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CHAPTER 6.04

Definitions

6.04.010 Definitions.

When used in this Title, the following words and terms, unless the context indicates a different meaning, shall be interpreted as set forth in this Section:

Business day means a day, or any portion thereof, on which the animal shelter or other animal impoundment facility holding an animal is open to the public.

Cat means a domestic feline of either sex, including one neutered or sterilized.

Dog means a domestic canine of either sex, including one neutered or sterilized.

Domestic animal includes all species of animals commonly and universally accepted as being domesticated.

Harboring means the act of keeping and caring for an animal or of providing a premises to which the animal returns for food, shelter or care.

Livestock means cattle, horses, mules, burros, sheep, poultry, swine, llama and goats, regardless of use, and any animal that is used for working purposes on a farm or ranch, or which is normally raised for food or fiber production.

Owner means any person who has right of property in an animal or who harbors an animal or allows an animal to remain about his or her premises for a period of twenty-four (24) hours or longer.

Pet animal includes dogs, cats, rabbits, guinea pigs, hamsters, mice, ferrets, birds, nonpoisonous reptiles and amphibians and any other species of animal which is sold or retained as a household pet, but does not include skunks, nonhuman primates and any other species of wild exotic or carnivorous animal that may be further restricted by this Title.

Rabies vaccination means the vaccination of a domestic animal with an anti-rabies vaccine approved by the Colorado Department of Health and administered by a veterinarian licensed by the State.

Running at large pertains to an animal off the premises of its owner and not under the physical restraint of the owner or his or her authorized representative. An animal confined within an automobile or other vehicle shall not be deemed *running at large*.

Stray animal means any animal for which there is no identifiable owner or harborer.

Vicious animal means any animal that unprovokedly attacks or bites humans or other animals while on public or private property, or in a threatening manner approaches a person or another animal in an apparent attitude of attack; provided, however, that an animal shall not be deemed a *vicious animal* solely by reason of having bitten or attacked the following:

- a. Any person engaged in the unlawful entry into or upon the animal owner's property where the animal is kept.
- b. Any person engaged in the unlawful entry into or upon the animal owner's automobile or other vehicle wherein such animal is confined.
- c. Any person engaged in attacking or molesting another person.
- d. Any person engaged in attempting to stop an altercation between such animal and another animal.
- e. Any person who willfully provokes such animal to bite or to attack such person, another person or another animal.

Wild animal includes all species of animals which exist in a natural unconfined state and are usually not domesticated. (Ord. 270 §1, 1978; Ord. 2 §1, 2003; Ord. 08 §1, 2008)

CHAPTER 6.08

Dog Vaccination

6.08.010 Vaccination and certificate required.

Every owner of a dog four (4) months of age or older shall have such animal vaccinated against rabies as illustrated by a current dated vaccination certificate signed by a licensed veterinarian or other person legally authorized to provide such vaccination and/or vaccination certificate. The vaccination certificate shall state the type of vaccination with which the dog was inoculated, the date of the inoculation and the year recommended for renewal of the inoculation. Any person moving into the Town from a location outside of the Town shall comply with this Section within thirty (30) days after having moved into the Town. If the dog has inflicted a bite on any person or another animal within the last ten (10) days, the owner of said dog shall report such fact to a veterinarian, and no rabies vaccine shall be administered until after a ten-day observation period. (Ord. 270 §2(A), 1978; Ord. 2 §1, 2003)

6.08.020 Veterinarian's duty.

It shall be the duty of each veterinarian legally authorized to perform vaccinations on dogs, when inoculation is performed, to complete a certificate of vaccination obtained from the Colorado Department of Health or such other legally authorized source, and immediately present a copy thereof to the owner or harbinger of the inoculated dog. (Ord. 270 §2(B), 1978; Ord. 2 §1, 2003)

6.08.030 Exhibit of certificate required when.

It shall be unlawful for any person who owns or harbors a vaccinated dog to fail or refuse to exhibit his or her copy of the certificate of vaccination upon demand to any person charged with the enforcement of this Title. (Ord. 270 §2(C), 1978)

6.08.040 Owing or harboring unvaccinated dogs prohibited.

It is unlawful for any person to own or harbor any dog which has not been vaccinated against rabies as provided in this Chapter, or which cannot be identified as having a current vaccination certificate. (Ord. 270 §2(D), 1978; Ord. 2 §1, 2003)

