

Title 6

ANIMALS

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Chapter 6.04

ANIMAL CONTROL*

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***Editor's note**—Ord. No. 312, adopted Feb. 19, 2019, amended Ch. 6.04 in its entirety to read as herein set out. Former Ch. 6.04, §§ 6.04.010--6.04.450, pertained to similar subject matter and derived from Ord. No. 219, 2003; Ord. No. 250, §§ 2--6, 6-16-2009; Ord. No. 251, §§ 3--7, 6-16-2009.

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ARTICLE I. DEFINITIONS

6.04.010 Generally.

As used in this title, the words set out in this title shall have the following meanings.

(Ord. No. 312, 2-19-2019)

6.04.020 Animal.

"Animal" means any live vertebrate creature kept as a pet or for purposes of domestication, including the following categories:

- Large hoofed animals shall include, but not be limited to, horses, cattle, donkeys, and llamas.
- Small hoofed animals shall include, but not be limited to, pigs or swine.
- Small domestic animals shall include, but not be limited to, dogs, cats and rabbits.
- Fowl shall include, but not be limited to, chickens, turkeys, ducks, geese, and guinea fowl.
- Market animals include any of the above animals raised by students enrolled in a recognized agricultural program, for the period of the program. No breeding of market animals is permitted with the exception of rabbits and fowl.

(Ord. No. 312, 2-19-2019)

6.04.030 Animal control officer.

The person or persons designated by the La Veta Town Board of Trustees (hereafter town board) to enforce this title. It includes the technical assistance of a veterinarian licensed in the State of Colorado when required.

(Ord. No. 312, 2-19-2019)

6.04.040 Animal auction.

Any place or facility where animals are commercially bought, sold, or traded, to the highest bidder as a private or public market, consisting of pens, or other enclosures in which animals are held for sale.

(Ord. No. 312, 2-19-2019)

6.04.050 Animal establishment.

Any pet shop, kennel, grooming shop, animal auction, research facilities, and facilities operated by government agencies, or licensed animal dealers, regulated by the U.S.D.A. under the provisions of U.S. Public Laws as applicable.

(Ord. No. 312, 2-19-2019)

6.04.060 Animal grooming.

An establishment that is equipped to care for the appearance of an animal to make it neat, clean, trimmed, to remove dirt or parasites from the skin or fur.

(Ord. No. 312, 2-19-2019)

6.04.070 Animal limitations.

The maximum number of animals allowed on a property at any one time without a special use permit approved by the town board.

(Ord. No. 312, 2-19-2019)

6.04.080 Animal population density.

The allowed number of animals, per a specified square foot area, that will be permitted on a property at any time in order to maintain environmental and soil quality.

- Low animal population density defines the maximum number of animals a property owner is allowed to have without the approval of the town board.
- High animal population density requires the approval of the town board through a special use permit in order

to ensure the number of animals allowed on a property does not damage environmental quality or negatively impact the adjacent neighborhood.

(Ord. No. 312, 2-19-2019)

6.04.090 Animal quarters.

All buildings, hutches, pens, coops, and their accessories used for the keeping of animals.

(Ord. No. 312, 2-19-2019)

6.04.100 Animal quarters set back.

The minimum distance from any animal quarters set back to any adjacent property line.

(Ord. No. 312, 2-19-2019)

6.04.110 Animal shelter.

A public or private facility designated and licensed by the town for the purpose of temporarily impounding and caring for animals.

(Ord. No. 312, 2-19-2019)

6.04.120 Animal, wild.

Any animal not ordinarily and customarily domesticated, including, but not be limited to, bear, deer, elk, wolf, coyote, skunk, raccoon, squirrel, and fox.

(Ord. No. 312, 2-19-2019)

6.04.130 At large.

An animal shall be deemed to be "at large" when off the property of the owner and not under restraint as defined in this title.

(Ord. No. 312, 2-19-2019)

6.04.140 Companion animal.

An animal that may provide comfort or coping assistance to an owner.

