

RESOLUTION NO. 24-22

**INTRODUCED BY:
Council Member Jensen
Council Member Arner**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FEDERAL HEIGHTS
COLORADO APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN
ADAMS COUNTY AND THE CITY OF FEDERAL HEIGHTS FOR
ANIMAL SHELTER / ADOPTION SERVICES**

WHEREAS, Adams County through the Riverdale Animal Shelter has provided the City of Federal Heights (“City”) animal shelter and adoption services as set forth in an Intergovernmental Agreement between Adams County and the City; and

WHEREAS, the City and Adams County desire to renew the Intergovernmental Agreement for 2025; and

WHEREAS, as the Intergovernmental Agreement provides a necessary service for the benefit of the City, staff recommends that the Intergovernmental Agreement be renewed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FEDERAL HEIGHTS COLORADO THAT:

The Intergovernmental Agreement between Adams County and the City of Federal Heights for animal shelter and adoption services is approved in substantially the same form as the copy attached hereto and made a part of this resolution and the Mayor is authorized to execute the Intergovernmental Agreement on behalf of the City.

INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF FEDERAL HEIGHTS, COLORADO, THIS 17th DAY OF AUGUST 2024.




Linda S. Montoya, Mayor

ATTEST:



Patti K. Lowell CMC, City Clerk

APPROVED AS TO FORM


William R. Hayashi, City Attorney

**ADAMSCOUNTY, COLORADO
INTERGOVERNMENTAL AGREEMENT
ANIMALSHELTER/ADOPTIONCENTER SERVICES**

THIS INTERGOVERNMENTAL AGREEMENT FOR ANIMAL SHELTER/ADOPTION CENTER SERVICES (IGA) is made this ____ day of _____ 2024 by and between the Adams County Board of County Commissioners, located at 4430 S. Adams County Parkway, Suite C5000A, Brighton, CO 80601, hereinafter referred to as the “County” and the City of Federal Heights, located at 2380 West 90th Ave., Federal Heights, CO 80260 hereinafter referred to as “Federal Heights.” This IGA is for animal shelter and adoption services to be provided by the Riverdale Animal Shelter (RAS), located at 12155 Park Blvd., Brighton, CO 80601.

In consideration of the mutual promises and other good and valuable consideration. the receipt and adequacy of which is hereby acknowledged, the County and Federal Heights agree to be legally bound as follows:

SECTION I. DEFINITIONS

- A. **Adoption fee:** Means the amount charged to a person adopting an animal for the costs of administrative services associated with the adoption.
- B. **Animal:** Means a dog, cat, or other small domestic creature.
- C. **Boarding fee:** Means the daily amount charged for the care of an animal while at RAS.
- D. **Care:** Means regularly providing food and water to animals in the RAS.
- E. **Impoundment fee:** Means the amount, in addition to the boarding fee, charged for costs associated with impounding an animal at RAS.
- F. **Service fees:** Means other fees charged for services provided by RAS, not otherwise specified herein, such as fees for euthanizing animals, disposing of dead animals, etc.
- G. **Shelter:** Means providing an enclosed kennel or pen that is regularly cleaned and maintained for an animal.

SECTION II. RESPONSIBILITIES OF THE COUNTY

- A. RAS, along with Federal Heights Animal Control Officer(s), shall enforce Chapter 6 of the Federal Heights Municipal Code, as it pertains to animal control and licensing, a copy of which is attached hereto and incorporated herein as Exhibit A. It is however understood that the RAS will provide such services only as they pertain to dogs, cats, domestic fowl, small farm animals or other small domestic creatures. The fees charged by RAS for adoption, boarding, impoundment, and other services are as

specified in Exhibit B which is attached hereto and incorporated herein by this reference.

B. RAS shall provide for the shelter, care, adoption, reclaim, euthanasia, and/or disposal of animals impounded because of violations of Chapter 6 of the Federal Heights Municipal Code, and will obtain and/or maintain any and all licenses required by Colorado Revised Statute (C.R.S.) § 35-80-101, *et seq.* For any animal on a court hold, such shelter and care shall continue until order of the Federal Heights Municipal Court.

C. Any stray animal impounded for more than five (5) business days that is not reclaimed by its owner may be made available for adoption, transferred for rescue, or may be humanely euthanized, at the sole discretion of the RAS Executive Director, veterinarians, and/or designated personnel. However, feral cats may be humanely euthanized after having been impounded for three (3) calendar days, as the circumstances at RAS may require based on the sole discretion of its Executive Director, veterinarians, and/or designated personnel consistent with Colorado Revised Statute (C.R.S.) §35-80-106.3, as amended, or other relevant statutory provision in effect at the time.

D. Unless ownership of a released animal is specifically acknowledged by the releasing individual, any animals brought to the RAS will be processed in accordance with Colorado Revised Statute (C.R.S.) § 35-80-106.3.

E. RAS shall have the right to immediately and humanely euthanize any animal impounded at its facility if such animal is diagnosed by a licensed veterinarian as being terminally ill, injured, or diseased consistent with Colorado Revised Statute (C.R.S.) § 35-80-106.3, or other relevant statutory provision in effect at that time.

F. RAS shall quarantine animals for rabies observation and shall report all suspected rabid animals to the local Health Department.

G. Any dog or cat impounded at RAS, with the exception of aggressive, severely ill, or injured animals, shall be inoculated with appropriate vaccines as indicated by protocol established by the shelter veterinarian.

H. RAS shall maintain a telephone answering service to receive inquiries on impounded animals from 10:00 a.m. to 6:00 p.m. on weekdays, and from 9:00 a.m. to 5:00 p.m. on Saturdays and Sundays. RAS will be closed on County-designated holidays.

I. RAS shall maintain records on all impounded animals, including a record of each animal's disposal, and shall allow Federal Heights access to such records as reasonably requested. In addition, RAS shall submit to Federal Heights by the twentieth (20th) calendar day of each month a summary report of animals received and the disposition thereof.

J. Fees charged to Federal Heights residents for services provided hereunder shall not exceed the fees charged to other residents of Adams County for the same or similar services.

K. The County will employ qualified personnel as necessary to perform the services to be provided hereunder.

L. No animal impounded at RAS shall be sold or given away to any person, organization, company, or other entity for the purposes of medical research or experimentation.

M. RAS personnel will regularly assist in completing the routine impoundment functions including: getting impound numbers from the computer; vaccinating animals; placing identification collars on animals; taking pictures of animals; placing animals in kennels; and completing associated impoundment documentation (i.e. scanning animals and entering the scanned number on the impound cards, entering the animal's age, weight, and rabies tag number on the impound cards, etc.).

SECTION III. RESPONSIBILITIES OF FEDERAL HEIGHTS

A. Federal Heights hereby expressly authorizes RAS to enforce Chapter 6 of the Federal Heights Municipal Code, as it pertains to animal licensing and control. It is, however, understood that the County will provide such services only as they pertain to dogs, cats, small farm animals, or other small domestic animals, and fowl.

B. Federal Heights agrees to notify RAS, at least 48 hours prior to the effective date thereof, of any changes or amendments to Chapter 6 of the Federal Heights Municipal Code.

C. Federal Heights animal control officers shall cooperate with and provide assistance to RAS concerning routine impoundment functions including: getting impound numbers from the computer; vaccinating animals; placing identification collars on animals; taking pictures of animals; placing animals in kennels; and completing associated impoundment documentation (i.e. scanning animals and entering the scanned number on the impound cards, entering the animal's age, weight, and rabies tag number on the impound cards, etc.).

D. As RAS does not always have a veterinarian onsite or available, all sick and injured animals that Federal Heights animal control officers pick up must be taken to a veterinarian before impounding it into the shelter. A veterinarian report must be attached to the impound card. Sick animals are defined as animals that may be highly contagious to the rest of the animals and are showing signs such as diarrhea, bloody stools, lethargy, etc. Injured animals are defined as animals with signs of injuries including any limping as there may be a fracture, draining/infected skin wounds, appearance of mange (hair loss, especially around the head, and crusting skin), deep gashes that may need sutures, any animal that has been hit by a car, and any animal that otherwise appears to be in pain by vocalizing, whining or tensing. It is acceptable for Federal Heights Animal Control Officers to contact the shelter prior to taking a sick or injured animal to an outside veterinarian or clinic. If the shelter veterinarian is available to consult with

the animal control officer, he/she may approve for the animal control officer to bring the sick or injured animal directly to the shelter.