CHAPTER 6.12

Animal Bites

6.12.010 Reporting required; procedure.

Any person having knowledge that an animal has bitten a human shall immediately report the incident to the Marshal's office or to the Colorado Department of Health. Every physician or other medical practitioner who treats a person for such bites shall within twelve (12) hours report such treatment to the Marshal's office or to the Colorado Department of Health, giving the name, age, sex and precise location of the bitten person and such other information as the officer or agency may require. (Ord. 270 §3(A), 1978)

6.12.020 Reporting required; exceptions.

Bites to humans from rodents, rabbits, birds and reptiles are excluded from the reporting requirements of this Chapter. (Ord. 270 §3(B), 1978)

6.12.030 Reporting suspected rabies required.

Any veterinarian who clinically diagnoses rabies, or any person who suspects rabies in a dog, cat or other domestic or wild animal, shall immediately report the incident to the Marshal's office or to the Colorado Department of Health stating precisely where such animal may be found. If a known or suspected rabid animal bites or attacks a domestic animal, such incident shall also be reported as required in this Chapter. (Ord. 270 §3(C), 1978)

6.12.040 Observation of biting animals required.

Any dog or cat which has bitten a person shall be observed for a period of ten (10) days from the date of the bite. The procedure and place of observation shall be designated by the investigating officer or responsible agency. If the dog or cat is not confined on the owner's premises, confinement shall be by impoundment at a veterinary hospital of the owner's choice. Such confinement shall be at the expense of the owner. The owner of any dog or cat that has been reported to have inflicted a bite on any person shall on demand produce said dog or cat for impoundment as prescribed in this Section. Refusal to produce said dog or cat constitutes a violation of this Section, and each day of such refusal shall constitute a separate and continuing violation. (Ord. 270 §3(D), 1978)

6.12.050 Unauthorized removal of impounded animal prohibited.

It is unlawful for any person to remove from any place of confinement any dog or cat which has been confined as authorized without the consent of the impounding agency. (Ord. 270 §3(E), 1978)

CHAPTER 6.16

Dog Licenses

6.16.010 Required when; expiration; receipt contents.

Any owner of a dog four (4) months of age or older shall procure a license for such animal and pay the applicable license fee. All licenses shall be valid for two (2) years. The licensing period shall commence on July 1 of the licensing year and expire on June 30 two (2) years later. There shall be no proration of dog licenses. Upon collection of the licensing fee by the Town Clerk, a dated and numbered receipt shall be issued stating the name and address of the owner, rabies receipt number, description of the dog and a Town license tag stamped with a serial number, the date of issuance and the political subdivision and State. (Ord. 270 §4(A), 1978; Ord. 2 §1, 2003; Ord. 2 §1, 2006)

6.16.020 Proof of vaccination required.

No dog shall be licensed without proof of rabies vaccination as provided in Chapter 6.08. (Ord. 270 §4(B), 1978)

6.16.030 Wearing required.

The license tag shall be attached to a collar, harness or other device and shall be worn by the licensed dog at all times when the dog is off its owner's premises or property. (Ord. 270 §4(C), 1978; Ord. 2 §1, 2003)

6.16.040 Duplicate tags.

In the event of loss or destruction of the original license tag, the owner shall obtain a duplicate tag from the Town Clerk at a cost of one-half (½) the original fee. (Ord. 270 §4(D), 1978)

6.16.050 Using false forms prohibited.

It is unlawful for any person to make use of a stolen, counterfeit or forged license receipt, license tag, rabies vaccination certificate or other form. (Ord. 270 §4(E), 1978)

6.16.060 Nontransferability.

Dog licenses are not transferable, and it is unlawful for any person to use any license or rabies tag for any dog other than the dog for which such tag was originally issued. (Ord. 270 §4(F), 1978)

CHAPTER 6.20

Animals Running at Large

6.20.010 Restraining animals required.

It shall be the duty of any owner, possessor or keeper of any dog or pet animal to restrain said dog or pet animal from running at large or trespassing on any private or public property, and it is unlawful

for any person to fail to comply with the duty of restraining an animal of which he or she is the owner, keeper or possessor pursuant to this Chapter. (Ord. 270 §5(A), 1978; Ord. 2 §1, 2003)

