterinary hospital* means any premises upon which a licensed veterinarian performs, surgery, makes diagnoses and treats diseases of, and injuries to, animals.
- 23) *Vicious animal* means an animal that bites or attacks human beings or other animals, or in a vicious or terrorizing manner attacks, or approaches in an attitude of attack, upon a person upon any street, sidewalk, ally or any other place or ground; except when in reasonable defense of persons. A dog kept or possessed for protection or security purposes which, by its nature or training, would otherwise come under the foregoing provision shall not be deemed vicious so long as it is securely confined in an enclosure or securely attached to a chain, rope or cord of sufficient size and strength to reasonably secure the animal and keep it physically segregated from persons other than its owner, custodian or possessor.

Section 1-1-20 Fees.

- (a) Generally. All fees established herein are subject to revision by the Chief of Police or Town Clerk and approved by the Town Board of Trustees.
- (b) Adoption. Any person adopting a dog from the animal shelter shall pay a fee as established by the Town Board of Trustees.
- (c) Euthanasia. Any owner of any animal for which a request for euthanasia has been made may pay a fee as established by the Town Board of Trustees. Such owner shall submit written verification of ownership of the animal to be euthanized.
- (d) Impoundment. Any person claiming an animal from the animal shelter or other location of impoundment shall pay a fee as established by the Town Board of Trustees for an animal held for one (1) to six (6) days. An additional fee as established by the Town Board of Trustees will be assessed for each animal held in excess of said six-day period.
- (e) License. Any person applying for a Town dog license shall be obligated to pay a license fee as established by the Town Board of Trustees.
- (f) Deferral of fee. The license fee provided for in Subsection (e) shall be deferred up to and until the owner of the dog is found to be in violation of any animal control provision at which time the previously deferred fee shall be due and owing.
- (g) Duration of license. The license provided for in Subsection (e) shall remain in effect for the registered owner's ownership of the dog.
- (h) Replacement tag. Any person requesting a replacement tag shall pay a fee as established by the Town Board of Trustees.
- (i) Quarantine. The owner of any animal quarantined pursuant to this Article shall pay a fee as established by the Town Board of Trustees for each day the animal is held in the animal shelter.

- (j) Kennel. Any person applying for a kennel or other animal establishment license shall pay an annual fee as established by the Town Board of Trustees.

Division 2. Licenses

Section 1-1-200 License required.

- (a) No person shall, without first obtaining a Town license thereof, own, keep or harbor any dog over six (6) months of age.
- (b) This Article shall not apply to kennels, veterinary hospitals, pet shops, educational facilities, laboratories, properly licensed commercial establishments and animals kept in connection with farming operations.

Section 1-1-210 Deadline for application.

An applicant for a dog license shall apply for said license immediately after having become the owner of any such dog, or immediately after such dog is brought into the Town.

Section 1-1-220 Application; where to file; contents

- (a) An applicant for a dog license shall apply to the Town Clerk's Office or such other location as designated by the Town Board of Trustees.
- (b) Such application shall be upon forms provided by the Town and shall contain at least the following information:
 - (1) The name, address and telephone number of the owner;
 - (2) The "call name," breed, age, color and sex of the dog;
 - (3) The signature of the owner attesting to the ownership of the dog.

Section 1-1-230 Application fee.

The application shall be accompanied by a license fee for each dog. The amount of the said fee shall comply with the fee schedule in Section 2 of this Article.

Section 1-1-240 Proof of vaccination.

Any owner applying for a dog license shall obtain a certificate of rabies vaccination from a licensed veterinarian. Said certificate shall accompany the application for license, unless otherwise provided by the Article.

Section 1-1-250 Certificate of vaccination.

The certificate of vaccination required by this Article shall contain:

- (1) The name, address and telephone number of the vaccinated dog;
- (2) The date of vaccination and the type of rabies vaccine used;
- (3) The date of expiration of vaccination; and
- (4) The breed, age, color and sex of the vaccinated dog.

Section 1-1-260 Issuance of tag; term.

- (a) Upon acceptance of the completed license application and after payment of the license fee, the Clerk's Office shall issue a durable tag stamped with an identifying number and year of issuance.
- (b) The license is an annual license for the period beginning on the date of purchase and will expire on the subsequent date of the following year; therefore, provided that any dog released from impoundment to an owner residing in the Town of Holly shall first be duly licensed, as provided in this Article, regardless of age.

Section 1-1-270 Dog tag; duplicate.