SECTION IV. PAYMENTS, FEES, AND ADDITIONAL EXPENSES

A. Fee Schedule and Fee Assessment

1. Commencing January 1, 2025, for all animals found in Federal Heights and brought to the RAS by either City officials or private citizens, Federal Heights shall pay the County according to the current fee structure for that calendar year. A copy of the current fee structure for 2025 is attached hereto and incorporated herein as Exhibit B.
2. Two Year Assessment. The County will reassess Federal Heights's flat-rate fee every two years, on the even years, based on the average of two full years of Federal Heights's usage data and the shelter's daily cost of care average for the prior two-year period. The fee schedule will be adjusted every two years based on this assessment.
3. Notice of Fee Schedule. The fee schedule for each following year that this agreement is renewed will be provided to Federal Heights along with Federal Heights's usage summary by no later than September 1st. The fee structure for each calendar year shall be fully incorporated into this IGA and shall supersede and replace the current Exhibit B.

B. The County will invoice Federal Heights according to the current fee structure for that calendar year on the date(s) specified in Exhibit B. Payment shall be made in full by Federal Heights to the County within thirty (30) days of the invoice date.

C. The County shall retain all impoundment, boarding, adoption, service and/or other fees collected in association with this IGA. The County shall also retain all gifts or contributions received in association with any services provided in association with this IGA.

D. In the rare event that an animal is delivered from Federal Heights as a court hold, police hold or protective custody case, and said animal is deemed by staff to be too dangerous or in need for specialized care, RAS shall notify Federal Heights if the animal will be transferred to a separate entity. The separate entity will be a state-licensed animal care provider. Federal Heights will be responsible for all costs associated with the transfer and care of the animal by the separate entity.

E. Federal Heights agrees to submit cost of care documents prepared by RAS to the court for restitution in cases where RAS has provided care and services for animals from Federal Heights on court hold where the animal(s)' owner, or former owner, has potential responsibility for making restitution for such animal sheltering and care fees.

SECTION V. TERM

The initial term of this IGA shall be for a period of 12 (twelve) months, commencing on January 1, 2025, and terminating on December 31, 2025, and will automatically renew for successive one-year terms beginning on January 1, 2026, according to the terms and conditions herein subject to the termination provisions set forth in Section XI of this IGA.

SECTION VI. FUND AVAILABILITY

Federal Heights has appropriated sufficient funds for this IGA for the current fiscal year. Federal Heights payment for any subsequent term is dependent upon the annual appropriation of funds by its City Council and nothing herein shall constitute a multiple fiscal year obligation pursuant to Colorado Constitution Article X, Section 20. Any failure of Federal Height's City Council to annually appropriate adequate monies to fund its obligations under this Agreement shall terminate this Agreement at such time as the then existing appropriations are deleted.

SECTION VII. INDEPENDENT CONTRACTOR

In providing services under this IGA, the County acts as an independent contractor. As such, the County shall be solely and entirely responsible for its acts, and the acts of its employees, agents, servants, and contractors during the term and performance of this IGA. No employee, agent, servant, or contractor of the County shall be deemed to be an employee, agent, or servant of Federal Heights because of the performance of any services or work under this IGA. The County, at its expense, shall procure and maintain workers' compensation insurance and unemployment compensation insurance as required under Colorado law. Pursuant to the Workers' Compensation Act, § 8-40-202(2)(b)(IV), C.R.S, as amended, the County understands that it and its employees and servants are not entitled to workers' compensation benefits from Federal Heights. The County further understands that it is solely obligated for the payment of federal and state income tax on any moneys earned pursuant to this IGA.

SECTION VIII. NONDISCRIMINATION

The County shall not discriminate against any employee or qualified applicant for employment because of age, race, color, religion, marital status, disability, sex, or national origin. The County agrees to post in conspicuous places, available to employees and applicants for employment, notices provided by the local public agency setting forth the provisions of this nondiscrimination clause.

SECTION IX. INDEMNIFICATION

To the extent permitted by law, each party agrees to indemnify and hold harmless the other, its officers, agents, and employees for, from, and against any and all claims, suits, expenses, damages, or other liabilities, including reasonable attorney fees and court costs, arising out of damage or injury to persons, entities, or property caused or sustained by any

person(s) as a result of the its own performance or failure to perform pursuant to the terms of this IGA. Nothing herein shall be deemed by either party as a waiver of the rights, protections, defenses, and limitations afforded the parties in accordance with the Colorado Governmental Immunity Act C.R.S. § 24-10-101, *et seq.*, as same may be amended from time to time.

SECTION X. INSURANCE

The County is a “public entity” within the meaning of the Colorado Governmental Immunity Act (“Act”), § 24-10-101, *et seq.*, C.R.S., as amended, and shall at all times during the term of this IGA maintain such liability insurance, by commercial policy or self-insurance, as is necessary to meet its liabilities under the Act.

SECTION XI. TERMINATION

A. For Cause

If, through any cause, the County fails to fulfill its obligations under this IGA in a timely and proper manner, or if it violates any of the covenants, conditions, or stipulations of this IGA, Federal Heights shall thereupon have the right to immediately terminate this IGA, upon giving written notice to the County of such termination and specifying the effective date thereof.

B. For Convenience

Either party may terminate the IGA at any time by giving written notice as specified herein to the other party, which notice shall be given at least sixty (60) days prior to the effective date of the termination. If the IGA is terminated by Federal Heights, the County will be paid in full for any services provided hereunder prior and up to the date of termination.

SECTION XII. MUTUAL UNDERSTANDINGS

A. Jurisdiction and Venue

The laws of the State of Colorado shall govern as to the interpretation, validity, and effect of this IGA. The parties agree that jurisdiction and venue for any disputes arising under this IGA shall be with the 17th Judicial District, Colorado.

B. Compliance with Laws

During the performance of this IGA, the parties agree to strictly adhere to all applicable federal, state, and local laws, rules and regulations, including all licensing and permit requirements. The parties hereto acknowledge that they are familiar with § 18-8-301, *et seq.*, C.R.S. (Bribery and Corrupt Influences), as amended, and § 18-8-401, *et seq.*, C.R.S. (Abuse of Public Office), as amended, and that no violations of such provisions are present.

C. Record Retention

The parties shall maintain records and documentation of the services provided under this IGA, including fiscal records, and shall retain the records for a period of three (3) years from the date this IGA is terminated. Said records and documents shall be subject at all reasonable times to inspection, review, or audit by authorized federal, state, County, or Federal Heights personnel.

D. Assignability

Neither this IGA, nor any rights hereunder, in whole or in part, shall be assignable or otherwise transferable by either party without the prior written consent of the other party.

E. Waiver

Waiver of strict performance or the breach of any provision of this IGA shall not be deemed a waiver, nor shall it prejudice the waiving party's right to require strict performance of the same provision, or any other provision in the future, unless such waiver has rendered future performance commercially impossible.

F. Force Majeure

Neither party shall be liable for any delay or failure to perform its obligations hereunder to the extent that such delay or failure is caused by a force or event beyond the control of such party including, without limitation, war, embargoes, strikes, governmental restrictions, riots, fires, floods, earthquakes, or other acts of God.

G. Notice

Any notices given under this IGA are deemed to have been received and to be effective: (1) three (3) days after the same shall have been mailed by certified mail, return receipt requested; (2) immediately upon hand delivery; or (3) immediately upon receipt of confirmation that a facsimile or electronic mail transmission was received. For the purposes of this IGA, any and all notices shall be addressed to the contacts listed below:

For the County:

Adams County Animal Shelter
12155 Park Blvd., Street, Brighton, CO 80601
Attn.: Stephanie Wilde
Phone No.: (720)523-7907
Facsimile No.: (303) 253-7988
swilde@adcogov.org

and

Adams County Attorney's Office
4430 S. Adams County Parkway, Suite C5000B, Brighton, CO 80601
Attn: Heidi Miller
Phone No.: (720) 523-6116
Facsimile No.: (720) 523-6114
hmiller@adcogov.org

For Federal Heights:

City of Federal Heights
Jacqueline Halburnt, City Manager
2380 West 90th Ave, Federal Heights, CO 80260
Phone No. (303) 412-3525
Facsimile: (303) 428-3720
E-mail: jhalburnt@fedheights.org

H. Integration of Understanding

This IGA contains the entire understanding of the parties hereto and neither it, nor the rights and obligations hereunder, may be changed, modified, or waived except by an instrument in writing that is signed by the parties.