6.20.020 Confinement of dog in estrus required.

Any unspayed female dog in the state of estrus (heat) shall be confined during such period of time in a house, building or secure enclosure, and said area of enclosure shall be so constructed to prevent another dog from gaining access to the confined animal. Owners who do not comply may be ordered to remove the animal in heat to a boarding kennel, veterinary hospital or animal shelter. All expenses incurred as a result of the confinement shall be paid by the owner. Failure to comply with the removal order shall be a violation of this Title, and the dog shall then be impounded as prescribed in this Title. (Ord. 270 §5(B), 1978; Ord. 2 §1, 2003)

6.20.030 Impoundment of injured animals authorized.

Animals injured on public property may be impounded and given adequate veterinary medical treatment pending notification of the owner. If the injured animal is treated or impounded, the owner of such animal shall be liable for all expenses of the treatment of impoundment. (Ord. 270 §5(C), 1978)

CHAPTER 6.24

Prohibited Animal Behavior and Sanitary Regulations

6.24.010 Barking, howling or other unreasonable noise prohibited.

(a) No person owning or keeping any animal shall fail to prevent such animal from loud and persistent or loud and habitual barking, howling, yelping, braying, whinnying, crowing, calling or making any other loud and persistent or loud and habitual noise, whether the animal is on or off the owner's or keeper's premises, which disturbs the peace of another individual or materially interferes with or disrupts another individual in the conduct of lawful activities at such individual's home or place of business.

(b) No person possessing, keeping or owning an animal shall be charged with violating this Section unless a written warning concerning the subject violation was given to the person, or an adult member of the person's immediate family, by an agent or employee of the Town within twelve (12) months preceding the first date alleged as a date of violation in the complaint. Such warning is sufficient if it recites subsection (a) of this Section and states that two (2) or more persons have witnessed or experienced the violation of this Section within ten (10) days of each other.

(1) For the purposes of this Subsection, *disturbing the peace* occurs when a reasonably prudent person would find the barking, howling or other noise unreasonably annoying and disruptive to his or her personal peace and solitude or business.

(2) A warning is given under this Subsection if it is personally given to the person owning, keeping or in possession or control of the animal, or if it is mailed first class and certified return receipt requested to such person. The Town Clerk shall keep all records of all warnings given, and such records are prima facie evidence that such warnings were given.

(c) *Home* includes the physical residence as well as the outside premises.

(d) *Another individual* includes all members of the household as well as others rightfully in the residence or on the premises.

(e) This Section shall be in full force and effect twenty-four (24) hours every day.

(f) No person shall be convicted at trial of violating this Section unless two (2) or more witnesses testify to the loud and persistent or loud and habitual nature of the noise, or unless there is other evidence corroborating the testimony of a single witness with regard to such noise.

(g) The provisions of this Section do not apply when the animal is a cat and it is proven beyond a reasonable doubt that the cat was off the premises of its owner or keeper at the time of the disturbance.

(h) This Section shall apply to animals owned or kept within the Town or within one (1) mile of the boundaries of the Town, provided that at the time of the disturbance or interference, the individual disturbed or interfered with resided or was located within the boundaries of the Town. (Ord. 419 §1, 1989; Ord. 467 §1, 1995)

6.24.020 Defecation on public or private property prohibited.

It shall be unlawful for an owner of any animal to cause or allow such animal to defecate upon any private property when permission of the owner or lessee/tenant of such property has not been obtained, or to allow or cause any animal to defecate upon any sidewalk, street, alley, park or on any other public property except and unless all feces deposited by the animal shall be immediately removed and disposed of in an appropriate trash receptacle or other waste container. (Ord. 8 §1, 2002)

6.24.030 Sanitary regulations.

The premises on or within which any animal is maintained or confined, including any outdoor yard, shall be maintained in a sanitary condition, free of standing urine and/or feces, garbage, trash or other matter which can attract flies, vermin or other pests, or which generate or cause obnoxious odors. (Ord. 8 §1, 2002)