(Ord. No. 312, 2-19-2019)

6.04.150 Dangerous animal.

An animal that constitutes a physical threat to humans or other domestic animals or wildlife. A dangerous animal shall also include an animal which, without provocation, approaches in a threatening or terrorizing manner or in ap-

parent attitude of attack, any person on the public ways, public grounds or public places in the town. Dangerous animal shall include:

1. Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of a human being or another animal;

2. Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for the purposes of fighting.

(Ord. No. 312, 2-19-2019)

6.04.160 Domestication.

To tame an animal, especially by generations of breeding, to live in close association with human beings as a pet or work animal and usually creating a dependency so that the animal loses its ability to live in the wild.

(Ord. No. 312, 2-19-2019)

6.04.170 Euthanasia.

To produce a humane death of an animal by techniques accepted by the American Veterinary Medical Associates.

(Ord. No. 312, 2-19-2019)

6.04.180 Humane manner.

Care of an animal to include, but not be limited to, adequate heat, ventilation, sanitary shelter, food and water, consistent with the normal requirements and feeding habits appropriate for the animal's size, species and breed.

(Ord. No. 312, 2-19-2019)

6.04.190 Kennel.

An establishment maintained for the purpose of breeding, selling, or boarding of animals or engaged in the training of animals.

(Ord. No. 312, 2-19-2019)

6.04.200 Neutered.

An animal rendered permanently incapable of reproduction.

(Ord. No. 312, 2-19-2019)

6.04.210 Nuisance.

An animal shall be considered a nuisance if it damages, soils, defiles, or defecates on private property other than the owner's property, or on public lands and recreation areas, unless such waste is immediately removed and disposed of by the owner. An animal shall also be considered a nuisance if it causes unsanitary, dangerous or offensive conditions, causes a disturbance by excessive barking or other noisemaking, chases vehicles, or molests, attacks or interferes with persons or other animals on public or private property.

(Ord. No. 312, 2-19-2019)

6.04.220 Owner.

A person having the right of property of an animal, or having the primary care, custody, or control of an animal.

(Ord. No. 312, 2-19-2019)

6.04.230 Person.

Any individual, corporation, partnership, or institution commonly recognized by law as a unit.

(Ord. No. 312, 2-19-2019)

6.04.240 Pet shop.

An establishment engaged in the business of buying or selling, small domestic animals for profit making purposes.

(Ord. No. 312, 2-19-2019)

6.04.250 Restraint.

An animal shall be considered under restraint if it reasonable controlled within the real property limits of its owner, in a motor vehicle or secured by a leash or lead of not more than ten feet in length.

(Ord. No. 312, 2-19-2019)

6.04.260 Service animal.

An animal typically a dog or miniature horse which has been individually trained to perform a specific on behalf of a person with a disability.

(Ord. No. 312, 2-19-2019)

6.04.270 Special use permit.

A permit issued by the town which allows uses in addition to the standard uses recognized by the town or allows

an increased number of animals to be located in each zone when proper conditions exist which will permit such uses to be in harmony with existing and proposed land use.

(Ord. No. 312, 2-19-2019)

6.04.280 Therapy animal.

An animal that is taken to hospitals, schools and other facilities to provide therapy there.

(Ord. No. 312, 2-19-2019)

6.04.290 Use by right.

For the purposes of this title, a "use by right" means an allowed use in a zoning district which is not subject to special review and approval by the town board.

(Ord. No. 312, 2-19-2019)

ARTICLE II. LICENSING AND RABIES VACCINATION

6.04.300 Required--Exemption.

No person shall own, keep or harbor any animal over six months of age within the town unless such animal is vaccinated for rabies and licensed.

(Ord. No. 312, 2-19-2019)

6.04.310 Vaccination standards.

All animals shall be vaccinated against rabies by a licensed veterinarian, in accordance with the latest Compendium of Animal Rabies Vaccines and Recommendations for Immunization published by the National Association of State Public Health Veterinarians.

(Ord. No. 312, 2-19-2019)

6.04.320 Certificate of vaccination.

A certificate of vaccination shall be issued to the owners of each animal vaccinated on a form recommended by the compendium. Each owner shall also obtain a durable vaccination tag indicating the year in which it was issued.