I. Paragraph Headings

Paragraph headings are inserted for the convenience of reference only.

J. Counterparts

This IGA may be executed in multiple counterparts, each of which shall be deemed to be an original and all of which taken together shall constitute one and the same IGA.

K. Parties Interested Herein

Nothing expressed or implied in this IGA is intended or shall be construed to confer upon or to give to, any person other than the parties, any right, remedy, or claim under or by reason of this IGA or any covenant, terms, conditions, or provisions hereof. All covenants, terms, conditions, and provisions in this IGA, by and on behalf of the County and Federal Heights, shall be for the sole and exclusive benefit of the County and Federal Heights.

L. Severability

If any provision of this IGA is determined to be unenforceable or invalid for any reason, the remainder of this IGA shall remain in effect, unless otherwise terminated in accordance with the terms contained herein.

M. Authorization

Each party represents and warrants that it has the power and ability to enter into this IGA, to grant the rights granted herein, and to perform the duties and obligations herein described.

IN WITNESS WHEREOF, the parties hereto have caused their names to be affixed.

BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, COLORADO

Chair

Date

ATTEST:
JOSH ZYGIELBAUM
CLERK AND RECORDER

Approved as to Form:

Deputy Clerk

Adams County Attorney's Office

CITY OF FEDERAL HEIGHTS, COLORADO



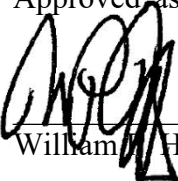
Linda S. Montoya, Mayor

9/17/2024

Date

ATTEST:


Patti Lowell, CMC, City Clerk

Approved as to Form:


William Hayashi, City Attorney

Chapter 6 ANIMALS¹

ARTICLE I. IN GENERAL

Sec. 6-1. Definitions.

The following words, terms and phrases when used in this chapter shall have the meaning ascribed to them in this section, except when the context clearly indicates a different meaning.

Animal means any of the kingdom (Animalia) of living beings typically differing from plants in capacity for spontaneous movement and rapid motor response to stimulation; consistent therewith, any one of the lower animals distinguished from man.

Animal owner means any person who owns, keeps, harbors, possesses, or otherwise has custody or control of any animal in the city, whether such person is a resident or nonresident of the city.

Animal owner's authorized agent means any person who acts for or in the place of the animal owner by authority from the animal owner.

Backyard chicken(s) means any female breed of chicken, excluding roosters and all other fowl or poultry, which, includes but is not limited to, ducks, quail, geese, pigeons, peafowl and turkeys.

Code enforcement officer means any officer or employee of the city designated by the chief of police or by his authorized representative to enforce the provisions of this chapter or any provisions of this Code.

Dog means any domesticated animal of the species *canis familiaris* or other species of the family *canidae*.

Guard dog means a dog disciplined, through special training, to protect persons and/or property by attacking or threatening to attack any person found within the area authorized to be patrolled by the dog.

Harboring means the activity of the occupant of any premises on which an animal is kept or to which an animal customarily returns daily for food and care, which contributes to the animal's habit or tendency to stay at or return to said premises for care and sustenance.

Leash means a substantial chain, rope, cord, or similar device sufficient to hold an animal in restraining and which is not more than six feet in length.

Rabies inoculation means the inoculation of an animal with a rabies vaccine approved by the state department of health and administered by a licensed veterinarian.

Running at large means any animal, unless specifically excepted by this chapter not under the direct and competent control of the owner or the owner's agent by means of a leash, except an animal on or within the owner's motor vehicle provided when such vehicle is parked the animal shall be within the enclosed portion of said motor vehicle or tethered so as to restrain the animal within the confines of the motor vehicle.

Stray animal means any animal, with or without a registration rabies inoculation tag, found unattended, running at large or unattached anywhere within the city.

¹State law reference(s)—Rabies control, C.R.S. § 25-4-601 et seq.; animal protection, C.R.S. § 35-42-101 et seq.; pet animal care and control, C.R.S. § 35-80-101 et seq.

Veterinarian means a person licensed by the state to practice veterinary medicine.

Vicious animal means any animal that is the cause of unprovoked bites, snaps at or attacks humans or other animals on public or private property or without provocation approaches any person on public or private property in a terrorizing manner or in an apparent attitude of attack; provided, however, that an animal shall not be deemed a vicious animal by reason of having bitten or attacked by the following:

- (1) Any person engaged in the unlawful entry into or upon the animal owner's property where such animal is kept;
- (2) Any person engaged in the unlawful entry into or upon the animal owner's automobile or other vehicle wherein such animal is confined, or which is parked on the street immediately adjacent to the owner's property;
- (3) Any person engaged in attacking or molesting another person;
- (4) Any person engaged in attempting to stop an altercation between such animal and another animal; and
- (5) Any person who deliberately and wantonly provokes such animal to bite or to attack such person, another person, or another animal.

(Ord. No. 18-08, § 1, 8-7-2018; Ord. No. 19-08, § 1, 9-3-2019)

Sec. 6-2. Wildlife; harassing, trapping or injuring wildlife prohibited.

- (a) Unless permitted by state statute, rule or regulation, it is unlawful for any person to willfully damage or destroy any wildlife den or nest or their eggs or to harass any wildlife.
- (b) For the purposes of this section, the term "wildlife" means any wild vertebrates, mollusks and crustaceans, whether alive or dead, including any part, product, egg or offspring thereof, that exists as a species in a natural wild state in their place of origin, presently or historically, except those species determined by the state to be domestic animals.
- (c) The provisions of this section do not apply to personnel of any police, fire or animal control agency or the state 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.
- (d) The provisions of this section are not intended to allow the trapping or destruction of any wildlife protected by the laws of the state or the United States of America.

(Code 1985, § 6-9-1; Ord. No. 18-08, § 1, 8-7-2018)

Editor's note(s)—Ord. No. 18-08, § 1, adopted August 7, 2018, renumbered § 6-1 as § 6-2.

State law reference(s)—Wildlife commission's authority to regulate taking of wildlife, C.R.S. § 31-1-106.

Secs. 6-3—6-20. Reserved.

ARTICLE II. LICENSES

Sec. 6-21. Required.

The owner of any dog or cat over the age of six months shall obtain an annual license for such animal from the city clerk within 30 days after the owner establishes a domicile in the city, takes possession of the animal, or the animal attains the age of six months, whichever occurs last. As used within this article, the city clerk shall also include those employees authorized by the city manager or the manager's designee to perform the duties set forth in this article.

(Code 1985, § 6-9-2(1); Ord. No. 15-11, § 1, 11-2-2015)

Sec. 6-22. Prerequisite to issuance.

- (a) Upon application for a license, the applicant shall exhibit to the city clerk a certificate from a veterinarian that the animal has been inoculated as required by section 6-49.
- (b) Certificate of vaccination: The veterinarian administering the vaccination shall execute and furnish to the animal owner as evidence thereof a certificate of vaccination, upon a form issued by the veterinarian. The certificate shall contain the following:
 - (1) The animal owner's name, address and telephone number;
 - (2) The breed, sex, color and name of the inoculated animal;
 - (3) The date of inoculation;
 - (4) The type of vaccine used;
 - (5) Where applicable, the tag number of the rabies vaccination issued; and
 - (6) The signature of the veterinarian issuing the certificate.
- (c) If any animal bites any person within a ten-day period preceding the date on which such animal is to be vaccinated, the owner of such animal shall report such fact to the veterinarian and no rabies vaccine shall be administered until after a ten-day observation period.

