

ORDINANCE O-2024-

A BILL FOR AN ORDINANCE REPEALING AND REENACTING CHAPTER 7.04 OF THE
LONGMONT MUNICIPAL CODE REGARDING ANIMALS

THE COUNCIL OF THE CITY OF LONGMONT, COLORADO, ORDAINS:

Section 1

Chapter 7.04 of the Longmont Municipal Code is hereby repealed. 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prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to this ordinance taking effect. Chapter 7.04 of the Longmont Municipal Code is hereby reenacted to read as stated below.

Section 7.04.010. - Purpose.

The purpose of this chapter is to protect the health, safety, and welfare of the general population of the city from irresponsible pet ownership.

Section 7.04.020. - License required.

A. It is unlawful for any person to own, keep, harbor or possess any dog, miniature pot-bellied pig or cat over the age of six months which has not been licensed.

B. License identification. The city clerk, or designee, shall issue a license to any person keeping a dog, or cat upon payment, in advance, of the license fee. The license fee shall be established by resolution from time to time by the city council. A metal tag shall be furnished as license identification with each license, which metal tag the owner shall have attached to the collar or harness to be worn by the animal so licensed.

1 C. License services by contract. The city clerk may fulfill the requirements for
2 licensing services, outlined in this chapter, by contracting for the provision of
3 such services with any public agency, or private society or association in the
4 business of humane care and treatment of animals. Such contract for services
5 shall first be approved by city council.

6 D. License expiration. All licenses required by this section expire on December
7 31 of each year. Licenses must be renewed on or before February 1 of each year.

8 E. License transferability. Licenses and symbols of license identification under
9 this section are not transferable.

10 F. Owners of miniature pot-bellied pigs must provide proof when requested:

11 1. That the animal is registered as a miniature pot-bellied pig with the Goldstar
12 Registry or the Pot-bellied Pig Registry, Inc., or that a veterinarian, licensed in
13 the state, certifies it is a miniature pot-bellied pig;

14 2. That the animal has been spayed or neutered, unless the owner provides the
15 clerk a letter from a veterinarian, licensed in the state, that such spaying or
16 neutering would be detrimental to the health of the animal; and

17 3. Of the inspection required in section 7.04.040.B.

18 Section 7.04.030. - Importation period; time limit.

19 Any owner of a dog, miniature pot-bellied pig or cat brought into the city or
20 adopted under the provisions of section 7.04.090 shall comply with
21 sections 7.04.020 and 7.04.040 within 30 days of importation or adoption.

22 Section 7.04.040. - Rabies vaccination; inspection; required.

1 A. It is unlawful to own, keep, harbor, or possess any dog or cat over the age of
2 four months that has not been vaccinated against rabies. The owner shall have
3 the animal vaccinated by a licensed veterinarian, and shall keep the vaccinations
4 current. The vaccines must be ones licensed by the U.S. Department of
5 Agriculture, approved by the state department of health and provide for at least
6 a two-year duration of immunity.

7 B. It is unlawful to bring, own, keep, harbor or possess any miniature pot-bellied
8 pig in the city unless the pig has been inspected and issued a state certificate of
9 veterinary inspection by a veterinarian, who is licensed and accredited by the
10 state. The owner shall maintain proof of the inspection.

11 Section 7.04.050. - Impoundment; general provisions.

12 Animals impounded under the provisions of this chapter shall be placed in a
13 designated animal shelter. The city may provide by contract with any public
14 agency, private society or association or animal hospital which is interested in
15 the humane care and treatment of animals, for the establishment, maintenance
16 and operation of such shelter.

17 Section 7.04.060. - Impounding animals.

18 The police department is authorized to impound any animal as follows:

19 A. When any animal, except a miniature pot-bellied pig, is suspected of injuring
20 any person, the animal may be impounded for observation for a period of ten
21 days or until released by the police chief or authorized representative. Animals
22 except miniature pot-bellied pigs, with current rabies vaccinations may be
23 quarantined at the owner's residence, at the officer's discretion, if the animal can

1 be securely contained and the animal will be available for observation during
2 and after the quarantine period. It is unlawful for any owner or any other person,
3 having custody of a quarantined animal, to allow the quarantined animal to run
4 loose during the quarantine period. The owner shall be responsible for all
5 impoundment fees and other charges as set forth in section 7.04.070;