- (a) The owner or custodian shall attach the tag on the collar or harness of the dog so licensed. Said collar or harness shall be worn by such dog at all times it is outside the owner's premises.
- (b) A duplicate or replacement tag may be obtained upon payment of the required replacement tag fee, as in section 2 (h) of this Article.

Section 1-1-280 Record of license issued; maintenance; inspection.

The Town Clerk's Office shall maintain a record of all tags issued according to the Article, and such record may be inspected by the public at reasonable hours, but in such a manner as not to interfere unduly with the regular business of the office.

Section 1-1-290 License revocation or suspension; exceptions.

The Town may revoke any license if the person holding the license refuses or fails to comply with this Article, or any state or local law governing cruelty to animals or the keeping of animals. Any person whose license is revoked shall, within (10) days thereafter, make reasonable effort to contact animal rescue, a veterinarian or sell all animals being owned, kept or harbored by such person, and no part of the license fee shall be refunded.

Division 3. Kennels

Section 1-1-300 Kennels; license required.

- (a) No person or owner shall keep or operate any kennel or other animal establishment without having first applied for and received a valid license therefore.
- (b) Licenses are valid from the date of purchase to the subsequent date of the following year, which they were issued, unless sooner revoked as provided in this Article.

Section 1-1-310 Application for kennel license.

An application for a kennel license shall be made to the Police Department or Town Clerk's Office and contain at least the following information:

- (1) The name and address of the person or owner making the application;
- (2) The address of the property upon which the kennel or other animal establishment is to be kept or operated;
- (3) The zoning district within, which the kennel or other animal establishment is to be kept or operated;
- (4) A description of the nature of the kennel or other animal establishment to be kept or operated;
- (5) The number of animals to be kept, boarded, bred, used, bought, sold, let for hire, trained or maintained within or upon the premises for which the license has been requested.

Section 1-1-320 Inspection prior to granting of license.

Before any license for a kennel or other animal establishment may be issued, and periodically thereafter, as deemed necessary, the Chief of Police or his/her representative shall conduct a physical inspection of the proposed kennel or other animal establishment and determine whether it is in compliance with the requirement of this Article.

Section 1-1-330 Requirements for kennel establishments.

- (a) All kennels or other animal establishments shall provide the following:
 - (1) Adequate shelter from the elements for the animals;
 - (2) Adequate facilities for preventing the escape of animals from the premises, and
 - (3) Adequate facilities for the humane care and keeping of animals.
- (b) Failure to so provide is a violation of this Article.

Section 1-1-340 Denial of kennel license.

A kennel license may be denied if:

- (1) The applicant has made any material misrepresentations or has falsified the license application.
- (2) The applicant, directly or otherwise, refuses to allow the reasonable inspection of the facility.
- (3) The applicant has been previously convicted two (2) or more times from a violation of this Article.
- (4) The proposed facility is prohibited by zoning.
- (5) It is determined, after inspection, that the facility does not comply with the requirements of Section 1-1-330.

Section 1-1-350 Revocation of kennel license.

Any license granted under this Division may be revoked by the Chief of Police after reasonable notice for the following reasons, which constitute cause:

- (1) The applicant-licensee has falsified his or her application for such license or has knowingly omitted therefrom material information.
- (2) The applicant-licensee, directly or indirectly, has refused or neglected to permit the reasonable inspection of the facility.
- (3) The applicant-licensee is in violation of this Article and has failed to correct the violations within thirty (30) days after having been notified thereof.

Section 1-1-360 Consent of adjoining property owners required.

Every applicant for a kennel or other animal establishment license is required to submit, in writing, the consent of the majority of the residents within four hundred (400) feet in all directions from the location where the kennel or other animal establishment is to be operated or maintained.

Section 1-1-370 Fee for kennel license required.

Applicants for a kennel or other animal establishment license are required to submit the designated fee from such license as prescribed in Section 1-1-20(j).

Division 4. Impoundment

Section 1-1-400 Animals subject to impoundment.

- (a) Any animal, which has or is suspected of having rabies, or which is found killed or injured on or along public streets, alleys, sidewalks, or private property not belonging to the animal's owner, or is otherwise in violation of this Article, may be taken into custody by an animal control officer or police officer and shall be humanely impounded in the animal shelter or other facility, as deemed appropriate.
- (b) An animal may be taken into custody by any citizen, provided that the animal is immediately surrendered to an animal officer or police officer for appropriate impoundment.