(Ord. No. 312, 2-19-2019)

6.04.330 License application.

A. Application for a license must be made within thirty days after obtaining an animal over six months of age. except that this requirement will not apply to a non-

resident keeping an animal within the town for no longer than one hundred eighty days provided that the animal is licensed at the owner's permanent home of record.

B. Application for an animal license shall be made to the town licensing authority and shall include the name and address of the owner and the name, breed, color, age and sex of the animal. Applicants also shall pay the prescribed licensing fee and provide proof of current rabies vaccination.

(Ord. No. 312, 2-19-2019)

6.04.340 Licensing period and renewal.

The licensing period shall be two years. License renewal must be applied for within thirty days of the expiration of a license. New residents must apply for a license within thirty days of establishing residency.

(Ord. No. 312, 2-19-2019)

6.04.350 License fee.

A license shall be issued after payment of a fee established by resolution of the town board. Persons who fail to obtain a license as required within the time period specified in this title shall be subjected to an additional delinquent fee established by resolution of the town board.

(Ord. No. 312, 2-19-2019)

6.04.360 Exemptions.

The following exemptions shall be available for animals otherwise required to be vaccinated or licensed:

A. License fees shall not be required to be paid for animals used as service animals for persons with a disability. Such animals must, however, be licensed. This exemption does not apply to companion, assistance or therapy animals.

B. License fees shall not be required to be paid for animals serving the government. Such animals must, however, be licensed.

C. Animals used by a licensed research facility, held in a veterinary medical facility, or held in a government operated or licensed animal shelter shall be exempt from the provisions of licensing and vaccination of this title.

(Ord. No. 312, 2-19-2019)

6.04.370 License tag.

Upon acceptance of the license application and fee, the town shall issue a durable license tag including an identifying number. Both rabies and license tags must be attached to the collar of the animal. Tags must be worn at all times and are not transferable. The town shall maintain a record of all licenses issued, and such records shall be available to the animal control officer.

(Ord. No. 312, 2-19-2019)

ARTICLE III. SPECIAL USE PERMIT REQUIREMENTS

6.04.380 Requirements.

Property owners with a number of animals that exceeds the animal limitations, or who seek to exceed the limitations, listed under the following use by right categories, must have the prior approval of the town board. Approval will be in the form of a special use permit.

Use by Right: Low Animal Population Density		Special Use Permit Permitted Use: High Animal Population Density
<i>Animal Limitations</i>	<i>Minimum Area Requirements</i>	
Large hoofed animals.	12,500 SF per animal.	Exceed this use by right; permit required.
Exception for stabled horses.	5,000 SF per horse.	Exceed this use by right; permit required.
Small hoofed animals.	25,000 SF per animal	Exceed this use by right; permit required.
Small domestic animals: dogs and cats. Maximum of four dogs and four cats.	Not applicable.	Exceed this use by right; permit required.
Small domestic animals: rabbits. Maximum of twelve.	Not applicable.	Exceed this use by right; permit required.
Fowl. Maximum of twelve chickens and four of any other type of fowl. Maximum of sixteen.	Not applicable. Fowl must be penned.	Exceed this use by right; permit required.
Rooster. Maximum one	Not applicable. Must be penned	By Special Use only
Market animals. Maximum of two animals per student and a maximum of five animals per household.	2,500 SF per animal.	Exceed this use by right; permit required.

Bulls, rams, and billy goats are banned in the Town of La Veta in any zone.