6 B. Any miniature pot-bellied pig suspected of injuring any person must be
7 quarantined for an observation period of 30 days. The pig must be quarantined
8 at a designated animal shelter or, at the officer's discretion, at the owner's
9 residence, if the pig can be securely contained and it will be available for
10 observation during and after the observation period;

11 C. Where there is reasonable cause to believe that an animal is being mistreated
12 or neglected and the owner or responsible person is unavailable, the police
13 department may impound such animal for treatment, subject to the requirements
14 of section 7.04.100. If an animal is removed from private property pursuant to
15 this section, the owner or keeper of such animal shall be notified by leaving at
16 the private property written notification of where and by whom the animal was
17 taken and of the authority for removal;

18 D. When any dog or pig is found running at large;

19 E. When any animal whose owner or person responsible for its care is
20 incapacitated or otherwise not available to provide for the animal's welfare, or
21 the owner or responsible person's absence is of sufficient duration to jeopardize
22 the animal's well-being;

1 F. When any animal is on the property of another, and defecating upon,
2 urinating upon, damaging or destroying the property of another;

3 G. When the animal is seized as evidence of a violation of this Code or of any
4 other crime, with or without a search warrant.

5 Section 7.04.070. - Impoundment; required fees.

6 It shall be the obligation of any person owning or having charge, care, custody
7 or control of any animal impounded under authority of this chapter to pay for all
8 impoundment fees and other charges assessed, including charges for the
9 destruction of any animal ordered destroyed by the court. It is unlawful for such
10 person to refuse to pay the fees and charges, and abandonment shall not relieve
11 that person of the duty to make such payment. A person charged with violating
12 this chapter, acquitted of all charges, shall be relieved of paying the costs of
13 impoundment if the animal was held as evidence pending trial.

14 Section 7.04.080. - Redemption.

15 The owner shall redeem any animal impounded under section 7.04.060, pay the
16 applicable impoundment fee and other charges, and pay for a current license if
17 the animal is required to be licensed by this chapter.

18 Section 7.04.090. - Disposition of unclaimed animals.

19 Impounded animals shall be held for five days to determine ownership. Animals
20 whose ownership is not determined after five days shall be deemed abandoned.

21 Animals held or seized as evidence shall be released only upon the order of a
22 court of proper jurisdiction or at the direction of the prosecuting attorney.

23 Animals ordered released by a court of proper jurisdiction or at the direction of

1 the prosecuting attorney shall be deemed abandoned if not claimed within five
2 days. Animals impounded under section 7.04.060.E, and not claimed by the
3 owner or a person designated by the owner within ten days shall be deemed
4 abandoned. Abandoned animals may be made available for adoption or
5 humanely destroyed, except that no aggressive or prohibited animal shall be
6 made available for adoption.

7 Section 7.04.100. - Inspection powers.

8 Whenever necessary to make an inspection to enforce any of the provisions of
9 this chapter, or whenever the police chief or authorized representative has
10 probable cause to believe that there exists in any building or upon any premises
11 any animal which is afflicted with rabies, or is being mistreated or neglected, or
12 is unlicensed, the police chief or authorized representative may enter such
13 building or premises at all reasonable times to inspect the same or to perform
14 any duty imposed upon the police chief by this chapter, provided that if such
15 building or premises is occupied, the police chief shall first present proper
16 credentials and request entry; and if such building or premises is unoccupied,
17 the police chief shall first make a reasonable effort to locate the owner or other
18 persons having charge or control of the building or premises and request entry.

19 If such entry is refused, or the owner or person having control cannot be located,
20 the police chief or authorized representative shall have recourse to every remedy
21 provided by law to secure entry. No owner or occupant or any other persons
22 having charge, care or control of any animal shall fail or neglect to promptly
23 permit entry therein by the police chief or authorized representative for the

1 purpose of inspection and examination pursuant to a warrant regularly issued.