CHAPTER 6.28

Vicious Animals

6.28.010 Owning vicious animal prohibited; impoundment authorized.

No person shall own or harbor a vicious animal within the Town. Such animal shall be impounded as a public nuisance which may be abated by the Court. If impoundment of a vicious animal running at large cannot be made with safety, the animal may be destroyed by authorized police officials without notice to the owner or harbinger. (Ord. 270 §7(A), 1978; Ord. 2 §1, 2003)

6.28.020 Guard dogs; confinement and warning signs required.

It is unlawful to place or maintain any dog in any area for the protection of persons or property unless the dog is physically confined to a specific enclosed area and is under complete and absolute

control, and the area posted as required. The area or premises in which a guard dog is confined must be conspicuously posted with warning signs bearing letters not less than two (2) inches high, with the following legend: *Warning – These Premises Patrolled by Guard Dogs Trained to Attack*, accompanied by a decal that provides pictorial warning of a guard dog. (Ord. 270 §7(B), 1978)

CHAPTER 6.32

Impoundment

6.32.010 Impoundment of unauthorized and stray animals required.

Animals owned or harbored in violation of this Title or any other ordinance or law of the State shall be taken into custody and impounded. Stray animals shall be similarly impounded. (Ord. 270 §8(A), 1978; Ord. 2 §1, 2003)

6.32.020 Unauthorized removal from shelter prohibited.

It is unlawful for any person to remove any impounded animal from the animal shelter holding the animal without the consent of the Town or designated shelter official or agency. (Ord. 270 §8(B), 1978; Ord. 2 §1, 2003)

6.32.030 Biting animal impoundment period.

The impoundment of dogs and cats that have inflicted human bites shall be for a period of ten (10) days for observation and shall not be terminated until written consent from the proper official or agency is secured. (Ord. 270 §8(C), 1978)

6.32.040 Redemption of licensed dogs.

As soon as practicable after impoundment, notice of impoundment shall be given to the owner. Any impounded dog which is licensed may be redeemed by the owner upon payment of the impoundment fee, care and feeding charges and such other costs. If such animal is not redeemed within five (5) business days after notification, it shall be considered abandoned and may be placed for adoption subject to payment of the impoundment fees, care and feeding charges and veterinary charges, or the animal may be humanely euthanized. (Ord. 270 §8(D), 1978; Ord. 2 §1, 2003)

6.32.050 Redemption of other animals.

As soon as practicable after the impoundment of an animal other than a dog, notice of impoundment shall be given to the owner, if the owner is known. Any impounded animal may be redeemed upon payment of any applicable license fee, care and feeding charges, veterinary charges, rabies and vaccination charges and such other charges as set by the Town or impoundment facility. If such animal is not redeemed within five (5) business days, it shall be deemed abandoned and may be placed for adoption subject to payment of any license fee, impoundment fee, care and feeding charges, veterinary charges and rabies vaccination, or may be humanely euthanized. (Ord. 270 §8(E), 1978; Ord. 2 §1, 2003)

6.32.060 Animals held on complaint.

If a complaint has been filed in the Municipal Court against the owner of an impounded animal for a violation of this Title, the animal may not be released except on the posting of an amount equal to any penalties for violation of this Title in addition to all impoundment fees, or upon order of the Municipal Court. If it is subsequently determined by the Municipal Court that an animal was wrongfully impounded, or that the animal's owner did not violate any provision of this Title, then the amount previously posted to obtain the animal's release from impoundment shall be fully refunded to the owner, absent interest. The Court may, upon hearing and a finding that such animal is vicious or that it represents a clear and present danger to the citizens or other animals in the community, order said animal to be euthanized in a humane manner. (Ord. 270 §8(F), 1978; Ord. 2 §1, 2003)

CHAPTER 6.36

Kennels

6.36.010 Definitions.

As used in this Chapter, the following terms have the following meanings:

Boarding kennel is defined as any place or premises used in whole or in part for the purpose of boarding pet animals for compensation.

Kennel is defined as any place or premises on which are kept any combination of more than three (3) dogs or cats, except that a litter of newborn pups or kittens belonging to one (1) of the adult animals may be kept on the premises for a period not to exceed four (4) months after their birth without requiring a kennel license for the premises. (Ord. 270 §9(A), 1978; Ord. 2 §1, 2003)

6.36.020 License required.

It shall be unlawful to maintain or operate a kennel or boarding kennel without first obtaining a kennel license from the Town. (Ord. 270 §9(B), 1978; Ord. 2 §1, 2003)

6.36.030 Existing groups of animals.

(a) Residents of the Town who, as of June 13, 1978, own and keep at their place of residence pet dogs or cats or any combination thereof exceeding three (3) in number but not exceeding five (5) in number shall not be subject to the provisions of this Chapter as to those specific animals. On the death of any such animal or its removal to any other place of residence, it may not be returned or replaced by any other animal, if the total number of animals on the premises would then exceed three (3).

