

CHAPTER XI
ANIMALS AND FOWL

Article 1	General Provisions
Article 2	Dogs
Article 3	Kennels
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ARTICLE 1

GENERAL PROVISIONS

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- 11-1-2 Sale of Animals; Notice of Sale; Payment of Excess Money to Owner
- 11-1-3 Grazing Upon Public Thoroughfares
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- 11-1-8 Fowl and Rabbits Restrained
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- 11-1-10 The Keeping of Animal or Fowl within County Fairgrounds

11-1-1 Confinement of Animals Running at Large; Costs

If any animal shall be found running at large contrary to the provisions of this section, the Town Marshall shall take up and confine the same in a secure place or other place provided for that purpose and such animal taken up and confined shall not be released until the owner or person entitled to the possession thereof shall pay to the officer having such animals in his keeping the sum of ten dollars (\$10.00) for the taking up of such animal, together with the sum of five dollars (\$.50) per day for each and every day such animal shall be kept by the officer aforesaid unless otherwise provided in this Code and the same shall be turned in to the Treasurer.

11-1-2 Sale of Animals; Notice of Sale; Payment of Excess Money to Owner

- (a) If the owner or person entitled to the possession of an animal does not pay the charges and take it away within five (5) days from the time it is taken into custody, the animal may be sold at public auction after having given at least five (5) days notice of the time and place of such sale by publishing or by posting said notice in five (5) public places in the Town as well as serving a copy of said notice upon the owner or possessor of said animal, if known. Such animal may be redeemed at any time before the date of sale by payment to the officer in charge or his assistant of any fees, expenses and charges herein provided.

ANIMALS AND FOWL: General Provisions

- (b) In case an animal sold pursuant to the provisions of this section be sold for more than is sufficient to pay the fees and charges aforesaid, such expenses shall, by the officer or his assistant making the sale, be deposited with the Clerk, who shall pay such excess, upon order of the Board of Trustees to the owner of such animal or animals or to the person entitled to the possession of the same upon claim and proper proof within one (1) year from date of said sale.
- (c) In the event such animal is infected or cannot be sold, it may be disposed of in the manner provided for unclaimed or infected dogs.

11-1-3 Grazing Upon Public Thoroughfares

It shall be unlawful for any person to picket, lead or hold any horse, cattle or other livestock on or along any street, sidewalk or alley in this Town in such manner that any such animal may graze upon the grass, herbage, or trees growing upon or along any of said streets, sidewalks or alleys; for any person to picket, lead or hold any horse, cattle or other livestock in such a manner as to obstruct or impede the full use of said streets, sidewalks or alleys.

11-1-4 Hitching Animals to Public and Private Property

It shall be unlawful for any person to hitch a horse or any other animal to any ornamental fence or railing, tree or bush, whether private or public, without the permission of the owner thereof. It shall be unlawful for any person to hitch any such animal to any lamp post or fire hydrant of this Town.

ANIMALS AND FOWL: General Provisions

11-1-5 Maltreatment

It shall be unlawful for any person to unnecessarily beat, injure or maltreat any animal.

11-1-6 PROHIBITED KEEPING OF ANIMALS AND POULTRY IN TOWN: It shall be unlawful due to the purpose of regulating sanitary conditions within the corporate limits of the Town of Hotchkiss, Colorado, and to conserve and protect the public health and safety, unless otherwise permitted by the Board of Trustees, for any person to keep any hogs, pigs, swine, sheep, goats, horses, mules, cattle, burros, sheep, rabbits, ducks, geese, turkeys, pigeons and more than twelve (12) fully grown chickens, or any other animals or poultry in any pen, yard, enclosure, 'at anyplace within the corporate limits of the Town of Hotchkiss. This is hereby determined to be a nuisance and the same shall be abated as such on the order of any officer of the town.

11-1-7 I. KEEPING OF LIVESTOCK WITHIN THE TOWN:

Livestock may be kept within the Town provided all of the following requirements and conditions are met and continue to exist:

a. Livestock defined: "Livestock", as used herein, shall be defined as horses, mules and bovine cattle.

b. the real property livestock containment must be at least five (5) acres in size, agricultural in nature and include no more than one residence.

c. The area of the real property to be used for livestock containment must provide at least one acre per animal kept or to be kept upon the real property.

d. The adjoining property contiguous to the real property used for livestock containment must be similarly agricultural in nature, as opposed to urban, suburban or strictly residential; or, in the alternative, permission of the Town Council must otherwise be acquired before livestock are kept upon the real property to be used for livestock containment.

e. MAINTENANCE STANDARDS:

1.) All premises, pens, corrals, structures and fenced areas where livestock is kept shall be kept in a clean, dry and sanitary condition.

2.) All premises, pens, corrals, structures and fenced areas where livestock is kept shall be maintained so that the use of adjacent property is not adversely affected due to unreasonable odors, noise, insects or other detrimental condition or nuisance created as a result of the keeping of livestock.

3. All fences or enclosures shall be constantly adequately maintained by the owner of the livestock containment property so as to keep the livestock within such property.

4.) No overgrazing of growing pasture or crop land shall be allowed; otherwise, the permitted keeping of livestock within the Town shall immediately cease.

f. The Town may take steps to cause any violation of this chapter to cease in the same manner as the Town would abate a nuisance as described elsewhere in this Code.