(Ord. No. 312, 2-19-2019)

6.04.390 Application.

An application for a special use permit must be filed with the town board and applicable filing fees, publication and any other costs associated must be paid. The special

use permit period shall begin with the first day of the calendar year and shall run for one year. Permits issued during the year shall expire on December 31 of the issuing year. Renewal applications for permits must be made within thirty days prior to the end of the calendar year. The application shall contain the following information:

- A. Name and address of applicant;
 - B. A description and site plan of the property. The site plan shall show the boundary of the property, proposed buildings, parking, landscaping and signing concepts, streets and other facilities to be developed. The plan shall be submitted in duplicate, drawn to reasonable scale for easy interpretation a (minimum of 11 x 17);
 - C. A legal description of the property in question;
 - D. Topographic information shall be provided when drainage may affect the site development plan;
 - E. A time schedule of construction, if applicable;
 - F. Such additional information as may be requested by the town board to properly review and render a decision on the application;
 - G. Existing zoning classification.
- (Ord. No. 312, 2-19-2019)

6.04.400 Procedure before the town board.

If the town board accepts the special use permit application for consideration, a public hearing on the matter shall be held. No later than sixty days after the town board's acceptance of the application, the town board shall act to either approve or deny the proposed special use permit. Within five days after the decision by the town board, the applicant shall be notified of the approval or denial of the requested special use permit. If denied, reasons for the denial shall be stated.

(Ord. No. 312, 2-19-2019)

6.04.410 Fees.

Annual special use permits shall be issued upon payment of the non-refundable application fee established by resolution of the town board. Additional fees may be ap-

plied if the town incurs costs, including, but not limited to, publication, seeking professional services during the application review process.

(Ord. No. 312, 2-19-2019)

6.04.420 Violation--Penalty.

Failure to comply with the provisions of this article is subject to a fine of not less than one hundred dollars and not more than three hundred dollars. Each offense or day may be counted as separate offense.

(Ord. No. 312, 2-19-2019)

ARTICLE IV. ANIMAL QUARTERS

6.04.430 Requirements for all animal quarters.

All animal quarters must meet the requirements under Title 15 Buildings and Construction Code, the current adopted edition of the International Building Code, and Title 18 Zoning Code.

(Ord. No. 312, 2-19-2019)

ARTICLE V. ISSUANCE AND REVOCATION OF SPECIAL USE PERMITS

6.04.440 Refusal to comply with title.

The town board may refuse to issue or may revoke a special use permit if the person holding the permit refuses or fails to comply with this chapter, other regulations promulgated by the town, or if the permit holder fails to maintain care of the animals in a humane manner as defined in this title or in any other laws governing the protection and keeping of animals.

(Ord. No. 312, 2-19-2019)

6.04.450 False information.

If an applicant is shown to have withheld or falsified information on the application, the town may refuse to issue or may revoke a permit or license.

(Ord. No. 312, 2-19-2019)

6.04.460 Inspection authority.

It shall be a condition of issuance of any permit for an animal establishment that the animal control officer shall be permitted to inspect any and all animals and the premises where such animals are kept at any reasonable time

during normal business hours without notice. Where a permit is revoked for any cause, or pending appeal or any such action, the animal control officer shall have the power of entry on the premises and into all areas where animals are being kept.

(Ord. No. 312, 2-19-2019)

ARTICLE VI. OWNER RESPONSIBILITY

6.04.470 Restraints.

All animals, except domestic cats, shall be kept under restraint.

(Ord. No. 312, 2-19-2019)

6.04.480 Dangerous animals.

A. No person shall own or harbor any animal for the purpose of fighting or train, torment, badger, bait or use any animal for the purpose of causing or encouraging said animal to unprovoked attacks on human beings or domestic animals.

B. No person shall possess with intent to sell, offer for sale, breed, buy or attempt to buy within the town any dangerous animal.

C. This section shall not apply to dogs owned by law enforcement agencies engaged in the performance of agency duties.

D. If the animal control officer or a police officer has probable cause to believe that a dangerous animal is being kept, harbored or cared for on the premises of the owner in violation of this title, the animal control officer or police officer may petition the La Veta Municipal Court to order the seizure and impoundment of the dangerous animal.

E. If a dangerous animal is impounded; and

1. The person owning, harboring or having the care or custody of a dangerous animal is unable to be determined or found; or

2. The person owning, harboring or having the care or custody of a dangerous animal does not redeem the impounded dangerous animal by payment of all applicable fees or charges set forth by resolution of the town board, the dangerous animal shall be humanely euthanized, according to C.R.S. 35-80-102(7). No dangerous animal shall be humanely euthanized within five days after being impounded,

exclusive of Sundays and holidays, except that an impounded dangerous animal may humanely be euthanized at any time with the consent of the person owning, harboring, or having the care or custody of the dangerous animal.

