

ORDINANCE
0909 SERIES 2015

AN ORDINANCE OF THE TOWN OF NORWOOD, COLORADO
SUPPLANTING AND REPLACING IN ITS ENTIRETY, TITLE 5, CHAPTER 6
OF THE NORWOOD MUNICIPAL CODE CONCERNING OFFENSES
RELATED TO ANIMALS AND PROVIDING PENALTIES THEREFOR

WHEREAS, offenses concerning animals currently are addressed at Title 5, Chapter 6, Articles 1 through 9 of the Norwood Municipal Code; and

WHEREAS, it is necessary to update the Norwood Municipal Code concerning offenses related to animals; and

WHEREAS, the Town of Norwood Board of Trustees has carefully considered public comment regarding revisions to the animal offenses ordinance made during its regular meetings held January 14, 2015, March 11, 2015 and April 8, 2015, and discussed the matter during a worksession held August 12, 2015; and

WHEREAS, the Town of Norwood has determined that this ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of the Town of Norwood and its inhabitants.

NOW THEREFORE, IT IS ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF NORWOOD, COLORADO AS FOLLOWS:

Section 1. Recitals Incorporated. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town of Norwood Board of Trustees.

Section 2. New Animal Control Ordinance. The Norwood Municipal Code is hereby amended by deleting Title 5, Chapter 6, Articles 1 through 9 in its entirety, and replacing and supplanting same with the new Title 5, Chapter 6, Articles 1 through 5 titled "Animal Control" attached hereto and incorporated herein by this reference.

Section 3. Repealer. All orders, bylaws, ordinances, and resolutions of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed to the extent only of such inconsistency or conflict.

Section 3. Authority. The Town of Norwood hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to C.R.S. §§ 31-15-103; 31-15-401(b), (c), (f), (i), (m), and otherwise the powers contained by the Town of Norwood.

Section 4. Severability. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 5. Effective Date. The effective date of this Ordinance shall be September 9, 2015 at the time of its adoption.

APPROVED, ADOPTED AND ORDERED PUBLISHED this 9th day of September, 2015.

Chad Reed, Mayor

ATTEST:

Gretchen R. Wells, Town Clerk



TITLE 5
ANIMAL CONTROL

CHAPTER 6

ARTICLES:

- 5-6-1: General
- 5-6-2: Dogs, Cats and Other Domestic Animals
- 5-6-3: Prohibited Animals
- 5-6-4: Cruelty to Animals
- 5-6-5: Dead Animals

ARTICLE 1 - GENERAL

SECTIONS:

- 5-6-1-1: Authority
- 5-6-1-2: Penalties
- 5-6-1-3: Strict Liability
- 5-6-1-4: Definitions

5-6-1-1: Authority: The Town of Norwood hereby adopts Chapter 6 relating to the regulation and control of animals in accordance with the powers granted it in Sections 31-15-401(b), (c), (f), (i) and (m) of the Colorado Revised Statutes.

5-6-1-2: Penalties:

A. No person shall violate or fail to comply with any of the provisions of this Chapter or the ordinances of the Town of Norwood. Except in cases where a different punishment is prescribed by any ordinance of the Town:

- (1) Any person who violates any criminal provision of this Chapter shall, upon conviction thereof, be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment.
- (2) Any person who violates any noncriminal provision of this Chapter shall, upon conviction thereof, be punished by a fine of not more than one thousand dollars (\$1,000.00).

B. Each such person shall be guilty of a separate violation for each and every day during any portion of which any violation of any provision of this Chapter or the ordinances of the Town of Norwood is committed, continued or permitted by any such person, and such person shall be punished accordingly.

C. Any voluntary plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge, accepted by the Court, shall subject the person so pleading to all fines and/or penalties applicable to the original charge, and shall be considered a conviction for the purposes of this Chapter.

D. Penalty assessments:

(1) Any person who is issued a citation for violation of any provision of this Chapter, except violations set forth in Sections 5-6-2-7, 5-6-2-12, 5-6-2-14(G), 5-6-4-1, 5-6-4-2, 5-6-4-3 of this Chapter, may be offered a penalty assessment by the Marshal or his/her designee as described in the schedule below. Payment of the penalty assessment on the citation will constitute complete satisfaction of the violation if payment is received by the Town Clerk within ten (10) days after the date the citation was issued. If not paid by that date, the penalty assessment shall double. In the event payment has not been received by the Town Clerk prior to the court date set forth on the citation/summons, such person's attendance at court is required, and such person shall be subject to a maximum penalty set forth in Section 5-6-1-2(A)(2) of this Chapter, together with court costs.