H. KEEPING OF LIVESTOCK TEMPORARILY WITHIN THE TOWN:

Livestock may be temporarily kept within the Town only under the following conditions:

a. Livestock Defined: "Livestock", as used herein, shall be defined as horses, mules, and bovine cattle.

b. Written application shall be made to the Board of Trustees of the Town of Hotchkiss by the person or persons desiring to keep the livestock within the Town of Hotchkiss, Colorado;

c. No livestock may be kept on parcels of real property within the Town unless there is at least one acre of clear fenced growing pasture or crop land, not counting structures or other fenced areas, per head of livestock.

d. The application shall include a drawing of the area where the livestock are to be kept, relevant information supporting the request, names and addresses of all owners of real property contiguous to the proposed livestock containment area and a fee adequate to cover the costs of sending notice by certified mail to each of such property owners.

e. The application shall be scheduled for public hearing before the Board of Trustees to be held within sixty (60) days, but no sooner than twenty (20) days of the date of the application. Notice by certified mail shall be sent by the Town to the owners of real property contiguous to the proposed containment area.

f. At the public hearing before the Board of Trustees, the applicant shall present information concerning the application. At the conclusion of the public hearing or within thirty (30) days thereof, the Board of Trustees, at their discretion, may deny the application or grant it, for up to sixty (60) days during a calendar year, upon such terms, requirement, restrictions and conditions as the Board of Trustees may, at their sole discretion, deem advisable.

g. MAINTENANCE STANDARDS:

1.) All premises, pens, corrals, structures and fenced areas where livestock is kept shall be kept in a clean, dry and sanitary condition.

2.) All premises, pens, corrals, structures and fenced areas where livestock is kept shall be maintained so that the use of adjacent property is not adversely affected due to unreasonable odors, noise, insects or other detrimental condition or nuisance created as a result of the keeping of livestock.

3.) No overgrazing of growing pasture or crop land, to the extent that the pasturage, crop or stubble is less than 3" high from the soil, shall be allowed. When such limitation is reached, the permitted keeping of livestock within the Town shall immediately cease, regardless of the time remaining under the permit, if any.

h. The Town may take steps to cause any violation of this chapter to cease in the same manner as the Town would abate a nuisance as described elsewhere in this Code.

KEEPING OF CERTAIN ANIMALS IN LIMITED NUMBERS: The Board of Trustees may at any time authorize the Town Clerk to issue a revocable permit to any person who is actively participating in a bonafide 4-H project under which project such person desires to keep rabbits, chickens, or chinchillas within the corporate limits of the Town of Hotchkiss, said permit to permit the keeping by any such person of not more than 6 adult rabbits, 6 adult chickens or 6 adult 'chinchillas, and such revocable permit to be authorized only upon presentation to the Board of Trustees of written confirmation by the person seeking the permit and by his or her 4-H leader that such permit is requested as part of a bonafide 4-H project and that a 4-H sign has been posted at the location of animal pens. Any such revocable permit may be revoked at any time upon a finding of the Board of Trustees that the keeping of any such animals has become a nuisance or offensive to other residents in the neighborhood. Written notice shall be given by any Town Officer, or any other duly authorized official of the Town of Hotchkiss, and the person keeping such animals shall have 10 days after the mailing of such notice to dispose of animals and his or her failure to do so shall be deemed a violation of this Article and Section subjecting him or her to penalties herein. This is hereby determined to be a nuisance and the same shall be abated as such on the order of any officer of the Town.

ANIMALS AND FOWL: General Provisions

11-1-8 Penalty

Any person who if found guilty of violating this ordinance shall be fined by up to but not more than one thousand dollars (\$1,000.00) or by imprisonment for up to but not more than one (1) year or both fine and imprisonment, for each violation thereof.

11-1-9 Premises Kept Clean

Any person who owns or controls any lot, barn, stable, shed, building or other place where domestic fowl or animals are kept, shall keep said building and premises in a clean and sanitary condition and shall remove all manure from the premises at least once each week.

T Tt

11-1-10

Nothing in this Article shall prohibit the keeping of any manner of animal or fowl within the County Fairgrounds for purposes of exhibit, display or competition in connection with events sponsored by public or private groups or organizations, or by any government entity.

TOWN OF HOTCHKISS
Article 2
Dog Ordinance
Amended 2010-3

Section Headings:

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Section 1 – Definitions

11-2-1. - Definitions

Dog – any animal of the canine species

Owner – the person to whom the dog is registered, or any person or group of persons who own, harbor or permit any dog to be or remain in or about buildings or premises owned or occupied by them.

Vicious Dog – a dog which causes reasonable fear or bodily injury by attacking or threatening to attack by pursuit any person or pet lawfully at the place of attack.

Running at Large – to move at will without control of the owner or keeper, restraint or limitation to property lines of owner or keeper’s premises.

Section 2 - Laws

11-2-2. – License Required

It shall be the duty of every person owning, keeping or harboring any dog over six (6) months of age, within the Town of Hotchkiss, to procure annually on or before April 1, a license within the Town of Hotchkiss. New residents of the Town will have 30 days to secure a license. Every dog shall wear a collar with attached license at all times. Failure of the responsible party to comply shall be a violation of this Ordinance. Refer to – Penalties.