2 The term "authorized representative" shall include police or animal control
3 officers employed by the city.

4 Section 7.04.110. - Cruelty to animals.

5 A. Except as authorized by law, a person commits cruelty to animals if such
6 person knowingly or with criminal negligence overdrives, overloads, overworks,
7 tortures, torments, deprives of necessary subsistence, unnecessarily or cruelly
8 beats, needlessly mutilates, needlessly kills, carries in or upon any vehicle in a
9 cruel manner or otherwise mistreats or neglects any animal, or causes or
10 procures it to be done.

11 Section 7.04.115. – Improper care and treatment of animals.

12 A. A person commits improper care and treatment of an animal if, having the
13 charge and custody of any animal, such person fails to provide it with proper
14 food, drink or protection from the weather or abandons it.

15 B. No person shall leave any animal unattended within a parked vehicle so as to
16 place the animal in danger of suffering heat exhaustion, heatstroke or death.

17 Police or animal control officers employed by the city may make a prima facie
18 determination as to whether an animal is in danger of suffering heat exhaustion,
19 heatstroke or death, based upon, but not limited to, the following factors:

- 20 1. External ambient temperature of eighty degrees Fahrenheit or greater;
- 21 2. Temperature inside the vehicle of one hundred degrees Fahrenheit or greater;
- 22 3. The time of day;

1 4. Position of the vehicles windows and whether they allow sufficient cross-
2 ventilation;

3 5. The amount of shade covering the vehicle;

4 6. The age of the animal;

5 7. The overall condition of the animal; and

6 8. any other factors tending to show the situation is severe.

7 C. No person shall improperly tether or permit an animal to be improperly
8 tethered. For the purposes of this subsection, improper tethering shall mean using
9 a fixed point chain or tether in a manner that is likely to cause bodily injury to the
10 animal or endanger the health or safety of other animals or people. Police or
11 animal control officers are empowered to make a prima facie determination as to
12 whether tethering is improper based upon, but not limited to, the following
13 factors:

14 1. Using a chain or tether made of rope, twine, cord or similar material that is
15 insufficient to restrain the animal;

16 2. Using a chain or tether that:

17 i. Is less than ten feet in length;

18 ii. Does not have swivels at both ends;

19 iii. Is not attached to the animal by means of a properly fitting harness or collar of
20 at least one inch in width; and/or

21 iv. Is wrapped around the animals neck.

22 3. Using a chain or tether that is too heavy or too big for the size and weight of the
23 animal such that it prevents the animal from moving about freely;

1 4 Allowing an animal to be chained or tethered in such a manner that the animal is
2 not confined to the owner's property;

3 5. Allowing an animal to be tethered in such a manner that the chain or tether can
4 become entangled and prevent the animal from moving about freely, lying down
5 comfortably or having access to adequate food, water or shelter; or

6 6. Using a chain as a primary collar instead of a collar made of nylon, cotton,
7 leather or similar material.

8 Section 7.04.120. - Harassment of animals.

9 It is unlawful to knowingly tease, tantalize or provoke any animal in a manner
10 which causes fear or anger in the animal except as authorized by sections
11 7.04.200 and 7.04.230.

12 Section 7.04.130. - Prohibited keeping of animals.

13 A. It is unlawful to keep, harbor, care for or possess any animal within the city
14 except:

15 1. Household pets;

16 2. Large animals and livestock, as applicable zoning ordinances permit;

17 3. Birds of prey in the possession of handlers licensed by the state or federal
18 government;

19 4. State wildlife receiving care and treatment by a wildlife rehabilitator currently
20 licensed by the state division of wildlife; or

21 5. Backyard chicken hens.

- 1 a. Other poultry or fowl prohibited. No person may own or keep any other
2 fowl, including ducks, quail, geese, turkeys, or pigeons, in districts not zoned
3 agricultural.
- 4 b. No more than four chicken hens are permitted per parcel.
- 5 c. Roosters prohibited. Except as provided in section 15.04.040, no person
6 may own or keep a rooster in any district not zoned agricultural.
- 7 d. Backyard chicken hens are restricted to the rear or backyard of any lot in
8 a residential zoning district or the rear or backyard of a residential use in all other
9 zoning districts.
- 10 e. Backyard chicken hens may not free range and are restricted to the coop
11 and run. The restriction on free-ranging may be waived with written permission
12 from all abutting property owners.
- 13 f. Any animal that attacks, injures or kills a chicken not on the chicken
14 keeper's property shall not be deemed an aggressive animal nor shall the owner
15 of such animal be charged with aggressive animal pursuant to section 7.04.190. It
16 is the sole responsibility of chicken keepers to ensure their chickens do not leave
17 their property.
- 18 g. All backyard chicken hen coops shall meet the following requirements:
- 19 i. Be predator-proof with a solid top.
- 20 ii. Provide water at all times.
- 21 iii. Are limited to a maximum of 120 square feet (includes coop space and
22 chicken run).