(2) Penalty Assessments and Other Penalties Schedule (Violations for which a penalty assessment may not be offered are shown in the Schedule for convenience only):

<u>Section</u>	<u>Description</u>	<u>Penalty Assessment</u>	<u>Summons/Minimum Fine**</u>
5-6-2-1; 2	No Certificate of Vaccination	\$25 + vaccination/1 st * \$40 + vaccination/2 nd *	Civil Summons/\$100/3 rd *
5-6-2-3	License Required	\$25 + license/1 st * \$40 + license/2 nd *	Civil Summons/\$100/3 rd *
5-6-2-3	Display license tag	\$25/1 st *; \$40/2 nd *	Civil Summons/\$100/3 rd *
5-6-2-3	Display of invalid license	\$25/1 st *; \$40/2 nd *	Civil Summons/\$100/3 rd *
5-6-2-5	At Large/Failure to Leash	\$25/1 st *; \$40/2 nd *	Civil Summons/\$100/3 rd *
5-6-2-6	Leaving Unattended/Hitching	\$25/1 st *; \$40/2 nd *	Civil Summons/\$100/3 rd *
5-6-2-7	Damage to Property		Civil Summons/\$25/court costs
5-6-2-9	Rabies Reporting/Quarantine		Civil Summons/\$25/court costs
5-6-2-12	Vicious Behavior		Criminal Summons/\$150/costs
5-6-2-13	Failure to Muzzle/Confine	\$25/1 st *; \$40/2 nd *	Civil Summons/\$100/3 rd *
5-6-2-14(A)	Noise (barking, etc.)	\$25/1 st *; \$40/2 nd *	Civil Summons/\$100/3 rd *

5-6-2-14(B)	Canine Trespass	\$25/1 st *; \$40/2 nd *	Civil Summons/\$100/3 rd *
5-6-2-14(C)	Estrus (heat)	\$25/1 st *; \$40/2 nd *	Civil Summons/\$100/3 rd *
5-6-2-14(D)	Feces removal and disposal	\$25/1 st *; \$40/2 nd *	Civil Summons/\$100/3 rd *
5-6-2-14(E)	Cleanliness of premises	\$25/1 st *; \$40/2 nd *	Civil Summons/\$100/3 rd *
5-6-2-14(F)	Trashing	\$25/1 st *; \$40/2 nd *	Civil Summons/\$100/3 rd *
5-6-2-14(G)	Threatening Behavior		Criminal Summons/\$100/costs
5-6-3-1	Prohibited Animals	\$25/1 st *; \$40/2 nd *	Civil Summons/\$100/3 rd *
5-6-3-2	Fowl at Large	\$25/1 st *; \$40/2 nd *	Civil Summons/\$100/3 rd *
5-6-4-1; 3	Cruelty/Neglect /Abandonment		Criminal Summons/\$100/costs 2 nd /Same + Ten Days Jail
5-6-4-2	Engaging in Violent Contest		Criminal Summons/\$100/costs 2 nd /Same + Ten Days Jail
5-6-5-1	Dead Animal Disposal	\$25/1 st *; \$40/2 nd *	Civil Summons/\$100/3 rd *

* Denotes an offence within twelve (12) successive months.

** See Section 5-6-1-2(A), (B) and (G) as well as the Section related to the particular offense for a description of the maximum penalties.

E. Repeat offenders. Any person who is issued three (3) or more citations for violations of any provision of this Chapter that are subject to penalty assessments within any successive twelve-month period shall be considered a repeat offender and shall be issued a summons requiring a court appearance and shall be subject to a maximum penalty set forth in Section 5-6-1-2(A)(2) of this Chapter, together with court costs, but in no event shall the fine be less than the mandatory minimum of \$100.