11-2-2(a). – Number of Dogs Allowed per Residence

No residence within the Town of Hotchkiss shall have more than 2 dogs per residence, unless approved by the Town Council prior.

11-2-3. – Fees

The annual License Fee for dogs within the Town shall be Five (\$5.00) dollars for neutered males and spayed females, and Ten (\$10.00) dollars for unneutered males and un-spayed females.

11-2-4. – Rabies Vaccination Required

The owner, possessor or keeper of every dog within the Town shall have such dog inoculated against rabies and present proof of the inoculation before purchasing a license for each year. Dogs purchased, obtained or otherwise acquired or brought into Town subsequent to the first day

of February in any calendar year shall be inoculated within thirty (30) days after such acquisition or being brought into the Town subsequent to the first day of February in any calendar year shall be inoculated within thirty (30) days after such acquisition or being brought into the Town.

11-2-5. - By Licensed Veterinarian

The inoculation required by the preceding section shall be given under the supervision of any veterinarian licensed to practice veterinarian medicine in this State.

11-2-6. - Prerequisite to Issuance of License

Upon application for a dog license, the applicant shall exhibit to the Town Clerk a Certification from a licensed veterinarian that the dog has been inoculated against rabies as required by the section. All applications for license shall be made on forms provided by the Town Clerk.

11-2-7. - Tags Issuance

It shall be the duty of the Town Clerk to deliver or cause to be delivered to each person making application for a license, paying the license fee provided for in this article and presenting the certificate of inoculation required by this article, a dog tag for each dog licensed and inoculated.

11-2-8. - Possession

Only those persons who own, possess or keep a dog duly licensed and inoculated in accordance with the provisions of this section shall be permitted to possess a dog tag as herein provided for.

11-2-9. - License Description

The dog tag provided for in this article shall be of such size, shape, color and material as may be deemed expedient and suitable by the Town Clerk; provided, such tag shall contain a number stamped thereon in numerical order beginning with number one and it shall have the word "Hotchkiss".

11-2-10. - Attachment to Dog's Collar or Harness

Every owner, possessor or keeper of a dog within the Town shall, when such dog is off the premises of said owner, possessor or keeper place upon such dog a collar or harness made of durable material to which the dog tag herein provided for shall be attached.

11-2-11. - To be Worn Only by Licensed Dogs

No person shall affix to the collar or harness of any dog or permit remain so affixed a tag evidencing licensing and rabies inoculation except the dog tag issued to that dog at the time of issuance of its license.

11-2-12. - Records to Be Kept of Issuance: Duplicates; Transfers

The Town Clerk shall keep a record of the date of issuance of each dog tag provided for in this Article and the person to whom such tag is issued and the number thereof. If the dog tag herein provided for is lost or destroyed, a duplicate tag maybe obtained from the Town Clerk. In the event that the ownership or possession of a dog is changed, a new dog tag must be obtained and such new dog tag shall be issued by the Town Clerk upon proof being presented that the inoculation and licensing requirements of this section have been complied with.

11-2-13. - Impoundment Generally

It shall be lawful for the dog catcher and all police officers to impound any dog which is not wearing a dog tag as herein provided and any dog which they reasonably feel to be in violation of any of the provisions of this section, whether such dog is wearing a dog tag or not. It shall be lawful for the dog catcher or any police officer to go upon private property for the purpose of catching any dog to be impounded.

11-2-14. - Establishment and Operation of Pound

The Board of Trustees shall have the right to establish a dog pound for this Town to be operated by Town personnel, or at its election, may, subject to the approval of the Board, contract with a public or private person or organization for the operation of a dog pound for and on behalf of the Town. Any such pound shall be constructed and maintained according to the requirements and specifications of the Colorado Bureau of Animal Protection established pursuant to Colorado Revised Statutes 35-42-101, as amended.

11-2-15. - Filing of Complaint in Municipal Court Against Owner or Keeper of Impounded Dog

If a dog is impounded, it shall be the duty of the dog catcher or any police officer to immediately institute proceedings in the Municipal Court on behalf of the Town against the owner, possessor or keeper of such dog if known, charging the owner, possessor or keeper with a violation of the appropriate section of this section. Nothing herein contained shall be construed at preventing the dog catcher, any police officer or any citizen from instituting a proceeding in the Municipal Court in the Town for violation of this section where there is no impoundment.

11-2-16. - Notice to Owner or Keeper of a Dog

As soon as practical after date of impoundment, the dogcatcher or officer of the Marshal's department shall send by regular mail a written notice of such impoundment to the owner, possessor or keeper of such dog if the address of such person be known. If the owner, possessor, or keeper of such dog is not known, then a notice of impoundment shall be posted at the Town Hall and in a conspicuous place in the Town of Hotchkiss, Colorado, for at least five (5) consecutive days. Whether the notice herein be provided by mail or be posted, it shall contain a brief description of the animal, including its color, breed, sex and approximate age and advise of

notice that the dog must be retrieved within the five (5) days, to avoid the immediate destruction of such dog.