- 1 iv. Provide at least four square feet of space per chicken for the coop and
2 run.
- 3 v. Be no taller than seven feet at the highest point of the roof.
- 4 vi. Not be located between the rear of the structure and the front yard lot line.
- 5 vii. Be at least six feet from any other structure and at least six feet from any
6 side or rear property line, except that any coop in existence as of February 1,
7 2009, shall be exempt from this setback requirement, provided such coop meets
8 the requirements of this subsection and provided, further, that the owner of such
9 existing coop obtains the agreement of any neighbor whose property abuts such
10 existing coop.
- 11 h. All coops shall be regularly cleaned to control dust, odor, and waste and
12 not constitute a nuisance, safety hazard, or health problem to surrounding
13 properties.
- 14 i. No slaughtering allowed.
- 15 j. Chicken feed must be stored in a re-sealable, airtight, metal, rat-proof container,
16 as required by C.R.S. § 9-16-130, to discourage attracting mice, rats, and other vermin.
- 17 k. A city permit is required for all chicken hen coops, and no more than one
18 permit per household shall be issued.
- 19 l. The fee for a backyard chicken permit is \$30.00.
- 20 m. A permit may be revoked upon the conviction of the permit holder of a
21 violation of this section.
- 22 B. To convict in a prosecution under this section or under title 19, the city
23 must rebut, beyond a reasonable doubt, any evidence the defendant introduces

1 into evidence (as an affirmative defense) that the defendant kept, harbored or
2 cared for a prohibited animal:

3 1. In a facility specifically constructed for keeping animals, in conformance
4 with all land use and zoning laws of the city, as follows:

5 a. Temporary boarding of such animal for treatment in a veterinary hospital
6 or clinic under the supervision of a doctor of veterinary medicine licensed by the
7 state;

8 b. Temporary boarding, pending animal disposition, in a facility open to the
9 public for stray and abandoned animals, such as a Humane Society animal
10 shelter;

11 c. Permanent public display in a municipal zoological facility; or

12 2. For personal companionship, under the written recommendation of a
13 physician licensed to practice medicine in the state, issued within 12 months
14 before the offense, as necessary for the physical or emotional health of the
15 animal owner or a person residing with the owner, if the animal, at maturity,
16 weighs or will weigh less than 25 pounds.

17 C. Nothing in this chapter shall permit keeping an animal, as the laws and
18 regulations of the state or the United States otherwise prohibit or restrict.

19 D. No person shall keep more than two miniature pot-bellied pigs on any
20 residential property. No person shall keep more than one miniature pot-bellied
21 pig that is not spayed or neutered.

22 Section 7.04.135. - Dead animals.

1 Except as this Code otherwise expressly permits, it is unlawful for any person to
2 dispose of a dead animal within the city limits. Such animals shall be taken to a
3 licensed veterinarian and cremated or taken beyond the city limits and disposed
4 of at a rendering plant or at some other suitable facility.

5 Section 7.04.140. - Civil action.

6 The city council declares that the keeping of animals in the city, other than those
7 specifically permitted by this chapter, is a public nuisance. The municipal court
8 or any other court of competent jurisdiction shall, upon proper complaint of the
9 city attorney, enjoin or abate the unlawful keeping of any animal prohibited by
10 this chapter, and any person found to have violated the provisions hereof shall
11 additionally be liable for impoundment and boarding costs, loss incurred, direct
12 and incidental, in the enforcement of this chapter, if any, along with costs of
13 action, including reasonable attorneys' fees, incurred.

14 Section 7.04.150. - Damaging property.

15 It is unlawful for any owner, possessor, or person who keeps any animal to
16 permit such to destroy or damage the real or personal property of one or more
17 other persons, or any public property. Animals damaging property and on the
18 property of another may be trapped in a humane manner and held for the animal
19 control officers, or taken to a humane shelter.