F. Any dangerous animal that attacks a human being or domestic animal without provocation may be ordered humanely euthanized at direction of the La Veta Municipal Judge.

(Ord. No. 312, 2-19-2019)

6.04.490 Failure to care for animals.

In the event that the animal control officer finds an animal to be suffering or not being maintained in a humane manner as defined in this title, they shall have the right forthwith to remove or have cause to have removed any such animal to a safe place for care. Return to the owner may be withheld until the owner has made full payment for all expenses so incurred for care.

(Ord. No. 312, 2-19-2019)

6.04.500 Nuisances.

No animal shall be allowed to cause a nuisance. The owner of every animal shall be held responsible for the behavior of such animal under the provisions of this title and Section 9.16.070 of the La Veta Municipal Code.

(Ord. No. 312, 2-19-2019)

ARTICLE VII. IMPOUNDMENT AND REDEMPTION OF IMPOUNDED ANIMALS

6.04.510 Procedures.

Any animal found running at large may be impounded by the animal control officer in an animal shelter and confined in a humane manner. Immediately upon impounding an animal, the animal control officer shall make every reasonable effort to notify the owner and inform such owner of the conditions whereby custody of the animal may be regained. Animals not claimed by their owners within a period of five full days in which the shelter is open to the public shall become the property of the town.

(Ord. No. 312, 2-19-2019)

6.04.520 Option of notice of violation.

When an animal is found running at large and its ownership is verified by the animal control officer, the officer may exercise the option of serving the owner with a notice of violation in lieu of impounding the animal.
(Ord. No. 312, 2-19-2019)

6.04.530 Liability for charges.

Disposal of an animal by any method specified in this article does not relieve the owner of liability for violations and any accrued charges.
(Ord. No. 312, 2-19-2019)

6.04.540 Fees.

Any impounded animal may be redeemed by the owner within five days upon payment of actual daily costs of care, a daily impoundment fee, and an additional fee for multiple offenses, if applicable. All fees are set by resolution of the town board.

Third offense is a mandatory court appearance subject to a fine of not less than one hundred fifty dollars and not more than three hundred dollars. Payment of impoundment care fees and impoundment fees, which shall not be deferred, are not considered to be in lieu of any fine, penalty or license fee.
(Ord. No. 312, 2-19-2019)

6.04.550 Quarantine.

Any animal confined for rabies quarantine, evidence, or other purpose may be released to the owner upon payment of all daily costs incurred by the town.
(Ord. No. 312, 2-19-2019)

ARTICLE VIII. ADOPTION

6.04.560 Requirements.

An animal adoption fee set by resolution of the town board may be assessed at the time of adoption. No dog or cat shall be released for adoption without first being neutered/spayed.
(Ord. No. 312, 2-19-2019)

ARTICLE IX. INTERFERENCE

6.04.570 Prohibited--Penalty.

No person shall interfere with, hinder, or molest any agent of the animal control officer in the performance of any duty as provided in this title.

(Ord. No. 312, 2-19-2019)

ARTICLE X. WILD AND FERAL ANIMALS

6.04.580 Feeding wild animals.

It shall be unlawful for any person to knowingly feed, provide bones or salt licks to bears, elk, deer, raccoons, skunks, badgers, porcupines, wolves, coyotes, fox, or any other wild animal.

(Ord. No. 312, 2-19-2019)

6.04.590 Destruction of feral animals.

Feral animals found running at large with no apparent marking or obvious signs of ownership may be destroyed by the animal control officer if they cannot be apprehended with reasonable effort.

(Ord. No. 312, 2-19-2019)

Chapter 6.08STOCKSections:

6.08.010 Dairy goats.

6.08.010 Dairy goats.

It is unlawful to keep dairy goats for commercial purposes within the corporate limits of the town. (Ord. 219 (part), 2003)