11-2-17. - Procedure for Release of Impounded Dog: Authority of Municipal Judge to Order Destruction of Dog

If a complaint has been filed in the Municipal Court of the Town against the owner, possessor or keeper of any impounded dog for a violation of this Article, then such dog shall not be released from impoundment except on order from a Municipal Judge. In addition to any penalties which may be provided for in this Code for the a violation of this section, the Municipal Judge shall require such owner, possessor or keeper to pay the fees herein provided for in 11-2-19 and shall have the authority, upon making a finding that such dog constitutes a nuisance or that such dog is a vicious dog or that such dog constitutes a clear and present danger to the citizens or other pets of the community, to order that such dog be destroyed in a humane manner.

11-2-18. - Disposal of a Dog Whose Owner or Keeper Can not be Located

If a complaint has not been filed in Municipal Court because the owner, possessor or keeper of an impounded dog is not known or cannot be located and such dog has not been claimed within five (5) days from the date of impoundment, the dog may be disposed of in any humane manner. However, no dog shall be disposed of, unless he has a contagious disease or is harmful to the public health and safety, without one public announcement of his impoundment. The announcement shall contain a brief description of the animal including its color, breed, sex, and approximate age.

11-2-19. - Redemption Fees

Any owner, possessor or keeper of a dog desiring to redeem such dog from the pound shall pay the Town the sum charged by the impounding kennel or Veterinary fees and all license or rabies inoculation fees provided for in this section.

11-2-20. - Interference with Dog Catcher or Policemen Performing Duties

It shall be unlawful for any person to interfere with, molest, hinder or obstruct the dog catcher or any police officer in the discharge of their official duties under this section.

11-2-21. - Instigating or Encouraging Dog Fights Prohibited

No person shall cause, instigate or encourage any dogfight within the Town.

11-2-22. - Confinement or Muzzling of Dogs During Rabies Danger; Impoundment of Dogs not Confined or Muzzled

Whenever the Mayor shall be of the opinion that any danger exists from hydrophobia in the Town or other danger exists from dogs running at large within the Town, he shall issue his proclamation requiring every owner, possessor, or keeper of any dog within the Town to confine or securely muzzle the same for such time as he may designate. During such time it shall be unlawful for any dog to be within the Town unless securely muzzled within a good and substantial wire or leather muzzle securely fastened and put on so as to prevent any such dog from biting. It shall be the duty of the dog catcher and all police officers of the Town to take up and impound any dog that may be found during the time so designated by the Mayor as aforesaid unless muzzled or confined as herein provided.

11-2-23. - Dog in Heat

Any dog in heat shall be kept confined within a secure building or fence or attended on a leash by a responsible adult at all times and shall not be permitted to be at-large within the Town of Hotchkiss. Any dog in heat kept in violation of this ordinance may be impounded as a nuisance, and the owner subject to fine. The impoundment shall continue until the Animal Control Officer, in his or her discretion, determines that the dog is no longer in heat. Notice of impoundment shall be given to the owner of the dog pursuant to 11-2-16 above.

11-2-24. - Running at Large Prohibited

Running at Large, as defined, shall be a violation of this ordinance. The owner or keeper may have his dog off the premises only when the dog is:

- A. Securely held on a leash no longer than 10 feet.
- B. Within a vehicle preventing escape.
- C. A working or service dog that is currently functioning as such. This shall include all dogs that are in transit through town, in a vehicle or in a dog show event.
- D. Clearly subject to the verbal or signaled command of such owner or keeper and within the sight of the owner or keeper and not trespassing upon or damaging the private property of others. A presumption shall arise hereunder that a dog is not clearly subject to the verbal or

signaled command of such owner or keeper if it bites or otherwise comes into physical contact with any animal or person other than the owner or keeper.

11-2-25. – Vicious Dog

In the event of a biting incident or purported biting incident, attack, or a threat of attack, the Animal Control Officer may impound said dog.

Notwithstanding anything hereinabove stated, the Animal Control Officer shall at all times have discretion to determine whether a dog shall be impounded by the owner, or as arranged by the Town, if he or she at any time determines that a dog is a threat to person or property.

Notification is required when a dog declared by the Animal Control Officer to be a vicious dog is sold or given away. The previous owner or keeper shall inform the new owner or keeper that the dog has been declared a vicious dog, and also inform the Animal Control Officer or other designated official of the Town of Hotchkiss of the change of ownership and the identity and location of the new owner.

11-2-26. – Confinement of Biting Dogs

When a domestic pet or wolf-hybrid has bitten a person or another animal while off the premises of an owner or keeper and the person or animal bitten requires medical attention, such person or owner of the bitten animal may file a complaint describing the nature of the attack with the Town's Marshal's Office.

When it is determined that a bite occurred without provocation, an order of isolation and impoundment shall be issued. The animal will be kept in such a location where no other animals may have access to the impounded animal. This animal must be held for 10 days to determine if this animal may be a carrier of Rabies. The order may include, but is not limited to the confinement, chaining, muzzling or humane destruction of the animal in question.

11-2-27. – Notice of Knowledge of Violation of Section Not Necessary for Prosecution of Owner Keeper.

For the purpose of prosecution for violations of this section, it shall not be necessary, in order to obtain a conviction, to prove notice or knowledge on the part of the owner, possessor or keeper of the dog in question that such dog was violating any of the provisions of this section at the time and place charged. This section imposes strict liability upon the owner, possessor or keeper of any dog for the actions, conduct and condition of such dog.