20 Section 7.04.160. - Littering; actions constituting.

21 A. It is unlawful for any owner, possessor, or person who keeps any animal
22 to permit it to deposit any fecal matter on any public or private property of
23 another, or in any waters.

1 B. It is an affirmative defense to this section if a person in immediate control
2 immediately removes and deposits in an appropriate trash container fecal matter
3 deposited by a domesticated animal.

4 Section 7.04.170. - Offensive premises.

5 The accumulation of animal feces compromises public health and constitutes a
6 threat to public safety and welfare. It is unlawful for the owner or keeper of an
7 animal to allow animal feces to accumulate so as to be a health hazard or so that
8 the odor is noticeable on adjoining property.

9 Section 7.04.180. –Animal fighting - unlawful.

10 It is unlawful for any person to cause, instigate or encourage an animal fight in
11 any public or private place in this city.

12 (Code 1993, § 7.04.180; Code 2009, § 7.04.180; Ord. No. O-88-65, § 1)

13 Section 7.04.190. - Aggressive animals.

14 A. It is unlawful for any person to own, harbor or keep an aggressive animal
15 within the city. Any aggressive animal shall be deemed a public nuisance, and
16 may be seized by any police officer or animal control officer of the city, and
17 upon appropriate complaint and order of the municipal court or any other court
18 of competent jurisdiction, may be humanely destroyed or otherwise disposed of,
19 as the court may determine in abatement of the nuisance and protection of the
20 public safety. It shall be an affirmative defense to prosecution under this section
21 that a dog is under the control of a law enforcement agency or a trained guard
22 dog is kept for the protection of property, and restrained by cage, fence or other
23 adequate means from contact with the public or with persons who enter the

1 premises with the actual or implied permission of the owner or occupant,
2 provided the premises are posted in a manner sufficient to give reasonable
3 notice to the public and visitors of the presence of the guard dog. Nothing in this
4 section shall be construed to prevent the immediate killing of an aggressive
5 animal if, under the circumstances, such action is required to protect the public
6 safety.

7 B. The term "aggressive animal" means an animal that bites or attacks a
8 human or another animal, or approaches a human in an apparent attitude of
9 attack, whether or not an attack actually occurs. It is an affirmative defense that
10 the victim specifically intended to provoke the animal. It is an affirmative
11 defense that the victim was trespassing on the animal owner's property with
12 intent to commit a crime other than trespass.

13 Section 7.04.195. - Hearing on the destruction of an aggressive animal.

14 A. Upon the filing of a motion for destruction of an aggressive animal, the
15 court shall set a hearing as soon as practical. The court or city attorney shall
16 promptly serve the owner, if known or reasonably discoverable, with written
17 notice of the hearing and a copy of the motion at least five days before the
18 hearing. Service shall be pursuant to C.M.C.R. 204(e) 249(b) and C.R.C.P. 5(b).

19 B. The hearing shall be for the purpose of deciding if the animal is a public
20 nuisance. The city shall bear the burden of proof at the hearing, by a
21 preponderance of the evidence. If the owner, without good cause, fails to appear
22 at the hearing, at arraignment or at trial, the dog shall be deemed abandoned

1 and, upon proper proof of the public nuisance, may be destroyed or otherwise
2 disposed of consistent with this chapter.

3 C. A continuance of the hearing on the motion for destruction, or a stay of
4 the destruction order, may be granted only if the owner posts a bond sufficient
5 to cover the total costs of the impoundment and destruction.

6 Section 7.04.200. - Restraint and control.

7 A. Every person owning or having charge, care, custody or control of any
8 dog, of any age, shall keep such dog exclusively upon his or her own premises,
9 provided that the dog may be off-premises if it is under the control of a
10 competent person and restrained by a substantial chain or leash not exceeding 25
11 feet in length. Control, as used in this section, means that the chain or leash
12 which is attached to the dog must be held or be securely tied to the person
13 accompanying the dog. A dog may be off leash in a designated dog park if it is
14 under voice command of a competent adult. A dog may also be off leash if it is
15 under voice command of a competent adult at a privately owned dog park as
16 described in subsection C of this section. A dog may also be off leash while on a
17 city or privately owned golf course or in Loomiller, Dawson or Kensington city
18 parks between August 1 and March 31 inclusive, between sunrise and sunset,
19 when:

20 1. The dog is under control of an authorized city employee or agent or an
21 authorized employee or agent of a private golf course;

1 2. The dog is engaged in hazing, chasing, or frightening geese from a golf
2 course or one of the above-identified city parks for the purpose of preventing or
3 alleviating damage;

4 3. The dog does not kill or injure any geese; and

5 4. The dog is wearing a vest or other indicator sufficient to identify it as
6 authorized to be hazing, chasing or frightening geese.