F. Special sanctions. The Municipal Judge may impose special sanctions, including but not limited to any of the following sanctions, upon recommendation of the Municipal prosecutor, Marshal or his/her designee, against any dog owner convicted of any violation of this Chapter, regardless of whether reference to this Section is included in any other specific Section of this Chapter:

- (1) Construction of a secure dog enclosure designed to prevent any escape from such dog and intrusion by any person or other dog or cat, and may authorize an initial compliance inspection;
- (2) Spaying or neutering;
- (3) Obedience training or behavior modification;
- (4) Responsible pet ownership class;
- (5) Community service work;

- (6) Prohibition from owning dogs, cats or other domestic animals while residing within the Town of Norwood for a specified period;
- (7) Use of humane training devices for behavior modification;
- (8) Restitution for costs of care rendered or shelter given, costs of veterinary care and costs of medical treatment for the victim;
- (9) Treatment or counseling programs for the owners or victims;
- (10) Banishment of the dog or other animal from the Town of Norwood; and
- (11) Euthanasia or destruction of the dog or other animal in a humane manner, and all costs related to same.

Any sanction levied may be in lieu of or in addition to the penalty specified in this Chapter.

5-6-1-3: Strict Liability: For the purpose of prosecution for violation of this chapter, it shall not be necessary in order to obtain a conviction to prove notice or knowledge on the part of the owner or keeper of a dog or other animal in question if such dog or other animal was violating any of the provisions of this Chapter at the time and place charged, unless otherwise provided herein. It is the purpose and intent of this Chapter to impose strict liability upon the owner or keeper of any dog or other animal for the actions, conduct and condition of such dog or other animal.

5-6-1-4: Definitions: For purposes of this Chapter, the following definitions shall apply:

- A. **Abandon:** means the leaving of an animal without adequate provisions for the animal's proper care by its owner, the person responsible for the animal's care or custody, or any other person having possession or charge of such animal.
- B. **Animal:** means any living nonhuman creature.
- C. **At large:** means any dog that is off the owner's premises, is off leash or is otherwise in violation of Section 5-6-2-5 of this Chapter.
- D. **Bodily injury:** means any physical injury that results in severe bruising, muscle tears, skin lacerations, fracture of any bone or any similar injury.
- E. **Cat:** Any common domestic animal of the feline species, regardless of sex over 4 month of age.
- F. **Certificate of vaccination:** A document containing the information required in section 6-2-3, properly completed and executed by a veterinarian who shall be furnished to the owner or keeper of any dog or cat vaccinated.
- G. **Dog:** Any animal of the canine species, regardless of sex over four (4) months of age.
- H. **Dog, Male:** A dog of the masculine gender that has not been castrated, and which is over the age of 4 months.
- I. **Dog, Neutered Male:** A male dog that has been castrated by a licensed veterinarian.

- J. Dog, Female: a dog of the female gender that has not had an ovariectomy or ovariectomy, and which is over the age of 4 months.
- K. Dog, Spayed Female: A female dog on which an ovariectomy or ovariectomy has been performed by a licensed veterinarian.
- L. Dog, Stray: A dog which does not appear to have an owner or whose owner is unknown and which is unlicensed or does not appear to be licensed, or which is found unattached or loose anywhere within the Town of Norwood.
- M. Domestic animal: means dogs, cats, pet birds, pet rabbits, and other domesticated species of animals, including horses and other livestock unless specifically excluded, but not wildlife.
- N. Hitch: means to attach an animal to an object, including but not limited to a building, fence, post or tree.
- O. Kennel: Any lot, building, structure, enclosure or premises whereupon or wherein are kept seven or more dogs, cats or similar animals in any combination, whether such keeping is for pleasure, profit, breeding, or exhibiting, and including places where dogs or cats or similar small animals in any combination are boarded, kept for sale, or kept for hire. A kennel shall be in compliance with the Town of Norwood Land Use Code and hold a valid business license.
- P. Leash: means any durable material not exceeding six (6) feet in length.
- Q. License: A Document containing the information required in Section 5-6-2-3, properly completed and executed by the Town clerk, which shall be valid only when the owner's dog wears the accompanying license tag.
- R. Livestock: means cattle, swine, sheep, goats, llamas, and other animals traditionally used in the farm or ranch production of food, fiber or other agricultural products. The term livestock as used herein includes horses, mules and donkeys unless specified separately in any distinct provision.
- S. Marshal: includes the Town Marshal and his or her deputy or other designee.
- T. Mistreat: means every act or omission which causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering.
- U. Neglect: means failure to provide food, water, protection from the elements or other care generally considered to be normal, usual and accepted for a domestic animal's health and well-being consistent with the species, breed and type of domestic animal.
- V. Owner: means any person who assumes charge, custody, control or responsibility for a domestic animal for any length of time, or knowingly permits a domestic animal to remain for three (3) consecutive days on or about the property or premises owned, controlled, or occupied by himself or herself. The term owner includes, but is not limited to the owner of the animal, the person responsible for the animal at the time of any alleged violation of this Chapter and, if different, the person in whose name the animal is licensed.