(b) The owners of all such animals in excess of three (3) per premises are required to register the animals with the Town Clerk. (Ord. 270 §9(C), 1978; Ord. 2 §1, 2003)

6.36.040 Expiration of license; keeping excess animals prohibited; state license required when.

Kennel licenses shall expire on December 31 of each year. No kennel license shall be issued until an inspection certificate shall have been issued by the Town and/or a representative from the Colorado

Department of Health or Department of Agriculture, Bureau of Animal Protection, as required or applicable. The license issued shall specify the maximum number of animals permitted to be kept, handled or exhibited by the licensee. It shall be unlawful for the licensee to keep, handle or exhibit any number of animals in excess of the maximum specified on the license. All applicants for a kennel license within the Town, if required by state statute to be licensed by the Colorado Departments of Health or Agriculture, must have a valid license issued by said Department to qualify for licensure by the Town. The possession of a state license, however, shall not in itself assure that a Town license will be granted. Standards and regulations affecting kennels may be adopted by the Town which are more restricted than applicable state standards. (Ord. 270 §9(D), 1978; Ord. 2 §1, 2003)

6.36.050 Suspension or revocation of license.

Any kennel licensed under this Chapter which is found to be in violation of any zoning law, health law or any other applicable ordinance or statute, or that is maintained in such a manner as to be detrimental to the health, safety or welfare of the animals housed or kept, or of persons residing in the immediate vicinity, may have its kennel license suspended or revoked after notice and hearing before the Board of Selectmen. (Ord. 270 §9(E), 1978; Ord. 2 §1, 2003)

6.36.060 Exceptions.

This Chapter shall not apply to and will not be construed to require a kennel license for:

- (1) A veterinary hospital operated by a licensed veterinarian which retains small animals for veterinary medical care;
- (2) A bona fide publicly or privately owned zoological park;
- (3) A bona fide research institution using animals for scientific research;
- (4) A publicly owned animal shelter; or
- (5) A bona fide animal shelter operated by an organized humane society. (Ord. 270 §9(F), 1978; Ord. 2 §1, 2003)

CHAPTER 6.40

Pet Shops

6.40.010 Pet shop defined; license required.

A *pet shop*, within the meaning of this Title, is any establishment where animals are kept for either wholesale or retail trade and includes all breeders, brokers, commission merchants or other middlemen who import pet animals into the Town. No person, group of persons or business entity shall own or operate a pet shop without having obtained a valid pet shop license from the Town Clerk. (Ord. 270 §10(A), 1978; Ord. 2 §1, 2003)

6.40.020 License expiration; confinement of animals required; state license required when.

Pet shop licenses shall expire on December 31 of each year. No pet shop license shall be issued until an inspection certificate shall have been issued by the Town and/or the Colorado Department of Health or Department of Agriculture, Bureau of Animal Protection, as required or applicable. Pet shops shall be confined in a building that is totally enclosed, and all pet animals shall be confined exclusively to said building. The pet shop may not have outside runs or pens, and none of the animals owned by the pet shop are to be harbored or housed outside of the building at any time for any reason. All applicants for a pet shop license within the Town, if required by state statute to be licensed by the Colorado Departments of Health or Agriculture, must have a valid license issued by said Department to qualify for licensure by the Town. The possession of a state license, however, shall not in itself assure that a Town license will be granted. Standards and regulations affecting pet shops may be adopted by the Town which are more restricted than applicable state standards. (Ord. 270 §10(B), 1978; Ord. 2 §1, 2003)

6.40.030 Suspension or revocation of license.

Any pet shop licensed under this Chapter found to be in violation of any zoning law, health law or any other applicable law of the Town or of the State, or that is maintained in such manner as to be detrimental to the health, safety or welfare of the animals housed or kept, or of persons residing in the immediate vicinity, may have its pet shop license suspended or revoked after notice and hearing before the Board of Selectmen. (Ord. 270 §10(C), 1978; Ord. 2 §1, 2003)