11-2-28. – Prohibition of Excessive Barking

No person shall keep or harbor any dog which by frequent or habitual barking, howling, or yelping disturbs the peace and quiet of persons of ordinary sensibility.

11-2-28 (a). - Other Nuisances

Further nuisances include any dog that pursues or chases pedestrians or vehicles, or that attacks other dogs, livestock, poultry or other domestic animals while in violation of Section 3.

11-2-28(b). – Premises Kept Clean

Owners of any dog shall comply with Section 11-1-10 of the Municipal Ordinances.

11-2-29. – Violation

Any dog found in violation of this ordinance or in violation of the terms or provisions is liable to impoundment by the Animal Control Officer in a designated facility and to be confined in a humane manner for a period of five (5) days unless sooner claimed by its owner-keeper. The Animal Control Officer shall notify the dog's owner, if known, of the dog's impoundment and its place of confinement. After five (5) days from the time the owner was notified, the dog may be placed for adoption or humanely euthanized at the discretion of the Animal Control Officer. The owner or keeper shall be liable for all fines and for all costs incurred.

If the owner or keeper of an unlicensed dog is located and wishes to claim the dog, the Animal Control Officer shall not release the dog until evidence of current rabies inoculation is shown and a license obtained. The owner shall pay to the Town a fine of \$50 plus any impounding charges.

No dog shall be released to its owner without determination by the Animal Control Officer of full compliance with this ordinance including compensation for costs or damages incurred by the Town or a property owner, unless in violation of licensing of a dog. Refer to Section 3 – Penalties on non-licensing of a dog.

Section 3. - Penalties

Any person who violates any licensing provision of this ordinance shall be fined \$50.00 if the dog is not licensed by April 1, but is subsequently licensed on or before May 30. The owner of a dog on the unlicensed dog list given to the Town Clerk after May 30 will be subject to a fine of \$150.

Sub Section 3A. – Unlicensed Dog

The owner of an unlicensed dog which is not on the unlicensed dog list given to the Town Clerk after May 30 will be subject to a \$50.00 fine. The owner shall be given a two-week period following receipt of notification of violation to comply with the licensing requirements

of this ordinance, and if they fail to properly license the dog and pay any and all outstanding costs and fines within two weeks of receipt of said notice, then they will be subject to a fine of \$150.

Sub-Section 3B. – Non-Licensing Provision

Any person who violates any non-licensing provision of this Ordinance shall be fined \$40. for the first offense, \$75. for the second offense, and \$150. for the third offense and for each offense thereafter. In addition to the above, said person shall be responsible for all impoundment and boarding fees, and all costs incurred by the Town of Hotchkiss in prosecuting any violation for this Ordinance including but not limited to, attorney's fees. The time period to determine repeat offenses shall be two years from the date of first offense.

Sub-Section 3C. – Waiver Fines

Prompt compliance with a citation shall entitle the party cited to pay a waiver fine in lieu of the statutory fine. Prompt compliance shall be receipt of the fine and any applicable costs by the Town of Hotchkiss within five working days of the date of the citation. Waiver fines shall be \$25. for the first offense, \$40. for the second offense, and \$75. for the third offense and each offense thereafter. Notwithstanding anything hereinabove-stated, no waiver fines shall be available with respect to violation of any of the licensing provisions of this Ordinance.

Sub-Section 3D. – Court

Any person who violates any licensing or provision of this ordinance can be issue a summons to court as an alternative. The Municipal Judge may then impose a fine of not more than \$1000.00 or up to one year in jail, or both.

Section 4. - Severability

If any provision of this Ordinance is held invalid or void, said provision is hereby declared to be separate and entirely severable from this Ordinance and all remaining provisions shall remain in full force and effect.

Section 5. – Inconsistent Provisions

Any prior Ordinance or Ordinances of the Town of Hotchkiss which are inconsistent with the provisions of this Ordinance are hereby expressly repealed.

INTRODUCED, READ, PASSES AND ORDERED PUBLISHED by the Board of Trustees of the Town of Hotchkiss, Colorado, this _____ day of _____, 2010.

Town of Hotchkiss, Colorado

Mayor

Attest:

Town Clerk

ARTICLE 3

KENNELS

- 11-3-1 License Required
- 11-3-2 License Application
- 11-3-3 Registered Dogs
- 11-3-4 Dog Licenses Required
- 11-3-5 Compliance with State Law

11-3-1 License Required

It shall be unlawful to keep, maintain, harbor or possess upon the premises of any one household more than two (2) dogs unless the owner or person in charge thereof shall have obtained a kennel license.

11-3-2 License Application

Application for a kennel license shall be made to the Town Clerk and must be accompanied by the written consent to such kennel by at least seventy-five percent (75%) of all the persons in possession of premises within one hundred feet (100') of the premises upon which the kennel is to be maintained, and accompanied by a deposit of a license fee of five dollars (\$5.00) for three (3) dogs, and an additional one dollar (\$1.00) for each dog over three (3), which deposit shall be returned to the applicant if the license is not finally issued. The application shall state the name and address of the owner, where the kennel is to be kept and the number of dogs. Kennel licenses shall not, be transferable, and shall expire on June 30 of the year in which issued. Whenever additions are made to the number of dogs for which a kennel license has been issued, the licensee shall within three (3) days report to the Town Clerk and pay the required license fee; provided, however, that whenever puppies are born, such puppies shall not be counted as additions until three (3) months old.