(Code 1985, § 6-9-2(2))

Sec. 6-23. Fees.

An animal owner shall pay an annual license fee. Such fee shall be reduced for any animal owner who presents written proof from a veterinarian that such animal has been spayed or neutered. All fees shall be set by resolution in accordance with section 1-16.

(Code 1985, § 6-9-2(3))

Sec. 6-24. Tags, descriptions and issuance.

The city clerk shall obtain and provide to licensed animal owners, tags as provided for in section 6-25 of such size, shape, color and material deemed suitable by the city clerk; provided, however, that the color thereof shall be changed each year. Each tag shall contain a number stamped thereon and shall indicate the year of the tag's issuance and the name of the city shall appear thereon.

(Code 1985, § 6-9-2(4))

Sec. 6-25. Attachment of tags to collar required.

- (a) If an animal is of such age that it is not required by this article to have a rabies vaccination tag, the owner shall obtain an identification tag for said animal setting forth the owner's name and address, and said identification tag shall be attached to the animal's collar or harness.
- (b) It shall be unlawful for any animal owner to fail to keep upon an animal a collar, harness or similar device of durable material to which the required city and vaccination tags or identification tag shall be attached.

(Code 1985, § 6-9-2(5))

Sec. 6-26. Tags not transferable.

It shall be unlawful for any person to affix any city identification or rabies tag to any animal other than the animal for which said tag has been issued.

(Code 1985, § 6-9-2(6))

Sec. 6-27. False and stolen documents; tags.

It shall be unlawful for any person to make use of, or have in one's possession or under one's control, any stolen, counterfeit, or forged city tag, rabies vaccination certificates, or other document required by this article.

(Code 1985, § 6-9-2(7))

Sec. 6-28. Replacement of lost or destroyed tags.

Lost or destroyed city tags may be replaced upon application therefor to the city clerk and verification of the certificate of vaccination, and a payment therefor of a fee as determined by resolution of city council in accordance with section 1-16.

(Code 1985, § 6-9-2(8))

Sec. 6-29. Records.

The city clerk shall keep a record of all city certificates, licenses and tags issued pursuant to this article.

(Code 1985, § 6-9-2(9))

Sec. 6-30. Harboring unvaccinated and nonregistered animals.

It shall be unlawful for any person to keep, harbor or possess any animal not vaccinated and licensed as required by this article.

(Code 1985, § 6-9-2(10))

Secs. 6-31—6-48. Reserved.

ARTICLE III. ANIMAL DISEASE CONTROL

Sec. 6-49. Vaccination required.

- (a) It shall be unlawful for any person to own a dog or cat over six months of age unless such animal is currently vaccinated against rabies.
- (b) Every owner of a dog or cat shall keep and exhibit upon the lawful request of a code enforcement officer, a certificate of vaccination evidencing the most current vaccination for each such animal.
- (c) Rabies vaccinations shall be kept current in accordance with the guidelines set forth in the Compendium of Animal Rabies Control as promulgated by the National Association of State Public Health Veterinarians.

(Code 1985, § 6-9-2(11); Ord. No. 15-11, § 2, 11-2-2015)

Sec. 6-50. Reporting animal bites.

- (a) Whenever any animal has bitten any person, it shall be the duty of the owner of such animal or of any person, having knowledge of such bite to immediately report such fact to a code enforcement officer or the police department, stating, if known, the location of such animal.
- (b) Whenever any animal is affected by rabies, or suspected of having rabies, or has been bitten by an animal known or suspected to be affected by rabies, the owner of such animal or any person having knowledge of such matter shall immediately report such fact to a code enforcement officer or to the police department stating, if known, the location of such animal.
- (c) Every physician or medical practitioner shall, within 12 hours upon treatment of any person bitten by an animal within the city, report to a code enforcement officer or to the police department the name, age, and address of the person so bitten and treated, with the permission of said person. It shall be the duty of every physician or medical practitioner to request such permission.
- (d) It shall be the duty of every veterinarian who diagnoses rabies in any animal to immediately report such fact to a code enforcement officer or to the police department.

(Code 1985, § 6-9-2(12))

Sec. 6-51. Confinement; quarantine.

- (a) Any animal that has bitten any person, or has been exposed to rabies, or is suspected of having rabies shall be immediately confined for a period of ten days from the date of the incident or for a longer period of time if deemed necessary by a code enforcement officer or a veterinarian. A code enforcement officer shall serve written notice of such confinement on the owner of such animal. Such confinement may be on the owner's

premises if deemed appropriate by the code enforcement officer. If the animal is not confined on the owner's premises, confinement shall be either in the city's designated animal shelter or at a veterinary hospital of the owner's choice. Any confinement shall be at the expense of the owner.

- (b) It shall be unlawful for the owner of any animal that has bitten a person, or has been exposed to rabies, or is suspected of having rabies, to destroy or to dispose of such animal before said animal can be properly confined by a code enforcement officer.
- (c) It shall be unlawful for the owner or any other person to allow any animal which is under confinement to come into contact with the public or with any other animal or to remove any such animal from the place of confinement or quarantine without the written consent of a code enforcement officer.
- (d) It shall be unlawful for the owner of any animal that has been reported to have bitten any person or is suspected of having bitten any person to, on demand of a code enforcement officer, fail to produce and surrender said animal for examination and quarantine as prescribed in this article. If the owner of any such animal refuses to produce said animal, said owner may be subject to immediate arrest if there is probable cause to believe said animal has inflicted a bite upon a person and the owner willfully refuses to produce said animal upon such demand. Such person may be taken by a police officer before a judge of the municipal court who may order the immediate production of said animal. Each day (24-hour period) of an animal owner's seclusion or refusal to produce such animal shall constitute a separate and individual violation of this section.
- (e) When an animal under confinement and quarantine has been diagnosed by a veterinarian as being rabid, the veterinarian shall immediately notify a code enforcement officer or the police department and the applicable county health officer of such fact and shall advise them of any reports of human contact with such rabid animal. If any animal under confinement dies while under observation, a code enforcement officer shall, at the owner's expense, immediately obtain a pathological and vaccination examination of the animal. As soon as a diagnosis is made available, the code enforcement officer shall notify the appropriate county public health officer of any reports of human contact with the animal.

(Code 1985, § 6-9-2(13))

Sec. 6-52. Emergency conditions.

Whenever the city manager finds or has been notified by the state department of health that there is imminent danger that rabies may be spread within the city, the city manager may require every animal owner to confine such animals for such periods as may be necessary to prevent the spread of rabies within the city.

(Code 1985, § 6-9-2(14))

State law reference(s)—Rabies control, C.R.S. § 25-4-601 et seq.

Secs. 6-53—6-77. Reserved.

ARTICLE IV. CARE OF ANIMALS

Sec. 6-78. Animals running at large.

- (a) It shall be unlawful for any animal owner to permit an animal to run at large within the city.
- (b) Animals on an owner's premises shall be constrained as follows:

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- (1) Within the confines of any structure; or
 - (2) Within the confines of a fence, wall or other barrier which prohibits the animal from leaving the premises; or
 - (3) By voice and visual control upon the owner's premises, which control shall require the owner's presence.

(Code 1985, § 6-9-3(1); Ord. No. 15-11, § 3, 11-2-2015)

Sec. 6-79. Injured and stray animals.

- (a) Any stray or injured animal on public property shall be deemed to be running at large and shall be impounded. A code enforcement officer may transport an injured animal in need of medical attention to a veterinarian for medical treatment, or, if the animal is severely injured, may dispose of such animal. The owner, if ascertainable, shall be notified of such action. The owner of any such animal shall be liable for all expenses incurred in such impoundment, treatment and disposition.
- (b) When an animal is found injured on private property, a code enforcement officer may take such injured animal in need of medical attention to a veterinarian, or, if the animal is severely injured, may dispose of such an animal in any appropriate and humane manner. The owner, if ascertainable, shall be notified of such action. The owner of such animal shall be liable for all expenses incurred in such impoundment, treatment, or disposition.

(Code 1985, § 6-9-3(2))

Sec. 6-80. Dead animals.