CHAPTER 6.44

Prohibited Animals

6.44.010 Keeping specific animals prohibited.

It is unlawful for any person to import, offer for sale, keep, maintain, harbor or permit in the Town any nonhuman primate, skunk, jaguar, leopard, lynx, tiger, lion, ocelot, bobcat, cheetah, mountain lion, wildcat, panther, bear, wolf, coyote, fox or other wild animal or any poisonous reptile or other animal not defined by this Title or state law as a pet animal. (Ord. 270 §11(A), 1978; Ord. 2 §1, 2003)

6.44.020 Keeping endangered species prohibited.

It is unlawful for any person to import, offer for sale, keep or willfully maintain, harbor or permit in the Town any endangered species of animal as defined by the United States Department of the Interior or the Colorado Department of Natural Resources. (Ord. 270 §11(B), 1978)

6.44.030 Exceptions.

This Chapter shall not apply to:

- (1) A bona fide publicly or privately owned zoological park;
- (2) A bona fide research institution using animals for scientific research; or

(3) A circus duly authorized to do business in the Town. (Ord. 270 §11(C), 1978)

CHAPTER 6.48

Inhumane Treatment

6.48.010 Cruelty to animals prohibited.

It is unlawful for any person to commit or cause to be committed any act of cruelty, harassment or torture to any animal, or to intentionally cause such animal to be mutilated or inhumanely killed. Ownership of an animal subject to cruelty or inhumane treatment, or the commission of such acts of cruelty on private property, shall not be a defense to a violation of this Chapter. (Ord. 270 §12(A), 1978; Ord. 2 §1, 2003)

6.48.020 Poisoning animals prohibited.

It is unlawful for any person to poison any domestic animal or to distribute poison or toxicants on public or private property in any manner whatsoever with the intent of poisoning any domestic animal. (Ord. 270 §12(B), 1978)

6.48.030 Abandonment or withholding shelter, food or water prohibited.

It is unlawful for any person to willfully abandon any animal or to withhold adequate food or water from any animal, or to fail to provide adequate shelter for any animal, such that its health is endangered or it is caused to suffer unduly. (Ord. 270 §12(C), 1978; Ord. 2 §1, 2003)

6.48.040 Possessing dyed animals prohibited.

It is unlawful for any person to possess, display, sell, barter or give away dyed or artificially colored baby chicks, ducklings, fowl, rabbits or any other animal as pets, playthings, novelties, gifts or for other purposes. (Ord. 270 §12(D), 1978; Ord. 2 §1, 2003)

6.48.050 Instigating fights prohibited.

It is unlawful for any person to cause, instigate or encourage any dog or other animal or fowl to fight with another of its own species or with another of a different species. It is unlawful for any person to train or keep any dog or other animal for the purpose of fighting. It is unlawful for any person to maintain a place where any dog or other animal is permitted to fight for exhibition, for wager or for sport. (Ord. 270 §12(E), 1978)

CHAPTER 6.52

Fees

6.52.010 License fees.

No license as provided for under this Title, including a dog, kennel or pet shop license, shall be issued absent the full and timely payment of a license fee as established by the Board of Selectmen. (Ord. 270 §13(A), 1978; Ord. 369 §1(A)(11); Ord. 487 §6, 1998)

6.52.020 Impoundment fees.

Except as otherwise specifically provided for in this Title, no animal that has been impounded pursuant to the provisions of this Title shall be released to its owner absent the full payment of all impoundment fees and costs, including boarding fees. A failure to redeem an animal from impoundment shall not relieve the animal's owner from his or her responsibility to timely pay all impoundment fees and costs, and the same may be added to any fine imposed upon an owner convicted of or found liable for a violation of this Title. (Ord. 270 §13(B), 1978; Ord. 487 §6, 1998; Ord. 2 §1, 2003)

CHAPTER 6.56

Enforcement

6.56.010 Application.

This Chapter shall apply to and govern penalties for violations of any provision within this Title. (Ord. 497 §3, 1999)

6.56.020 Interference with enforcement.

No person shall interfere with, hinder, molest, obstruct or prevent any law enforcement or other authorized officer in the discharge of their duties as prescribed in this Title, nor otherwise violate the provisions of this Title. (Ord. 497 §3, 1998)

6.56.030 Animals as nuisance prohibited.

(a) No person shall own or keep any animal that constitutes a nuisance by: (1) repeatedly violating Chapters 6.20, 6.24, 6.28, or 6.44 of this Title; (2) being a safety or health hazard; (3) damaging the property of another; or (4) creating offensive odors, any of which materially interferes with or disrupts another individual in the conduct of lawful activities at such individual's home or business.