7 An authorized city employee or agent is a city employee or independent
8 contractor having the approval of the city's parks and open space director. An
9 authorized employee or agent of a private golf course is an employee or
10 independent contractor having the approval of the person responsible for
11 operation of the private golf course. The city's parks and open space director is
12 authorized to adopt regulations consistent with this Code for the purpose of
13 implementing this section.

14 B. Every person owning or having charge, care, custody or control of a
15 miniature pot-bellied pig, of any age, shall keep such pig exclusively upon his or
16 her own premises, provided that the pig may be off-premises if it is under the
17 control of a competent person and restrained by a substantial chain or leash not
18 exceeding 25 feet in length. A miniature pot-bellied pig shall wear a harness
19 with the license attached any time it is not securely contained within the
20 residence of the person owning or having charge, care, custody or control of the
21 pig.

22 C. Private Dog Parks

1 1. The term "privately owned dog park" means a designated dog park on
2 private property, designated as common open space that is owned and
3 maintained by a homeowners' association, which has been issued a license for
4 such use pursuant to this section. A homeowners' association may submit an
5 application for a private dog park on a form provided by the city to the city's
6 parks, open space and public facilities director. Upon receipt of an application
7 the director may refer the application to those city department directors or their
8 designees which may be impacted by approval, including, but not limited to,
9 animal control and code enforcement, for their input. The park, open space and
10 public facilities director shall issue the license if the director finds that the
11 application meets the following criteria:

12 a. The private dog park shall not be located in a detention basin that was
13 approved as a best management practice for the purpose of protecting water
14 quality as part of the city's stormwater management system pursuant to **chapter**
15 **14.26**. Other stormwater detention basins may be used as private dog parks if
16 they meet the following criteria:

17 i. The detention basin is maintained by the homeowners' association to
18 prevent any erosion of soil or any discharge of sediment into the storm sewer
19 system or surface waters. Vegetation that stabilizes the banks and bottom of the
20 basin shall be maintained and replaced as needed to meet this requirement.

21 ii. All drains, pipes, and structures associated with the detention basin are
22 not damaged and are maintained as necessary to ensure that they function
23 properly.

1 iii. Dog waste, trash and debris are regularly removed from the basin so that
2 they will not discharge into the storm sewer system or any receiving waters.

3 b. The private dog park shall be located in a manner which mitigates any
4 adverse effects on neighboring properties. Locational considerations should
5 include adequate buffer areas to mitigate impacts, including, but not limited to,
6 noise and odor.

7 c. The application must include written documentation on the public
8 participation process utilized demonstrating that members of the homeowners'
9 association generally support the private dog park.

10 d. The private dog park shall meet the general construction and
11 maintenance specifications set forth below relating to surfacing, fencing,
12 signage and rules, gates, trash receptacles and dog bag dispensers. A planned
13 maintenance schedule shall be included with the application.

14 i. Surfacing. With the exception of dog parks in stormwater detention
15 basins, surfacing should be a minimum of eight inches of crusher fines over
16 graded soil. Crusher fines shall be compacted to provide a finished surface that
17 will drain readily.

18 ii. Fencing. All parks will require security fencing, at least four feet in
19 height, to adequately prevent dogs off leash from escaping from the park
20 enclosure.

21 iii. Signage. A minimum of one sign stating the rules for the use of the
22 facility, including, but not limited to, the hours of operation and a requirement

1 to pick up and properly dispose of dog waste, shall be posted at the entrance
2 gate of the facility.

3 iv. Gates. A minimum of one entry gate and one vehicle gate shall be
4 installed. The user entry gate shall be a double gate with an eight-foot by eight-
5 foot concrete pad to provide a transition area for dogs to enter and exit the
6 facility.