Any stray animal killed upon any public street or public property shall be deemed running at large and shall be removed therefrom and disposed of by a code enforcement officer. The owner of such animal, if ascertainable, shall be so notified and advised by a code enforcement officer.

(Code 1985, § 6-9-3(3))

Sec. 6-81. Disturbances prohibited.

- (a) It shall be unlawful for any animal owner to allow an animal to disturb the peace of any person by continually or repeatedly barking, howling, yelping, or making any other audible sound. For the purposes of this section, the term "continually" shall mean without stop for a period of five or more minutes. In addition to being a violation of this section, the same is declared a public nuisance.
- (b) In any prosecution for a violation of this section, the fact that an animal disturbance occurred either:
 - (1) Between the hours of 11:00 p.m. and 7:00 a.m.; or
 - (2) When the animal was left unattended;

shall create a rebuttable presumption that the disturbance is unlawful.

- (c) No summons and complaint for a violation of this section shall be issued except upon a citizen complaint.
- (d) It shall be unlawful and a public nuisance for an owner to permit or cause to permit:
 - (1) An animal, while leaning over any fence, wall or barrier, to chase, snarl or growl at any person who reasonably believes that he or she is in danger of suffering bodily injury; or

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- (2) Unattended animals to be chained or tied in public places, or in private property open to the public, or within the common ground of condominiums, townhomes, apartment complexes or mobile home parks.

(Code 1985, § 6-9-3(4))

Sec. 6-82. Mandatory penalty.

Any person convicted of violating any provision of this article may, in addition to any other sentence imposed by the court, be subject to the following fines and conditions. Such fine shall not be waived but may be suspended subject to the condition that the person be placed on probation for a period not to exceed one year.

- (1) First conviction: \$50.00.
- (2) Second conviction within a 12-month period: \$200.00.
- (3) Third conviction within a 12-month period: \$300.00 and the judge may order, as appropriate, that the animal is surgically debarked, spayed or neutered.
- (4) Fourth and subsequent convictions within a 12-month period: the maximum fine as set forth in section 1-15, and the animal may be ordered removed from the city.
- (5) For any of the above convictions if the owner has the animal surgically debarked, spayed or neutered prior to sentencing, the fee for such service shall be deducted from the fine.

(Code 1985, § 6-9-3(5))

Secs. 6-83—6-107. Reserved.

ARTICLE V. VICIOUS ANIMALS

Sec. 6-108. Prohibited generally.

It shall be unlawful for any person to own, possess, keep, harbor, or have control or custody of any vicious animal.

(Code 1985, § 6-9-4(1))

Sec. 6-109. Exemption.

Employees or agents of the city or any other town, city, county, or state or federal agency using animals within the course of their duties or employment shall be exempt from the provisions of this section.

(Code 1985, § 6-9-4(2))

Sec. 6-110. Impoundment/destruction.

Any animal which has caused injury or bitten any person or animal, or which is the cause of an unprovoked attack on any person, may be seized and impounded at the owner's expense by any code enforcement or police officer without notice to the owner. If, after making every reasonable attempt to seize such animal, including the solicitation of assistance from the animal's owner if such owner is immediately ascertainable and available, the

officer determines that the animal cannot be seized without exposing the officer or other persons to danger of personal injury from the animal, and the animal presents a present danger to any person, property, or other animal, the officer may lawfully destroy the animal without notice to the animal owner.

(Code 1985, § 6-9-4(3))

Sec. 6-111. Hearing.

- (a) An animal impounded pursuant to this section may be held for a hearing before the municipal court to determine the disposition of such animal. The city shall notify, when ascertainable, the owner of the animal in writing of the date, time, place and purpose of the hearing at least five days before said hearing. The court shall conduct such hearing at the earliest date available to the court. If, on the date of the hearing, the duly notified owner does not appear, the court may proceed with the hearing. The hearing may take place regardless of any pending municipal charge pertaining to the animal.
- (b) At the hearing the formal rules of evidence shall not apply and any statement made by any person at such hearing shall not be used as evidence at any municipal trial. The court shall be guided by the basic principles of due process in the conduct of such hearing and allow the parties to present evidence, witnesses and have the right of cross examination.
- (c) The court shall consider as applicable, the following:
 - (1) Any evidence presented at any trial involving the animal;
 - (2) The conduct of the animal during the incident charged;
 - (3) Any evidence of dangerous or violent behavior by the animal, or threats thereof;
 - (4) Any prior violations by the animal owner of this article or any of the laws of the city, or laws of the state or any political subdivision thereof;
 - (5) Any prior violations by any other owner of the animal, involving the same animal of this article or any of the laws of the city, or any laws of the state or any political subdivision thereof;
 - (6) Any conditions existing on the property where the animal has been or will be kept which would affect the likelihood of any danger to any person, animal or property;
 - (7) Any evidence of any ameliorative action taken by the owner of the animal which would affect the likelihood of any danger to any person, animal or property; and
 - (8) Any other evidence relevant to the issues as determined by the court.
- (d) If at the hearing, the city established by a preponderance of the evidence that there is a reasonable likelihood of future injury to persons, property or animals, the court shall either order that to protect the public the animal be euthanized immediately or that the animal remain impounded at the owner's expense until final disposition of any pending municipal charges. The owner shall bear all costs of impounding the animal regardless of the results of any municipal charges. Notwithstanding the foregoing, if the court determines that it is not appropriate to order the animal impounded, the court may order the animal returned to the owner to be kept under such circumstances as will ensure the safety of persons, property or other animals.

(Code 1985, § 6-9-4(4))

Sec. 6-112. Euthanization permitted.

Upon a conviction of vicious animal, the municipal court in addition to the penalties set forth in this Code may order that the animal be humanely euthanized.

(Code 1985, § 6-9-4(5))

Sec. 6-113. Authority for immediate destruction.

Nothing in this article shall be construed to prevent the immediate destruction of any vicious animal when deemed necessary in the interest of public safety by a code enforcement officer or other law enforcement person.

(Code 1985, § 6-9-4(6))

Secs. 6-114—6-139. Reserved.

ARTICLE VI. CONTROL AND PROTECTION OF ANIMALS

DIVISION 1. GENERALLY

Sec. 6-140. Confinement during estrus.

- (a) Any unspayed female animal in the stage of estrus (heat) shall be securely confined during such time within an enclosed structure which prohibits access to or by other animals of the same species. Any owner who does not so confine the animal during the stage of estrus or whose animal during estrus causes or attracts a disturbance as defined in section 6-81(a) may be ordered by a code enforcement officer to remove said animal to a boarding kennel, veterinary hospital, or to the animal shelter. All expenses incurred as a result of such confinement shall be paid by the animal owner.
- (b) It shall be unlawful for any person to fail to comply with a code enforcement officer's removal order.
- (c) This section shall not apply when animals are intentionally brought together with the owner's consent within an enclosed area for purpose of breeding.

(Code 1985, § 6-9-5(1))

Sec. 6-141. Cruelty to animals prohibited.

- (a) It shall be unlawful for any person to commit or to cause to be committed any act of cruelty, mistreatment, neglect, harassment, abandonment or torture of any animal; to overdrive, overload, drive when overloaded or to overwork any animal; to fail to provide any animal in the person's care and custody with proper food, drink or adequate shelter; to abandon any animal; to carry any animal in or upon any vehicle without such restraint or control as to prevent injury or death to such animal; to attach any animal to a vehicle in a cruel or inhumane manner; or to leave an animal unattended in a vehicle for an extended period of time without adequate ventilation or sustenance; to cause any animal to be needlessly and/or cruelly wounded, mutilated, strangulated, or inhumanely killed; or in any other way to commit or cause to be committed any similar acts of cruelty or inhumane treatment of any animal. For the purposes of this section, adequate shelter shall

mean an insulated, elevated four-sided structure with a roof and an entrance appropriate for the animal's size.

- (b) It shall be unlawful for any person to antagonize, agitate, interfere, beat, kick, strike, torture, torment, mutilate, injure, disable or kill any dog used by the police department of this city when such dog is being used in the performance of the functions or duties of such department.

(Code 1985, § 6-9-5(2))

State law reference(s)—Cruelty to animals, C.R.S. § 18-9-202.