(b) No person shall be charged with violating this Section unless a written warning is given to the person by an agent or employee of the Town within twelve (12) months preceding the first date alleged as a date of violation in the complaint. Such warning is sufficient if it recites Subsection (a) of this Section and states that a complaint has been received that an animal of which the defendant is the owner or keeper is disturbing the peace of another individual. A warning is given under this

Subsection if it is personally given to a person owning or keeping an animal or if it is mailed first class to such person. The Town Clerk shall keep records of all warnings given, and such records are prima facie evidence that such warnings were given.

(c) If a nuisance exists in violation of this Chapter, in addition to any other remedies available under this Code, the Town shall request that the owner or keeper of the animal correct the violation by notifying the owner or keeper, or both the owner and keeper, that such person has twenty-four (24) hours from the date of the notice to correct the violation or such longer period as deemed reasonable and necessary to correct the violation. Notice under this Subsection is sufficient if it is delivered to the owner or keeper or mailed first class to the address of the owner of property on which the animal is kept on the records of the Clear Creek County Assessor.

(1) If the person notified fails to correct the violation as required by the notice, the Town may correct the violation by taking any necessary and reasonable means to do so, including obtaining necessary warrants to enter on to private property, and charge the costs thereof, plus any additional amount for administrative costs, to the owner of the property and jointly and severally to the owner and keeper of the animal.

(2) If any property owner fails or refuses to pay when due any charge imposed under this Subsection, the Town may, in addition to taking other collection remedies, certify due and unpaid charges, including interest, to the Clear Creek County Treasurer, for lien and collection in the same manner as real property taxes. (Ord. 497 §3, 1998)

6.56.040 Violations; penalties; penalty assessments.

(a) It shall be unlawful for any person to violate the provisions of this Title. Except as specified below, violations of this Title shall constitute noncriminal offenses.

(b) Violations of the following provisions of this Title shall be subject to the following mandatory minimum penalties:

<u>Section</u>	<u>First Violation</u>	<u>Second and Subsequent Violations</u>
6.08.040	\$25.00	\$ 50.00
6.12.050	25.00	50.00
6.16.050	25.00	50.00
6.20.010	35.00	75.00
6.28.020	50.00	100.00
6.32.020	50.00	100.00

(c) Violations of the following provisions of this article shall constitute criminal violations subject to the following mandatory minimum penalties:

<u>Section</u>	<u>First Violation</u>	<u>Second and Subsequent Violations</u>
6.28.010	\$75.00	\$150.00
6.48.010	50.00	100.00
6.48.020	50.00	100.00
6.48.030	50.00	100.00
6.56.020	50.00	100.00

(d) Violations of this Title not provided for in Subsections (b) or (c) above shall be subject to a mandatory minimum penalty of ten dollars (\$10.00) for a first violation, and twenty dollars (\$20.00) for a second violation. Violations beyond a second violation shall be subject to a penalty of thirty dollars (\$30.00) plus ten dollars (\$10.00) for each subsequent violation.

(e) No animal shall be determined to be a vicious animal under Section 6.04.110, and no violation of Section 6.28.010 shall be determined or allowed, absent a hearing before the Municipal Court. Any person found to have violated, or who acknowledges guilt for having violated, Section 6.28.010 shall be required to pay the reasonable medical bills of any victim of the subject animal's vicious behavior, and to pay any other restitution as the Municipal Court may deem appropriate.

(f) Any person who is issued a citation for violation of any provision of this Title may be offered a penalty assessment by the enforcement officer, except for alleged violations as listed in Subsection (c) above. The amount of any penalty assessment shall be the amount of the corresponding mandatory minimum fine for the violation at issue. (Ord. 497 §3, 1999; Ord. 2 §1, 2003)