X. Provocation: means purposeful enticement to anger.

Y. Rabies: A communicable disease of both wild and domestic animals, especially dogs, transmittable to humans, as defined by the United States Department of Agriculture.

Z. Serious bodily injury: means bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks or fractures.

AA. Threaten or threatening behavior: with respect to any dog or person means to demonstrate tendencies that would cause a reasonable person to believe that the dog may inflict bodily injury upon or cause the death of any person or other animal, without ample provocation.

BB. Trash or Trashing: with respect to any dog means any dog that knocks over or gets into any trash, refuse or recycling container.

CC. Vaccination: Shall mean the vaccination or inoculation of a dog or cat with an anti-rabies vaccine approved by the Colorado Department of Health and administered by a veterinarian licensed by the State of Colorado.

DD. Vicious or Vicious Behavior: means to inflict bodily or serious bodily injury upon or cause the death of a person or other domestic animal, without ample provocation.

EE. Service animal: Service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

ARTICLE 2 – DOGS, CATS AND OTHER DOMESTIC ANIMALS

SECTIONS:

- 5-6-2-1: Rabies Control - Annual Vaccination and Licensing Required
- 5-6-2-2: Certificates of Vaccination and Rabies Tags
- 5-6-2-3: Dog Licenses and Tags
- 5-6-2-4: Kennels-Exceptions
- 5-6-2-5: Dogs At Large Prohibited
- 5-6-2-6: Leaving Unattended Dog/Hitching
- 5-6-2-7: Damage to Property
- 5-6-2-8: Impounding of Dogs
- 5-6-2-9: Rabies Control/Quarantine
- 5-6-2-10: Release of Unclaimed Domestic Animals
- 5-6-2-11: Destruction of Dangerous Domestic Animals
- 5-6-2-12: Vicious Dogs Unlawful
- 5-6-2-13: Muzzling and Confinement
- 5-6-2-14: Nuisance Domestic Animals/Domestic Animal Disturbances/Prohibited Activities
- 5-6-2-15: Liability

5-6-2-1: Rabies Control - Annual Vaccination and Licensing Required:

A. No dog or cat over the age of six (6) months of age shall be kept, harbored, or maintained within the Town Limits of Norwood, Colorado, unless such animal's owner has the dog or cat inoculated by a licensed veterinarian, and obtains a Certificate of Vaccination from the veterinarian. All dogs or cats which are brought into the Town of Norwood by a resident shall be in compliance with the laws and rules and regulations of the State of Colorado regarding the handling of the animals, and shall have been vaccinated not less than thirty (30) days, nor more than twelve (12) months prior to importation. If the imported dog or cat has not had such vaccination when imported, such animal shall be vaccinated in accordance with provisions of this Chapter within 30 days of its importation.

5-6-2-2: Certificates of Vaccination and Rabies Tags:

Inoculation of dogs and cats under this Chapter shall be performed by any licensed veterinarian of the State of Colorado. A Certificate of Vaccination shall contain the following information:

- a. The name, address and telephone number of the owner of the animal.
- b. The date of vaccination.
- c. The type of rabies vaccination used
- d. The predominant breed, age, color, size and sex of the vaccinated animal.
- e. The name, license number and address of the veterinarian performing the vaccination.
- f. Sex alterations, if any.

It shall be unlawful for any person who owns a vaccinated dog or cat to knowingly fail or refuse to exhibit a copy of the Certificate of Vaccination upon demand to any person charged with the enforcement of this Chapter.