Section 1-1-410 Notice procedure.

- (a) Upon the impoundment of an animal, it shall be the duty of the Police Department to notify the owner or custodian, if known, of the animal's impoundment for its release pursuant to the provisions of this Article; and if the animal is not claimed within five (5) business days from the date of notification, it will be considered to be abandoned and be disposed of in accordance with this Article, after every attempt has been made to locate local area animal rescue organizations who may take the animal.
- (b) A written notice shall be posted in the Police Department daily, listing all animals impounded within that time period. Said notice shall be posted in a conspicuous location for a period of five (5) business days, shall contain a description of the animals impounded and the date of impoundment, and shall state that if the animal is not claimed within five (5) business days from the date of said notice, it shall be disposed of or released to the local area animal rescue organization in accordance with the provisions of this Article.

Section 1-1-420 General procedure.

- (a) All animals impounded shall be kept the maximum period provided by law, unless otherwise provided by this Article. No vicious or dangerous animal shall be released unless so ordered by the Municipal Court; and no female animal in estrus shall be released unless the owner or custodian has facilities for the caring and confining of the animal in a building or secure enclosure in such a manner that the female cannot come into contact with a male animal, except for planned breeding.
- (b) No animal shall be released until the production of satisfactory proof of ownership thereof, payment of all applicable fees and incurred expenses, and submission of proof of all applicable licensing and inoculation.
- (c) Upon the expiration of five (5) business days from the date of impoundment, all unclaimed animals shall be considered abandoned, and may be adopted by any person upon payment of all applicable fees and submission of evidence of applicable licensing and inoculation. Said evidence shall be submitted to the Police Department no later than seventy-two (72) hours after the date of adoption. All animals not claimed or adopted shall be disposed of after all attempts have been made to contact the local area animal rescue organizations in accordance with the directions of the Chief of Police.

Section 1-1-430 Disposal authorization.

In no event shall any living animal be disposed of prior to the expiration of five (5) business days from the date of the notice described in Section 1-1-410 of this Article. The lawful owner may specifically request in writing to relinquish their ownership of the animal to the police department, as provided in Section 1-1-420 of the Article.

Section 1-1-440 Euthanization or adoption authorization.

- (a) Any animal not reclaimed by its owner within the time period established in Section 1-1-420 of this Article may be humanely euthanized or adopted. Any animal may be disposed of at any time pursuant to the direction or authorization of a licensed veterinarian or state or other health official, if required for public safety or the best interests of the animal, provided that the Police Department has exhausted reasonable efforts to contact the owner of the animal or local area animal rescue organizations. If the animal has identification, the Police Department is required to expend a minimum of twenty-four (24) hours in attempting to contact the owner.
- (b) Any animal may be euthanized or adopted prior to the expiration of said time period if specifically requested by the lawful owner. Said request shall be made in writing, on forms furnished by the Police Department.

Section 1-1-450 Injured or sick animals.

If, in the judgment of an animal control officer or police officer, an impounded animal is in need of immediate treatment for illness or injury, the officer may take the animal directly to a licensed veterinarian. The costs of treatment shall remain the responsibility of the owner and may be recovered by the Town.

Section 1-1-460 Release of animals.

- (a) An animal control officer shall not release, except to a veterinarian, any animal which is reasonably thought to be vicious and a threat to public safety, or shows signs of rabies infection.
- (b) An animal shall be released only upon payment of all applicable charges and fees. An animal released to a person residing in the Town limits shall display proof of license for the current year. All such licenses, charges and fees shall be paid prior to the release of any animal.

Section 1-1-470 Costs, fees and charges.

An owner reclaiming an impounded animal shall be assessed a fee for the costs incurred on behalf of said animal for care and subsistence. In addition, the owner shall pay all costs incurred in veterinary fees for the animal, if any.

Division 5. Rabies Control

Section 1-1-500 Rabies control; requirements.

- (a) Inoculation required. The owner of every dog over the age of six (6) months shall cause such dog to be inoculated against rabies and obtain from a licensed veterinarian a rabies vaccination certificate, as prescribed in Section 1-1-250 of this Article. No such rabies vaccine shall be administered until after a ten-day observation period has expired after any dog has inflicted a bite on any person or other animal.
- (b) Attachment of tags. Concurrently with the issuance and delivery of the certificate of vaccination referred to herein, the owner of the vaccinated dog shall cause to be attached to the collar or harness of said dog a metal tag, serially numbered to correspond with the vaccination certificate number and bearing the year of issuance. Said collar or harness shall be worn by such dog at all times it is outside the owner's premises.