7 v. Trash receptacles and dog bag dispensers. A minimum of two trash
8 receptacles, one inside the gate, one outside the gate, shall be required. A
9 minimum of two dog bag dispensers shall be required. Trash receptacles shall
10 have a plastic or metal dome to prevent rainwater from entering the receptacle.

11 2. A license issued pursuant to this section shall expire one year from the
12 date of issuance.

13 3. The director may approve, approve with conditions, or deny the private
14 dog park application. The director's determination shall be final, subject only to
15 judicial review pursuant to C.R.C.P. 106.

16 4. The director may issue regulations governing private dog parks that
17 enhance the general public welfare and are not inconsistent with these
18 provisions. Such regulations shall be posted by the licensee at the private dog
19 park.

20 5. A private dog park license is subject to suspension or revocation by the
21 director if it fails to comply with the regulation set forth above at any time or for
22 any of the grounds set forth at section 6.04.130.

23 Section 7.04.210. - Disturbing the peace.

1 It is unlawful for any person owning, possessing or keeping custodial or
2 supervisory authority or control over any animal, to permit such animal to
3 habitually squeal, snort, grunt, bark, howl, yelp, squawk, screech, caterwaul,
4 wail, crow or make any other animal sound in such manner as to significantly
5 disrupt the peace and quiet of the neighborhood, or in such manner as to
6 materially and persistently disturb the peace of another in the neighborhood
7 under conditions that would disturb a person of reasonable and ordinary
8 sensibilities. Such animals are declared to be public nuisances.

9 Section 7.04.220. - Birds.

10 The entire area embraced within the corporate limits of the city is designated as
11 a bird sanctuary.

12 Section 7.04.230. - Interference with birds or fowl unlawful; destruction of
13 nuisance or menace birds.

14 A. It is unlawful to trap, hunt, shoot or attempt to shoot or molest, in any
15 manner, any bird or wild fowl, or to rob bird nests or wild fowl nests; provided,
16 however, that if starlings or similar birds are found to be congregating in such
17 numbers as to constitute a nuisance or menace to health or property, then such
18 birds may be removed or destroyed in such numbers as is deemed advisable,
19 under the supervision of the police chief.

20 B. It shall be an affirmative defense to a prosecution under this section for
21 molesting any bird or wild fowl that dogs were used in a manner consistent with
22 this Code and the rules and regulations of the state division of wildlife and are
23 being used for the purpose of hazing, chasing or otherwise frightening geese

1 congregating on a golf course or in one of the city parks identified in section
2 7.04.200 in such numbers as to constitute a nuisance or menace either to health,
3 to a golf course or to one of the city parks identified in section 7.04.200.

4 C. This section shall not apply to any person regulated by the state
5 department of agriculture under the Pesticide Applicators' Act (C.R.S. § 35-10-
6 101 et seq.) and engaged in activities regulated by the Act. However, all persons
7 using or contracting for the services of such regulated persons shall dispose of
8 any birds injured, killed or incapacitated by those activities in compliance with
9 good sanitation practices, applicable provisions of this Code and county and
10 state laws, ordinances and rules and regulations having the force of law.

11 Section 7.04.240. - Violation; penalty.

12 A. Violation of any section of this chapter is a strict liability offense
13 punishable according to chapter 1.12 except that violation of section 7.04.190 is
14 punishable by a fine up to \$999.00 or by imprisonment up to 180 days or by
15 both such fine and imprisonment.

16 B. Upon conviction of any person for violation of section
17 7.04.150 or 7.04.190, the municipal judge may, with consent of the prosecutor,
18 suspend all or part of any sentence imposed only upon the condition that the
19 defendant make restitution to the victim for any net pecuniary loss caused by the
20 violation. In addition, the municipal court judge may impose other terms or
21 conditions as appropriate.

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Section 3

Introduced this _____ day of _____, 2024.

MAYOR

CITY CLERK

CITY PROSECUTOR

DATE _____

PROOFREAD

DATE _____

1 APPROVED AS TO FORM AND SUBSTANCE:

2
3
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5 _____
6 ORIGINATING DEPARTMENT

_____ DATE

7 CA File: 23-002654