A rabies tag shall be issued by the veterinarian to the owner of any vaccinated dog or cat. The rabies tag shall be made of a durable material, shall be suitable for attaching to a collar or harness, and shall state the year of issuance, the name, address, phone number of the veterinarian administering the vaccine, and the rabies tag number. The tag shall be attached to the collar or harness of the vaccinated dog or cat by the owner immediately upon issuance and such tag must be worn by the dog or cat for which it was issued at all times. However, if a dog has a current Town of Norwood dog license that shall be evidence also of current rabies inoculation in which case the rabies tag does not need to be affixed to the collar or harness. It shall be unlawful for any person to affix to the collar or harness of any dog or cat, or permit to remain affixed, a tag evidencing inoculation for any other animal. Any person in violation of this Section and Section 5-6-2-1 shall be subject to the penalties set forth in Section 5-6-1-2(D), (E), and (F) and otherwise according to this Chapter.

5-6-2-3: Dog License and Tags:

Licenses may be purchased from the Town Clerk. Prior to issuance of a license, the owner shall present the Certificate of Vaccination, pay the license fee, and pay all outstanding default judgments for violations of this article, if any, to the Town Clerk. Upon issuing a license, the Town Clerk will retain a record of the following information in the Town's offices:

- a. The name and address of the owner of the licensed dog;
- b. The date of inoculation and date of license.
- c. The year and series number of the dog tag.
- d. The breed, age, color and sex of the inoculated dog.

The annual license fee for dogs shall be ten (\$10.00) dollars per neutered male dog or spayed female dog and twenty (\$20.00) per un-neutered male dog or un-spayed female dog, due and payable to the Town Clerk no later than January 31 of each calendar year. The annual license fee may be modified from time to time by resolution of the Norwood Town Board of Trustees. In the event of loss or destruction of the original license tag, the owner of the animal shall obtain a duplicate tag from the Town Clerk at a price of two dollars (\$2.00). All dog licenses issued hereunder shall expire December 31 of each year and the full amount of any licensing fee shall be paid for any fraction of the licensing year. The license tag shall be attached to a collar, harness or other device and shall be worn at all times by the licensed dog or cat. The original dog license and receipt and Certificate of Vaccination shall be retained by the owner or keeper for inspection by any person charged with the enforcement of this Chapter. It shall be unlawful for any person to make use of, or have in his/her possession or under his/her control, a stolen, counterfeit or forged dog license receipt, license tag, or Certificate of Vaccination. Licenses issued hereunder are not transferable and it shall be unlawful for any person to attach any license or rabies tag to any animal other than the animal for which such tag was originally issued.

Failure to obtain a license or otherwise to violate this Section constitutes a separate violation for each week, or part of a week, during which the dog continues to be unlicensed. Any person found guilty of violating or who acknowledges violating this Section shall be subject to the penalties set forth in Section 5-6-1-2(D), (E), and (F) and otherwise according to this Chapter.

The provisions of this section shall not be intended to apply to dogs and cats brought into the Town for the purpose of participating in any animal show, field trial or race, service dogs, nor to "seeing-eye" dogs properly trained to assist blind persons, when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place.

5-6-2-4: Kennels-Exceptions: Dogs kept or maintained by a licensed kennel need not be licensed pursuant to the provisions of this Chapter when they are within the confines of the kennel premises.

5-6-2-5: Dog at Large Prohibited:

- A. No dog shall be at large within the Town, as defined herein. The Marshal or his/her designee are authorized to impound any dog at large. Notice of such impoundment shall be provided pursuant to Section 5-6-2-8.
- B. Any person found guilty of violating or who acknowledges violating this Section shall be subject to the penalties set forth in Section 5-6-1-2(D), (E), and (F) and otherwise according to this Chapter. This Section applies regardless of whether the subject dog(s) have been impounded.
- C. A dog shall not be considered at large while such dog is actually working livestock, locating or retrieving wild game in season for a licensed hunter, or assisting law enforcement officers or while actually being trained for any one of these pursuits. This Section shall not be deemed violated so long as the dog is lawfully confined in a building or vehicle or on the real property belonging to, or rented by, or with express permission of the Owner of such real property.
- D. An animal is considered to be "at large" if it is:
1. Except as otherwise specified herein, off the premises of the owner and not under direct and competent control by means of a leash, or
 2. In a common area of an apartment, condominium, or townhouse and not under effective control of its owner by means of a leash, or
 3. On an unfenced portion of the premises of the owner or other private property with the permission of the owner of such property or person with the right of possession of such property, and the owner of the dog is not physically present and able to control the actions of the animal, or
 4. Anchored to any real property of the animal's owner or keeper, if the leash extends beyond the property line of the owner.
- E. All dogs while being walked or exercised within the Town of Norwood shall be on a leash no longer than 6' in length and in direct control of the owner/handler. If a dog is not on a leash it will be considered a violation of this Section 5-6-2-5 running at large prohibited.