ANIMALS AND FOWL: Kennels

11-3-3 Registered Dogs

For every kennel maintained for registered dogs under the rules and regulations of the American Kennel Club it shall not be necessary to license individual dogs, but the owner of such kennel shall pay an annual license fee of ten dollars provided, however, that all dogs covered by any such kennel license shall be maintained and kept within the kennel or under leash at all times.

11-3-4 Dog Licenses Required

The issuance of a kennel license shall not obviate the necessity of obtaining an individual dog license, nor shall any of the provisions hereof be deemed to vary or alter the zoning regulations of the Town, if any.

11-3-5 Compliance with State Law

Any kennel operated within the Town of Hotchkiss shall comply with State law and rules, regulations and specifications promulgated by the Colorado Bureau of Animal Protection established pursuant to Colorado Revised Statutes, 35-42-101.

ORDINANCE NO. 1999-2

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF
HOTCHKISS, COLORADO, BY RESCINDING ARTICLE 3 OF CHAPTER
ELEVEN OF THE CODE

WHEREAS, the Board of Trustees of the Town of Hotchkiss, Colorado, have experienced difficulties in enforcing its ordinances concerning kennel licenses within the Town and has determined it advisable, for the best interest of the Town, to operate without such requirements;

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Hotchkiss, Colorado, that Article 3 of Chapter 11 of the Code be rescinded, effective upon publication according to Colorado law.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED by the Board of Trustees of the Town of Hotchkiss, Colorado, this. /(J !" day of August, 1999.

ATTEST:

ORDINANCE NO. 006 "

AN ORDINANCE OF THE TOWN OF HOTCHKISS, COLORADO, CONFIRMING AND ESTABLISHING THAT NO HOUSEHOLD WITHIN THE TOWN OF HOTCHKISS, COLORADO, MAY KEEP, MAINTAIN, HARBOR OR POSSESS ON SUCH PREMISES MORE THAN TWO (2) DOGS, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

WHEREAS, the Board of Trustees of the Town of Hotchkiss, Colorado, had previously established in the "Kennel" portion of the code that two (2) dogs was the limit a household could have, without a kennel license, which section of the Code has been voided; and

WHEREAS, the Board of Trustees of the Town of Hotchkiss, Colorado, wishes to continue the two (2) dog per household limit for the peace, quiet and reasonable animal control within the community.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Hotchkiss, Colorado, that Section 11-2-2 of the Code of the Town be amended to read as follows, to-wit:

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11 -2 LICENSE REQUIRED

It shall be unlawful for any person or entity to keep, maintain, harbor or possess upon the premises of any one household or business more than two (2) dogs. The owner, possessor or keeper of any dog within this Town shall secure a license for such dog from the Town Clerk on or before the first February of each year or within thirty (30) days after the dog reaches the age of six (6) months. A dog purchased, obtained or otherwise acquired subsequent to the first day of February in any calendar year shall be licensed within thirty (30) days after such acquisition. New residents of this Town shall have thirty (30) days after becoming such residents to secure a license hereunder.

Anyone found to be in violation of any term hereof may be cited into Municipal Court and be subject to a penalty of up to \$1,000.00 and/or one (1) year in jail for each violation; each day may be considered a separate violation.

All other ordinances, resolutions and other provisions of the Town of Hotchkiss, Colorado, or parts thereof, in conflict or inconsistent herewith, and to the extent they are in conflict or

inconsistent herewith, are hereby repealed; provided, however, that the repeal of any ordinance, resolution, other provisions of the Town of Hotchkiss, Colorado, or parts thereof, shall not revive any other section of the same heretofore repealed and superseded.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED by the Board of Trustees of the Town of Hotchkiss, Colorado, this 1-3 day of 2006.

ATTEST:

o *n Clerk

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11-2-6 Prerequisite to Issuance of License; Form of Application for License

Upon application for a dog license, the applicant shall exhibit to the Town Clerk a certificate from a licensed veterinarian that the dog has been inoculated against rabies as required by this section. All applications for licenses shall be made on forms provided by the Town Clerk.

11-2-7 Tags Issuance

It shall be the duty of the Town Clerk to deliver or cause to be delivered to each person making application for a license, paying the license fee provided for in this article and presenting the certificate of inoculation required by this article, a dog tag for each dog licensed and inoculated.

11-2-8 Possession

Only those persons who own, possess or keep a dog duly licensed and inoculated in accordance with the provisions of this section shall be permitted to possess a dog tag as herein provided for.

11-2-9 License Description

The dog tag provided for in this article shall be of such size, shape, color and material as may be deemed expedient and suitable by the Town Clerk; provided, however, that the color thereof shall be changed each year. Such tag shall contain a number stamped thereon in numerical order beginning with number one and shall also indicate the year for which the same is issued and the word "Hotchkiss".

11-2-10 Attachment to Dog's Collar or Harness

Every owner, possessor or keeper of a dog within the Town shall place upon such dog a collar or harness made of

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durable material to which the dog tag herein provided for shall be attached.

11--2-11 To be Worn Only By Licensed Dogs

No person shall affix to the collar or harness of any dog or permit remain so affixed a tag evidencing licensing and rabies inoculation except the dog tag issued to that dog at the time of issuance of its license.