Section 1-1-510 Bites; reporting and quarantine.

- (a) The owner of any animal that bites a human being shall report the occurrence to the animal control section of the Police Department when such bite incident is known to said owner, or is reported to him or her. Said owner shall provide any further information requested of him or her.
- (b) Any animal that bites a human being shall be quarantined for a period of not less than ten (10) days from the date of the bite. The animal shall be quarantined at the animal shelter or a veterinary hospital, at the owner's expense. If the owner cannot be immediately notified, the animal shall be quarantined at the animal shelter or veterinary hospital until such time as the owner is located. The expenses of such quarantine shall be the responsibility of the owner.
- (c) Failure to quarantine is a violation of this Article.
- (d) Reporting of rabies cases and bites by rabid or suspected animals required. Every person having knowledge thereof shall report to the animal control section of the Police Department any suspected or positively diagnosed occurrence of rabies and any biting by any suspected or confirmed rabid animal.

Section 1-1-520 Killing of rabid or suspect animals; body removal.

- (a) No person shall kill any suspected or confirmed rabid animal, except upon receipt of prior written consent from the Police Department, or in defense of a human being or other animal, or to prevent the escape of such suspected or confirmed rabid animal.
- (b) No person shall remove the dead body of any suspected or confirmed rabid animal from where the animal was killed or found, without prior written approval of the Police Department.
- (c) This Section does not apply to local or state health officials.

Section 1-1-530 Destruction of rabid animals.

- (a) When rabies has been diagnosed by a licensed veterinarian or medical doctor in any animal, such animal shall be summarily destroyed and its brain sent immediately to the State Health Department for positive verification; or the animal, or its body parts, may be disposed of according to law, regulation or order of the State Health Department.
- (b) All expenses incurred for the verification of rabies are at the expense of the animal's owner.

Section 1-1-540 Animals without established incubation period; destruction & necropsy.

- (a) If a standard rabies incubation period has not been established for a particular species of animal and any animal of that species has been diagnosed as rabid, or is reasonably suspected of being rabid, it shall be summarily destroyed.
- (b) If said animal was involved with another animal or human being where the possibility of rabies infection exists, a necropsy shall be performed to determine whether the other animal or human being is contaminated by rabies.
- (c) All expenses incurred for the destruction and necropsy requirements of this Article shall be the responsibility of the suspect animal's owner.

Division 6. Violations and Penalties

Section 1-1-600 Abandonment.

It is unlawful to leave any animal unattended for more than forty-eight (48) consecutive hours without providing for humane care of said animal.

Section 1-1-610 Abusing, tormenting or overusing.

It is unlawful to torment, overload, overwork or otherwise abuse an animal; or cause, instigate or permit any dogfight, cockfight, bullfight or other combat between animals, or between animals and human beings.

Section 1-1-620 Confining in vehicle.

- (a) It is unlawful to confine any animal within a parked, closed vehicle without allowing cross-ventilation to prevent the animal from suffering heat exhaustion, heat stroke or death.
- (b) Under no circumstances shall any person confine any animal in a parked, closed vehicle on any public street, alley or parking lot for a period exceeding thirty (30) minutes.
- (c) Any animal control officer or police officer observing any animal kept in violation of this Article may enter the vehicle and impound such animal to protect its well-being. Any officer making entry into a vehicle for the purposes of this Article shall leave written notice in the vehicle informing the owner of the impoundment of said animal.
- (d) Any officer making entry into a vehicle for the purposes of this Article shall be immune from suit of liability, criminal or civil, caused by the arising out of such entry.

Section 1-1-630 Disturbing peace and quiet.

- (a) No owner of an animal in the Town shall permit such animal to disturb the peace and quiet of the neighborhood by barking, whining, howling or making any other noise in a continuous or excessive manner.
- (b) No owner of any animal in the Town shall permit such animal to interfere with the sleep of any person of ordinary sensibilities between sunset and sunrise, by barking, whining, howling or making any other noise in an excessive or continuous manner.
- (c) The animal control officer or police officer has authority, without liability, to use all reasonable means to abate such violation, including the authority to impound such animal upon receipt of a signed complaint where the owner is absent from the premises; provided, however, that this authority does not extend to entering the owner's dwelling or other building upon the owner's premises.