Sec. 6-142. Disposition of dead animals.

It shall be unlawful for any animal owner to fail to remove and properly dispose of a dead animal within 12 hours after its death. If such dead animal is not so removed and disposed of, a code enforcement officer shall be authorized to remove and dispose of said animal, with the animal's owner being liable for all costs related to disposition of the animal.

(Code 1985, § 6-9-5(3))

State law reference(s)—Dead animals; disposition; penalty, C.R.S. § 25-1-612.

Secs. 6-143—6-167. Reserved.

DIVISION 2. KEEPING OF CERTAIN ANIMALS RESTRICTED

Sec. 6-168. Livestock prohibited.

It shall be unlawful for any person to own, keep, maintain, possess, harbor or care for, or permit any livestock or fowl, which includes but is not limited to, horses, mules, donkeys, burros, cattle, sheep, goats, roosters, geese, ducks, pigeons, peafowl, turkeys or swine on any property within the city except as expressly permitted by the city's zoning regulations.

(Code 1985, § 6-9-5(4)a; Ord. No. 15-11, § 4, 11-2-2015; Ord. No. 18-08, § 2, 8-7-2018)

Sec. 6-169. Exotic, wild, dangerous or unusual animals prohibited.

- (a) It shall be unlawful for any person to own, possess, keep, maintain, harbor, transport or sell within the city any living wild or dangerous animal; provided, however, that the following entities or persons shall be exempt from this section:
- (1) Any circus, rodeo or livestock show licensed by the city; and
 - (2) Any entity or person as authorized by the State of Colorado Parks and Wildlife Commission's regulations and applicable state statutes; and
 - (3) Any entity or person acting within the course of its duties, which lawfully has possession of and displays any wild or dangerous animal prohibited by this section without charge for educational purposes.
- (b) The term wild or dangerous animal, for the purposes of this section, shall mean and include any and all species of the following:

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- (1) Poisonous reptiles;
 - (2) Monitor lizards and teglis;
 - (3) Constricting snakes, including but not limited to pythons and boas, and nonpoisonous snakes with a length greater than three feet;
 - (4) Crocodylians;
 - (5) Poisonous spiders;
 - (6) Scorpions;
 - (7) All species of nonhuman mammals except:
 - a. Domestic cat (*Felis catus*);
 - b. Chinchilla (*Chinchilla laniger*);
 - c. Domestic dog (*Canis familiaris*), except that dogs trained for fighting shall be prohibited;
 - d. Domestic European ferret (*Mustela putoris*);
 - e. Domestic gerbil (*Meriones unguicularus*);
 - f. Domestic guinea pig (*Cavia porcellus*);
 - g. Domestic hamster (*Mesocricetus* spp.);
 - h. Domestic laboratory mouse (*Mus domesticus*);
 - i. Domestic European rabbit (*Oryctolagus cuniculus*);
 - j. Domestic races of rats (*Rattus norvegicus* and *Rattus*);

(c) The term "wild or dangerous animals" shall not include the domestic honey bee (*Apis mellifera*).

(Ord. No. 15-11, § 5, 11-2-2015)

Editor's note(s)—Ord. No. 15-11, § 5, adopted November 2, 2015, repealed the former § 6-169, and enacted a new § 6-169 as set out herein. The former § 6-169 pertained to similar subject matter and derived from the Code of 1985, § 6-9-5(4)b.

Sec. 6-170. Backyard chickens.

- (a) It shall be unlawful for any person to own, possess, harbor, keep, slaughter or care for, backyard chickens unless such person first obtains a backyard chicken license granted by the community development department upon its determination that the proposed licensed premise is in compliance with all requirements of this section. Licensees must be at least 18 years of age, only one license per address is permitted and licenses are neither assignable nor transferable. A non-refundable application fee, the amount of which shall be established by resolution of city council, must be submitted with the backyard chicken license application.
- (b) Backyard chickens are allowed only upon developed single-family residential lots excluding mobile home parks.
- (c) The ownership, possession, harboring, keeping, slaughtering, and care of, backyard chickens is subject to the following requirements:
 - (1) No more than six backyard chickens are permitted per developed single-family residential lot.

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- (2) Roosters, and any other fowl or poultry, including but not limited to, ducks, quail, geese, pigeons, peafowl or turkeys are prohibited.
 - (3) Backyard chickens may only be kept in the rear yard of a residential lot with an existing single-family residence and within a designated chicken coop, which may include a run, meeting the following requirements:
 - a. The coop shall be fully enclosed, having floors, walls and roofs sufficient to protect the backyard chickens from predators, inclement weather and extreme temperatures;
 - b. The coop shall provide a minimum of six square feet of living space per chicken;
 - c. The coop shall not exceed a maximum gross floor area of 120 square feet;
 - d. The coop shall not exceed six feet in height as measured from the ground;
 - e. The coop or run shall have a minimum ten feet setback from any side or rear property line;
 - f. No coop or run shall be located between the rear of principal structure and the front yard lot line;
 - g. Only one coop and one run is allowed per rear yard; and
 - h. Any run shall be fully enclosed, adequately fenced and protected from predators, and shall have direct access to the chicken coop.
 - (4) Backyard chickens must be securely kept within the coop in the rear yard from dusk until dawn.
 - (5) During daylight hours or from dawn to dusk, backyard chickens may be allowed to roam within a designated chicken run, or outside of a designated chicken run and only within the enclosed rear yard, if such backyard chickens are rendered unable to fly.
 - (6) A rear yard with backyard chickens shall be fully screened by a privacy fence a minimum of six feet in height located on or inside all property lines of the rear yard.
 - (7) A fresh water supply for backyard chickens shall be provided and maintained in the rear yard of the property at all times, in a location readily accessible to all backyard chickens.
 - (8) Chicken coops and runs shall be kept in good working condition and regularly maintained in a clean, sanitary condition so as to control dust, odor, and waste and to minimize the presence of flies and other insects and potential for disease.
 - (9) Animal excrement and other waste must be stored in a re-sealable, airtight, vermin-proof and predator-proof container, and shall be properly disposed of to control odor and minimize potential for disease.
 - (10) Chicken feed shall be enclosed in a re-sealable, airtight, vermin-proof and predator-proof container.
 - (11) The slaughtering of backyard chickens is permitted outdoors however the slaughtering shall be limited only to the property subject to the license and to those backyard chickens permitted by the license. In addition, the slaughtering location must be screened so as to not be visible from any adjoining private or public property or right-of-way.
- (d) It shall be unlawful for any person to own, keep, harbor, possess, slaughter, or care for backyard chickens in violation of the requirements of this section and any such violation is hereby deemed a nuisance that may be abated pursuant to the provisions specified in article IV of chapter 30 of this Code.

(Ord. No. 18-08, § 3, 8-7-2018)

Secs. 6-171—6-193. Reserved.

DIVISION 3. PROHIBITED ACTIVITIES

Sec. 6-194. Picketing; tethering.

It shall be unlawful for any person to picket or tether any animal in or upon the streets or other public places of the city or upon private property without permission of the property owner.

(Code 1985, § 6-9-5(5))

Sec. 6-195. Poisoning of animals.

It shall be unlawful for any person to poison any domesticated or wild animal or to distribute poison in any manner whatsoever with the intent of or for the purpose of poisoning any such animals with the exception of rats, mice, insects and prairie dogs. The poisoning of any such animals must conform with the conditions, requirements and procedures of all applicable state and federal laws.

(Code 1985, § 6-9-5(6))

Sec. 6-196. Prohibition and removal of animal excrement; damage to property.