11-2-12 Records to Be Kept of Issuance; Duplicates; Transfers

The Town Clerk shall keep a record of the date of issuance of each dog tag provided for in this Article and the person to whom such tag is issued and the number thereof. If the dog tag herein provided for is lost or destroyed, a duplicate tag may be obtained from the Town Clerk upon the payment of a fee of one (\$1.00) dollar. In the event that the ownership or possession of a dog is changed, a new dog tag must be obtained and such new dog tag shall be issued by the Town Clerk upon proof being presented that the inoculation and licensing requirements of this section have been complied with and upon the payment of the fee of one (\$1.00) dollar.

11-2-13 Impoundment Generally

It shall be lawful for the dog catcher and all police officers to impound any dog which is not wearing a dog tag as herein provided and any dog which they reasonably feel to be in violation of any of the provisions of this section, whether such dog is wearing a dog tag or not. It shall be lawful for the dog catcher or any police officer to go upon private property for the purpose of catching any dog to be impounded.

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11-2-14 Establishment and Operation of Pound

The Board of Trustees shall have the right to establish a dog pound for this Town to be operated by Town personnel, or at its election, may, subject to the approval of the Board, contract with a public or private person or organization for the operation of a dog pound for and on behalf of the Town. Any such pound shall be constructed and maintained according to the requirements and specifications of the Colorado Bureau of Animal Protection established pursuant to Colorado Revised Statutes 35-42-101, as amended.

11-2-15 Filing of Complaint in Municipal Court Against Owner or Keeper of Impounded Dog

If a dog is impounded, it shall be the duty of the dog catcher or any police officer to immediately institute proceedings in the Municipal Court on behalf of the Town against the owner, possessor or keeper of such dog if known, charging the owner, possessor or keeper with a violation of the appropriate section of this section. Nothing herein contained shall be construed as preventing the dog catcher, any police officer or any citizen from instituting a proceeding in the Municipal Court in the Town for violation of this section where there is no impoundment.

11-2-16 Notice to Owner or Keeper of a Dog

As soon as practical after date of impoundment, the dog catcher or officer of the Marshal's department shall send by regular mail a written notice of such impoundment to the owner, possessor or keeper of such dog if the address of such person be known. If the owner, possessor, or keeper of such dog is not known, then a notice of impoundment shall be posted in a conspicuous place in the Town of Hotchkiss, Colorado, for at least three (3) consecutive days. Whether the notice herein be provided by mail or be posted, it shall contain a brief description of the animal, including its color, breed, sex and approximate age and advise of notice that the dog must be retrieved within the three (3) days, to avoid the immediate destruction of such dog.

11-2-17 Procedure for Release of Impounded Dog; Authority of Municipal Judge to Order Destruction of Dog

If a complaint has been filed in the Municipal Court of the Town against the owner, possessor or keeper of any impounded dog for a violation of this Article, then such dog shall not be released from impoundment except on

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order from a Municipal Judge. In addition to any penalties which may be provided for in this Code for a violation of this section, the Municipal Judge shall require such owner, possessor or keeper to pay the fees herein provided for in 11-2-19 and shall have the authority, upon making a finding that such dog constitutes a nuisance or that such dog is a vicious dog or that such dog constitutes a clear and present danger to the citizens of the community, to order that such dog be destroyed in a humane manner by the dog catcher or by persons authorized to do so by the Board.

11-2--16 Disposal of a Dog Whose Owner or Keeper Cannot be Located

If a complaint has not been filed in Municipal Court because the owner, possessor or keeper of an impounded dog is not known or cannot be located and such dog has not been claimed within three (3) days from the date of impoundment, the dog may be disposed of in any humane manner prescribe by t.it dog catcher or by persons so aut-horized to do so by the Board. However, no dog shall be d_i.n,posed of, unless he has a contagious disease or is harmful to the public health or safety, without one public announcement of his impoundment. The announcement shall contain a brief description of the animal including its color, breed, sex, and approximate age. Po::> t.i.ng a copy of the announcement at the Town Hall and two (2) other public sites shall satisfy this requirement. The purpose of this, section is to prevent the immediate destruction of dogs whose owners are unknown and to find owners for stray dogs.

11-2-19 Redemption Fees

Any owner, possessor or keeper of a dog desiring to redeem such dog from the pound shall pay the Town the sum of ten dollars (\$10.00) as an impoundment fee together with the sum of five dollars (\$5.00) for each day of impoundment for room and board are 1 any and all license or rabies inoculation fees provided for in this Section.

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11-2-20 Interference with Dog Catcher or Policeman Performing Duties

It shall be unlawful for any person to interfere with, molest, hinder or obstruct the dog catcher or any police officer in the discharge of their official duties under this section.

11-2-21 Instigating or Encouraging Dog Fights Prohibited

No person shall cause, instigate or encourage any dog fight within the Town.