Section 1-1-640 Enclosures; prohibited to open.

It is unlawful to, in any manner, open directly or indirectly, or aid or assist in opening any pen, fence or other enclosure, with intent of releasing any animal confined therein; or which opening will permit the release of the animal so confined without the authorization of the owner or custodian of such animal.

Section 1-1-650 Killing or injuring with intent or malice.

It is unlawful to intentionally or maliciously kill or injure, or cause pain or suffering to any animal, unless such act is necessary to defend a human being or other animal from immediate attack, or as otherwise authorized by law or ordinance.

Section 1-1-660 Misrepresentation of license application.

It is unlawful for any person applying for a Town dog license to knowingly make any material misrepresentation in the license application.

Section 1-1-670 Tags, prohibited use.

It is unlawful for any person to use or permit the use of a license tag for an animal other than the animal for which such tag was duly issued.

Section 1-1-680 Poison exposure.

- (a) It is unlawful to expose any known poisonous substance, whether mixed with food or not, so that a reasonable person would know or should know that such substance would probably cause animals to be attracted thereto, eat thereof and be poisoned thereby.
- (b) This Article does not prohibit the poisoning of rats or mice with commercial rat poison mixed with vegetable substances, or poisoning conducted by or under the direction of state or federal wildlife officials.

Section 1-1-690 Provisions, shelter, care and humane treatment.

- (a) It is unlawful for any person to fail to provide an animal owned by or in the custody of such person, with adequate food and water, proper shelter, veterinary services and humane care and treatment necessary to maintain the good health of the animal and to prevent suffering by the animal.
- (b) It is unlawful for any person to keep any animal in custody for more than twelve (12) consecutive hours without providing for the animal's physical needs.

Division 7. Restraint & Criminal Charges

Section 1-1-700 Releasing from restraint.

It is unlawful to, without consent of the owner, release any animal from restraint or confinement, except when necessary to preserve the life of such animal; provided that when an animal is released under such necessity, the person making such release shall immediately inform an animal control officer or Police Officer that he or she has done so, or immediately return the animal to the owner.

Section 1-1-710 Fastening in danger to well-being.

It is unlawful to tie or otherwise physically fasten any animal in such a manner as to create an immediate physical danger to the well-being of the animal.

Section 1-1-720 Running at large.

- (a) It is unlawful for any owner, possessory keeper or lessee of any animal to fail to prevent the same from running at large. Any animal found running at large may be impounded by an animal control officer or police officer.

- (b) It is lawful for any officer to go upon any property, using such force as may be reasonably necessary, for the purpose of pursuing and capturing any animal to be impounded pursuant to this Article.
- (c) If any animal is found at any place within the Town, other than upon the premises of the owner, and not under control, the owner is presumed to have violated this Article.

Section 1-1-730 Taking without permission.

It is unlawful for any person to take and deliver to the animal shelter or elsewhere any animal not his or her own unless first receiving written permission from the lawful owner of such animal, unless authorized by this Article.

Section 1-1-740 Inhumane trap setting; exceptions.

- (a) It is unlawful to set any type of steel-jawed trap or other inhumane trap which, by its nature, may kill or maim any animal or human being.
- (b) This Section does not prohibit the use of common rat or mouse traps; or traps set by, or under the direction of, state or federal wildlife officials.

Section 1-1-750 Vaccination required.

It is unlawful to own, possess, have custody of or harbor any dog that has not been vaccinated for rabies.

Section 1-1-760 Vicious animals prohibited: exceptions.

- (a) No person shall own, keep, harbor or possess any vicious animal in the Town, except as provided by this Article.
- (b) An animal is not a vicious animal because it has bitten or attacked any or all of the following persons:
 - (1) Any person engaged in the unlawful entry into or upon the animal owner's premises where the animal is kept;
 - (2) Any person engaged in the unlawful entry into the animal owner's vehicle wherein such animal is confined;
 - (3) Any person engaged in attempting to stop a fight between such animal and another animal;
 - (4) Any person engaged in attempting to aid such animal when it is injured.

- (c) For the purpose of this Section, a person is lawfully upon the private property of such owner when he or she is on the property in the performance of any duty imposed upon him or her by the laws of the State, or the Town, or the law or postal regulations of the United States, or when he or she is on such property at the invitation, expressed or implied, of the owner thereof.

Section 1-1-770 Vicious animals; warnings and criminal charges.