It shall be unlawful:

- (1) For any animal owner to refuse or fail to remove promptly excrement deposited by said animal upon any common thoroughfare, street, sidewalk, pay area, park or other public property, or any private property when permission of the owner or tenant of said property has not been obtained, and such is declared to be a public nuisance.
- (2) For any animal owner to permit said animal, whether or not it is running at large, to destroy, damage or injure the real or personal property of another including, but not limited to, shrubbery, plants, flowers, grass, lawn or fence, and such is declared to be a public nuisance.
- (3) For any person to place animal excrement in storm sewers, or to dispose of excrement in any manner except by depositing it in a toilet or a closed receptacle ordinarily used for garbage or in an otherwise lawful and sanitary manner.
- (4) For any person to fail to remove promptly all animal excrement from private premises, including the premises of the owner of the animal or any other person consenting to the deposit of such waste on such premises, or to fail to place such waste in a closed container or to fail to remove the contents of said containers from the city as necessary to prevent such contents from becoming a nuisance.
- (5) For any person to fail to maintain the premises upon which animals are kept in a clean and sanitary condition, which premises shall be subject to inspection at all reasonable hours by a designated city employee.

(Code 1985, § 6-9-5(7))

Sec. 6-197. Promotion of animal fights and keeping places therefor.

It shall be unlawful for any person to cause, instigate, or encourage any animal to fight or to enter into combat in any manner or for any person to maintain any place where animals are suffered to fight for exhibition, wager or sport.

(Code 1985, § 6-9-5(8))

State law reference(s)—Animal fighting, penalty, C.R.S. § 18-9-204.

Sec. 6-198. Guard dogs restrictions.

- (a) It shall be 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 which has adequate safeguards to ensure against accidental entry by uninvited persons. Additionally, the area shall be conspicuously posted with warning signs bearing letters not less than two 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. Such signs shall plainly display a telephone number where a person responsible for such dogs may be reached at any time.
- (b) Prior to the posting of guard dogs on any property, the person responsible for such posting shall notify the police department in writing of the number of dogs to be posted and what days and hours the dogs will be patrolling the property.

(Code 1985, § 6-9-5(9))

Sec. 6-199. Pet limit; exception.

It shall be unlawful for any person to own, keep, maintain, possess, harbor or care for, or permit a combination of more than three domestic, dogs or cats on any property within the city zoned for residential use.

(Ord. No. 15-11, § 7, 11-2-2015)

Editor's note(s)—Ord. No. 15-11, § 7, adopted November 2, 2015, repealed the former § 6-199, and enacted a new § 6-199 as set out herein. The former § 6-199 pertained to similar subject matter and derived from the Code of 1985, § 6-9-5(10).

Secs. 6-200—6-221. Reserved.

ARTICLE VII. IMPOUNDMENT

Sec. 6-222. Animal shelter.

The city manager is hereby authorized to establish an animal shelter for the city to be operated by city personnel, or the city manager may, subject to the approval of the city council, contract with a public or private person or organization for the operation of an animal shelter for and on behalf of the city. Such animal shelter shall be constructed and operated in conformance with the regulations of the county health department in the county of the location of the shelter.

(Code 1985, § 6-9-5(11)a)

Sec. 6-223. Impoundment.

Any animal deemed in violation of this article or any other applicable city ordinance or state statute may be taken into custody by a code enforcement officer and impounded in a humane manner. Such officers are authorized to go upon private property to take into custody any animal deemed violating this article or other applicable law provided said officers have probable cause that said violation has occurred. Whenever it is necessary to make an inspection of private property to enforce any of the provisions of this article or other applicable law, such inspection shall be made pursuant to the requirements and procedures set forth in article IX of this chapter.

(Code 1985, § 6-9-5(11)b)

Sec. 6-224. Notice of impoundment; registered animals.

- (a) Upon the impoundment of any registered animal, where the owner of such animal is known, a code enforcement officer shall as soon as possible notify such owner of said impoundment by telephone and certify, in writing upon a telephone notice form therefor, the date and time when such telephone notice was given and the disposition thereof.
- (b) If the owner cannot be contacted by telephone or if the owner fails to retrieve such animal within 24 hours from the time such owner receives said notice, then a code enforcement officer shall send, by certified mail, written notice of such impoundment to the animal owner's last known address. Notice as provided herein shall not be necessary upon proof that the animal owner has actual notice of the impoundment.

(Code 1985, § 6-9-5(11)c)

Sec. 6-225. Notice of impoundment; other animals.

- (a) Upon the impoundment of any animal, other than a registered animal, a code enforcement officer shall, within 24 hours thereof, send by certified mail written notice of such impoundment to the animal owner's last known address. Notice as provided herein shall not be necessary upon proof that the animal owner has actual notice of the impoundment.
- (b) If the owner and owner's address are not known and cannot be ascertained, then a code enforcement officer shall record the fact of such impoundment in a logbook kept for such purposes at the animal shelter. Such logbook shall set forth a description of the impounded animal, the date of impoundment, and the location at which such animal was taken into custody, and shall be open to public inspection during ordinary business hours.

(Code 1985, § 6-9-5(11)d)

Sec. 6-226. Proceedings for violation.

If an animal is impounded, a code enforcement officer may initiate proceedings in the municipal court on behalf of the city against the owner, charging said owner with a violation of the appropriate sections of this article or other applicable law. Nothing contained herein shall be construed as preventing a code enforcement officer from instituting a proceeding in the municipal court for violations of this article or other applicable law where there has been no impoundment.

(Code 1985, § 6-9-5(11)e)

Sec. 6-227. Disposition of animals.

- (a) If any healthy animal has been impounded for five days after the date said written notice of impoundment was delivered to the animal owner, said date being the date of mailing as shown on the certified mail by which said notice was sent, or has been impounded for five days after the date of the notice of impoundment was available for inspection at the animal shelter and has not been claimed by the owner, said animal shall be deemed abandoned, shall become the property of the city, and shall thereafter either be placed for adoption subject to payment of the impoundment fees and other charges or shall be humanely destroyed and disposed of at the discretion of and in such manner as may be determined by a code enforcement officer.
- (b) In the event an unhealthy or seriously injured animal is impounded and the city, after undertaking a reasonable effort, is unable to ascertain the animal's owner and a veterinarian determines that the condition of said animal is such that a healthy recovery is precluded or that such animal will transmit serious diseases to other animals or persons, then a code enforcement officer shall cause said animal to be humanely destroyed.
- (c) A code enforcement officer shall keep a complete and accurate record of all animals impounded, including the facts regarding the release of or method of disposal of such animals.

(Code 1985, § 6-9-5(11)f)

Sec. 6-228. Disposition by court order.

If a complaint has been filed in the municipal court of the city against the owner of an impounded animal for a violation of this article, the municipal judge may, upon making a finding that such animal is vicious or that it represents a clear and continuous danger to the citizens or other animals in the community, order said animal to be destroyed in a humane manner. In the event such an order is issued by the municipal judge, the animal's owner shall be responsible for and shall pay all costs for destruction of such animal. Surrender of an animal by the owner thereof to a code enforcement officer does not render the owner immune from the decision of the municipal court nor to the fees and sentence which may result from violation of this article.

(Code 1985, § 6-9-5(11)g)

Sec. 6-229. Unlawful to fail to retrieve impounded animals or pay impound fees.

- (a) It shall be unlawful for any owner, after notice of impoundment has been given to same, to fail to retrieve any animal impounded in accordance with this article.
- (b) It shall be unlawful for any person to fail to pay all charges, including impoundment fees and veterinarian bills. No animal shall be released from impound until all such fees and bills have been paid in full.

(Code 1985, § 6-9-5(11)h)

Secs. 6-230—6-251. Reserved.

ARTICLE VIII. COMMERCIAL OPERATIONS

Sec. 6-252. Unlicensed kennels prohibited.

- (a) It shall be unlawful for any person to own, operate or maintain an unlicensed kennel.
- (b) To obtain a kennel license, an applicant must apply on forms provided by the city clerk's office. The application shall be reviewed by the city manager in accordance with section 70-387, et seq.
- (c) If the city manager approves an application, the applicant must pay an annual license fee in an amount set by resolution in accordance with section 1-16.
- (d) It shall be an affirmative defense to prosecution for a violation of this section that such person had more than three of any combination of domesticated dogs or cats or as the result of an animal having a litter which was being kept on the premises, and said litter was not more than four months old.

(Code 1985, § 6-9-6(1); Ord. No. 15-11, § 8, 11-2-2015)

Sec. 6-253. Pet shop requirements.