11-2-22 Confinement or Muzzling of Dogs During Rabies Danger; Impoundment of Dogs not Confined or Muzzled

Whenever the Mayor shall be of the opinion that any danger exists from hydrophobia in the Town or other danger exists from dogs running at large within the Town, he shall issue his proclamation requiring every owner, possessor, or keeper of any dog within the Town to confine or securely muzzle the same for such time as he may designate. During such time it shall be unlawful for any dog to be within the Town unless so securely muzzled within a good and substantial wire or leather muzzle securely fastened and put on so as to prevent any such dog from biting. It shall be the duty of the dog catcher, and all police officers of the Town to take up and impound any dog that may be found during the time so designated by the Mayor as aforesaid unless muzzled or confined as herein provided.

11-2-23 Female Dogs in Heat

Any unspayed female dog, while in heat, shall be securely confined during such period in the owner's yard, pen or other enclosure. Such yard, pen or other enclosure shall be so constructed or situated as to prevent other dogs from gaining access to such yard, pen or other enclosure.

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11-2-24 Running at Large Prohibited

It shall be unlawful for any owner, possessor or keeper of any dog in the Town to permit the same to run at large within the Town. A dog shall be deemed to be running at large when off or away from the premises of the owner, possessor or keeper thereof and not under his control or the control of his agent, servant, a member of his immediate family or one with permission to control, either by leash, cord or chain, not more than ten feet (10') in length.

11-2-25 Vicious Dogs

(a) No person shall own, keep, harbor, possess or allow a vicious animal within the Town of Hotchkiss, Colorado.

(b) Vicious animals shall be impounded as a public nuisance.

(c) A hearing shall be conducted by the Municipal Judge as soon as possible to determine if a violation of this Section has occurred and what disposition shall occur.

(d) If such animal is found to be vicious by the Municipal Judge, he may order the Animal Control officer, or authorized member of the Police Department, to humanely euthanize said animal under the supervision of a licensed veterinarian, and/or impose a fine and/or jail sentence, or both, together with any care and feeding charges, impound fee, veterinary charges and other costs the Court deems appropriate against the owner of such animal, as provided by the ordinances of the Town of Hotchkiss. This disposition provision is in addition to any other terms of disposition provided for in any ordinances of the Town of Hotchkiss, Colorado.

(e) For the purpose of this section, a vicious dog is hereby defined and declared to be a dog that unprovokedly bites or attacks human beings or other animals either on public or private property or in a vicious or terrorizing manner approaches any person in apparent attitude of attack upon the streets, sidewalks or any public ground or place. It shall be the duty of the dog catcher and all police officers to take up and impound any dog which is a vicious dog. In the event a vicious dog cannot be taken up and caught by the dog catcher or any police officer without such dog catcher or police officer exposing himself to danger of personal injury from such dog, it shall be lawful for the dog catcher or any police officer to forthwith destroy such dog without notice to the owner,

keeper or possessor thereof.

11-2-26 Confinement of Biting Dogs

The possessor or keeper of any dog which has bitten or is suspected of having bitten any person or which is suspected of having rabies shall immediately notify the dog catcher or any police officer of such fact. Such dog shall be confined, upon order of the dog catcher or any police officer, for a period of ten (10) days for observation. Such dog shall be confined either at the residence of the owner, possessor or keeper thereof, if such confinement can be accomplished without exposing such dog to the public, or, at the option of the dog catcher or any police officer, such dog shall be confined at the Town pound or at a private veterinary hospital at the expense of the owner, possessor or keeper of the dog. It shall be unlawful for any owner, possessor or keeper of such dog to permit such dog during confinement to come into contact with the public.

11-2-27 Notice or Knowledge of Violation of Section Not Necessary for Prosecution of Owner Keeper

For the purpose of prosecution for violations of this section, it shall not be necessary, in order to obtain a conviction, to prove notice or knowledge on the part of the owner, possessor or keeper of the dog in question that such dog was violating any of the provisions of this section at the time and place charged. This section imposes strict liability upon the owner, possessor or keeper of any dog for the actions, conduct and condition of such dog.

11-2-28 Prohibition of Excessive Barking

It shall be unlawful for any owner or keeper of any dog to permit such dog, by loud and persistent or habitual barking to disturb any person or neighborhood, and the same is hereby declared to be a public nuisance.

11-2-29 Penalty for Violation

Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, may be punished by a fine not to exceed \$300.00.

ARTICLE 4

WILDLIFE

Harassing, Killing or Injuring Wildlife

Harassing, Killing or Injuring Wildlife

- (a) It is unlawful for any person to wilfully and unnecessarily shoot, capture, harass, injure or destroy any wild bird or animal or to attempt to shoot, capture, harass, injure or destroy any wild bird or animal within this Town.
- (b) No person shall wilfully destroy, rob or disturb the nest, nesting place, burrow, eggs or young of any wild bird or animal anywhere within this Town.
- (c) Wild bird includes all undomesticated birds native to North America and undomesticated game birds implanted in North America by governmental agencies and includes any domestic duck or goose released by any private person or recreational authority upon any recreational area within this Town.
- (d) Wild animal includes any animal native to the State of Colorado but does not include rattlesnakes, fish, or any species of amphibians, Norway rats and common house mice.
- (e) The provisions of this Article do not apply to personnel of any police, fire or animal control agency or the Colorado Division of Wildlife or Department of Health or other state or federal agency when such persons are acting within the scope of their official duties as employees of said agencies.

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- (f) **The provisions of this section are not intended to allow the destruction of any bird or animal protected by the laws of the State of Colorado or the United States of America.**