- (a) When an animal control officer or police officer of this Town deems an animal to be vicious, he or she shall issue a written warning to the owner of said animal, stating his or her determination that such animal is vicious, or he or she may cause criminal charges to be filed in Municipal Court against the owner, alleging the vicious propensities of the animal.
- (b) In the event the Municipal Court finds that the evidence supports a charge made that an animal is vicious, the Municipal Judge may order any or all of the following:
 - (1) A fine of up to three hundred dollars (\$300.00) plus surcharges (37% of fine);
 - (2) Imprisonment not to exceed ninety (90) days, if unable to pay the fine;
 - (3) Restitution for the reasonable charges for medical treatment of any bodily injury caused by the animal, or damages to property caused by the animal;
 - (4) Payment of any court or administrative costs;
 - (5) Prohibit the owner from keeping such animal within the Town limits, and/or
 - (6) Order such animal to be destroyed in a humane manner.

Section 1-1-780 Vicious animals; impoundment; destruction.

- (a) It is the duty of the animal control officer or any police officer to seize and impound any vicious animal observed in violation of this Article, whether or not such vicious animal is on the premises of its owner. Such impoundment shall be accomplished by whatever reasonable means necessary.
- (b) Any animal control officer or police office may, when reasonably necessary to protect his or her own person or that of members of the public, immediately destroy any animal.

Section 1-1-790 Kennels unlawful.

- (a) It is unlawful for any person to keep or maintain a kennel for the keeping of dogs within the Town limits, except as provided in this Article.
- (b) As used herein, *kennel* means any house, building, structure, premises or land where more than three (3) dogs over the age of six (6) months shall be kept.

Division 8. Exotic Animals; Exceptions & Penalties

Section 1-1-800 Exotic, dangerous and unusual animals.

It is unlawful for any person to own, possess, harbor, sell or in any other manner traffic any of the following animals, except as specifically provided for herein, such animals being:

- (1) Poisonous reptiles;
- (2) Gorillas, chimpanzees, baboons, orangutans and any other primate that normally grows to more than thirty (30) pounds in weight;
- (3) Any species of felines not falling within the category of ordinary domesticated house cats;
- (4) Bears of any species; and
- (5) Foxes, wolves, coyotes or other species of canines other than dogs.

Section 1-1-810 Keeping of certain animals prohibited.

No person shall keep any livestock, cattle, horse, ass, mule, sheep, swine, goat, within the Town, and the keeping of the same within the Town is a nuisance.

Section 1-1-820 Exceptions to restriction.

- (a) Section 1-1-800 above shall not apply to any of such animals as may be a part of any parade, circus, carnival or similar show duly licensed to perform within the Town.
- (b) Notwithstanding anything heretofore in this Article, any person engaged in the capture of any animal named in Section 1-1-800 above, not for profit, but for the purpose of supplying the same to persons or entities outside of the Town for medical or other such research, may keep any of the same within the Town for a period not to exceed (30) days and then only in such pens, cages or another place of confinement as may be approved in advance by the Police Department.

Section 1-1-830 Penalties.

- (a) Any person convicted of the violation of any of the provisions of this Article shall be punished as set forth in Section 1-1-770 of this ordinance.
- (b) The Chief of Police and/or Municipal Judge shall establish a bond schedule for violations of this Article. Said bond schedule is subject to revision at the discretion of the Chief of Police and Municipal Judge.

Section 1-1-900 Safety Clause.

The Board of Trustees of the Town of Holly, Prowers County, Colorado hereby finds, determines and declares that this ordinance is necessary for the immediate preservation of the public peace, health, and safety; and the same shall become effective immediately after its passage.

Repeal.

Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith, to the extent of such conflict or inconsistency, are hereby repealed; provided, however, that the repeal of any such ordinance or code provision heretofore repealed or superseding this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to the taking effect of this ordinance.

INTRODUCED, READ IN FULL, AND PASSED on this 5th day of June, 2024, in accordance with the laws of the State of Colorado. (first reading)

TOWN OF HOLLY, COLORADO

/s/ Larry Sitts, Mayor

ATTEST:

/s/ Cynthia S. Humrich, Town Clerk/Treasurer

INTRODUCED, READ IN FULL, AND ADOPTED ON SECOND READING this 10th day of July, 2024, in accordance with the laws of the State of Colorado.

TOWN OF HOLLY, COLORADO

/s/ Larry Sitts, Mayor

ATTEST:

/s/ Cynthia S. Humrich, Town Clerk/Treasurer