Pet shops shall, where applicable, obtain a kennel license. Additionally, it shall be unlawful for the owner, operator or manager of any pet shop to fail to post in a conspicuous place within the establishment a copy of sections 6-168 and 6-169 and pertaining to animals prohibited within the city. Pet shop owners shall also be required to have available for a customer's review a current copy of the city's entire animal code. For the purposes of this section, the term "pet shop" means an establishment engaged in the business of breeding, buying or selling animals in commercial, wholesale or retail trade.

(Code 1985, § 6-9-6(2))

Secs. 6-254—6-284. Reserved.

ARTICLE IX. ADMINISTRATION AND ENFORCEMENT

Sec. 6-285. Records.

A code enforcement officer shall keep accurate and detailed records of the impoundment and disposition of all animals taken into custody and of all reported animal bites.

(Code 1985, § 6-9-7(1))

Sec. 6-286. Inspections.

- (a) Whenever it is necessary to make an inspection to enforce any of the provisions of this article or other applicable law, or to perform any duty imposed by this article or other applicable laws, or whenever a code enforcement officer has reasonable cause to believe that there exists in any building or upon any premises any violation of this article or other applicable law, a code enforcement officer is hereby authorized to enter such building or premises at any reasonable time to inspect the same and perform any duty imposed upon him by this article or other applicable law, provided that:
 - (1) If such building or premises is occupied, the code enforcement officer shall first present proper credentials to the occupant and request entry explaining the reasons therefor.

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- (2) If entry is refused, a code enforcement officer shall give the owner or occupant, or if said owner or occupant cannot be located after reasonable effort, a code enforcement officer shall leave at the building or premises, a 24-hour written notice of intent to inspect. Said notice given to the owner or occupant or left on the premises, shall state that the property owner has the right to refuse entry and that in the event such entry is refused, inspection may be made upon issuance of a search warrant by a municipal judge of the city or by a judge of any other court having jurisdiction.
 - (3) After expiration of the 24-hour period of giving notice, a code enforcement officer may appear before the municipal court or any other court having jurisdiction and obtain upon a showing of probable cause, a search warrant authorizing a code enforcement officer to enter the location. Upon presentation of said search warrant and proper credentials, or possession of the same in the case of an unoccupied building or premises, a code enforcement officer may enter into said building or upon such premises using such reasonable force as may be necessary to gain entry therein.
 - (4) For the purpose of this section, a determination of "probable cause" shall be based upon reasonableness and if a valid public interest justifies the intrusion contemplated, then there is probable cause to issue a search warrant. The code enforcement officer, when applying for such search warrant, shall not be required to demonstrate specific knowledge of the condition of the particular structure or premises in order to obtain a search warrant. It shall be unlawful for any owner or occupant of said building or premises to resist such reasonable force used by a code enforcement officer acting pursuant to this section.
- (b) Notwithstanding the foregoing, if a code enforcement officer has reasonable cause to believe that the keeping or maintaining of any animal is so hazardous, unsafe, or dangerous as to require immediate inspection to safeguard the animal or the public health or safety, a code enforcement officer shall have the right to immediately enter and inspect such property and may use any reasonable means required to effect such entry and inspection, whether such property is occupied or unoccupied and whether or not permission to inspect has been obtained. If the property is occupied, a code enforcement officer shall first present proper credentials to the owner or occupant and demand entry, explaining the reasons therefor and the purpose of the inspection.
 - (c) It shall be unlawful for any person to fail or refuse after proper demand has been made as provided in subsection (b) of this section, to permit a code enforcement officer to make any inspection provided therein.

(Code 1985, § 6-9-7(2))

Sec. 6-287. Prosecution; strict liability.

For the purpose of prosecution for violation of any provision of articles IV and VI of this chapter, it shall not be necessary to prove notice or knowledge on the part of the animal owner that such animal was violating any provision of such sections at the date, time and location charged, it being the purpose and intent of this provision to impose strict liability upon the animal owner for the actions, conduct and condition of such animal.

(Code 1985, § 6-9-7(3))

Exhibit B: Annual Flat Rate Fee Schedule
Between Riverdale Animal Shelter and the City of Federal Heights

January 1, 2025 - December 31, 2025:

The Annual Flat Rate Fee for Shelter Services for the City of Federal Heights in 2025 will be **\$18,817.00**. This annual flat rate fee will be payable in four (4) payments. Invoices will be issued as follows and payable within thirty days of the invoice date.

January 1, 2025	\$4,704.25
April 1, 2025	\$4,704.25
July 1, 2025	\$4,704.25
October 1, 2025	\$4,704.25

Riverdale Animal Shelter
Cost of Care Analysis
City of Federal Heights

Billing History (Annual)	2021	2022	AVERAGE (2021 - 2024)
	\$ 16,799	\$ 17,127	\$ 16,811
	2023	2024	AVERAGE (2023 - 2024)
Total Annual Invoiced Amount (ACTUAL)	\$ 16,658	\$ 16,658	\$ 16,658
	2022	2023	AVERAGE
Expenses			
Salaries & Related (Kennel & Clinic)	\$ 1,507,332	\$ 1,951,867	\$ 1,729,600
Salaries & Related (Administrative & Volunteer)	\$ 983,662	\$ 1,079,341	\$ 1,031,502
Operation Expenses (Kennel)	\$ 127,226	\$ 166,812	\$ 147,019
Operation Expenses (Clinic)	\$ 190,043	\$ 195,966	\$ 193,004
Operation Expenses (Admin)	\$ 175,827	\$ 195,144	\$ 185,485
Operation Expenses (Volunteer)	\$ 13,943	\$ 19,982	\$ 16,963
Clinic Vaccines, Microchips, Tests (Operation Expense Offset)	\$ (86,932)	\$ (90,231)	\$ (88,581)
Donations Applied (Operation Expense Offset)	\$ (35,355)	\$ (64,746)	\$ (50,051)
Total Annual Expenses (ACTUAL)	\$ 2,875,745	\$ 3,454,136	\$ 3,164,941
Total Sheltering Days and Cost Per Day (ACTUAL)			
Sheltering Days	108,783	113,947	111,365
Cost Per Day	\$ 26	\$ 30	\$ 28
STRAYS, DISPOSALS, QUARANTINE & PROTECTIVE CUSTODY			
Total Strays (LESS Reclaims)	77	98	88
Mandatory Stray Hold Period (Days)	5.5	5.5	5.5
Total Stray Days	424	539	481
Total Cost of Animals on Stray Hold	\$ 11,195	\$ 16,339	\$ 13,767
Total Strays Reclaimed	43	51	47
Reclaim Fee per Animal	\$ 30	\$ 30	\$ 30
Total Cost of Reclaim Fee	\$ 1,290	\$ 1,530	\$ 1,410
Total Number of Disposals	9	31	20
Cost Per Disposal	\$ 35	\$ 35	\$ 35
Total Cost of Disposals	\$ 315	\$ 1,085	\$ 700
Total Number of Bite Quarantine (Strays) LESS Reclaims	1	1	1
Mandatory Bite Quarantine Hold (Days)	10	10	10
Cost Per Day (Boarding Rate)	\$ 15	\$ 15	\$ 15
Total Cost of Animals on Bite Quarantine	\$ 150	\$ 150	\$ 150
Total Number of Days on Protective Custody	243	123	183
Cost Per Day (Boarding Rate)	\$ 15	\$ 15	\$ 15
Total Cost of Animals on Protective Custody	\$ 3,645	\$ 1,845	\$ 2,745
SHELTER, NEUTER, RETURN (SNR)			
Total Number of Cats SNR	-	3	2
SNR Fee Per Cat	\$ 30	\$ 30	\$ 30
Total Cost of Cats SNR	\$ -	\$ 90	\$ 45
Total Cost of Strays, Disposals, Quarantines, and Protective Custodies	\$ 16,595	\$ 21,039	\$ 18,817
% Inc/(Dec) from Annual Invoiced Amount (ACTUAL)	0%	26%	12.96%
COURT HOLDS AND BITE COURT			
Total Number Days of Court Hold	-	-	-
Cost Per Day (Boarding Rate)	\$ 15	\$ 15	\$ 15
Total Cost of Animals on Court Hold	\$ -	\$ -	\$ -