5-6-2-6: Leaving Unattended Dog or Other Animal; Hitching:

- A. It shall be unlawful for the owner or keeper of any dog or other animal to hitch, tie or otherwise restrain his or her dog or other animal so that the dog or other animal may enter in or upon a public

street, alley, right of way or other public property, may interfere with pedestrian or vehicular traffic, or otherwise in such a manner so as to expose any person to the menace of an unsupervised animal or where such animal creates a disturbance or becomes a nuisance by barking, fighting or engaging in other disruptive conduct.

B. No person shall hitch a dog or other animal to or on private property, other than private property belonging to the owner of the dog or other animal, without the consent of the owner of such private property. No person shall hitch any animal for more than two (2) hours in a twelve-hour period.

C. No person shall hitch to public property, in a public area or to or on private property belonging to any person other than the owner of the dog, or otherwise in any such manner, any dog that has been found to be a vicious dog as defined in this Chapter.

D. Any person found guilty of violating or who acknowledges violating this Section shall be subject to the penalties set forth in Section 5-6-1-2(D), (E), and (F) and otherwise according to this Chapter.

5-6-2-7: Damage to Property: It shall be unlawful to own, keep, harbor or possess any animal, whether or not running at large, which destroys, damages, or injures any shrubbery, plants, flowers, grass, lawns, fences, or anything whatsoever upon any public or private property not belonging to the owner. Any person found guilty of violating or who acknowledges violating this Section shall be issued a complaint and summons requiring a court appearance and shall be subject to a maximum penalty set forth in Section 5-6-1-2(A)(2) of this Chapter, together with court costs, but in no event shall the fine be less than the mandatory minimum of \$25.

5-6-2-8: Impounding of Domestic Animals:

A. The Town Marshal and his/her Deputies or designee's are authorized to:

1. Apprehend any stray dog, unattended or improperly hitched domestic animal, injured domestic animal on public property, improperly hitched domestic animal, any domestic animal found at large, any unvaccinated dog or cat or unlicensed dog, any domestic animal creating a disturbance, any domestic animal engaging in threatening behavior, or any vicious dog, contrary to the provisions of this Chapter, and to impound such domestic animal in a suitable facility determined by the Town Marshal or the Town of Norwood, and is further hereby authorized to, but not responsible to, cause adequate veterinary medical treatment to be given to the domestic animal at the expense of the owner; and

2. Upon apprehending any such domestic animal, to make a complete registry of same, including the following: date, time, place, circumstances of the apprehension, and the specific Section(s) of this Chapter violated; the type, breed, sex, and color of the domestic animal; the condition of the domestic animal and, if same is a dog, whether such dog is licensed. If the dog is licensed, the name and address of the owner, and the date and number of the dog tag shall be entered in such registry which shall be maintained at the office of the Town of Norwood.

B. When a domestic animal is impounded, the Town Clerk shall be notified as soon as possible of that action. A report of the impoundment shall be made and kept available at the Town of Norwood for

public information. The Town Marshal or his/her designee shall notify the owner of an impounded domestic animal, if known, of the impoundment as soon as practicable after same is impounded. Notice may be given by any means reasonably calculated to provide actual notice to the owner.

C. Any domestic animal impounded for a violation of any provision of this Chapter or otherwise as authorized pursuant to this Chapter shall be released only after payment of all impound fees and any other charges and penalties, licensing requirements have been satisfied, and a complaint has been served upon the owner, unless otherwise directed by the Town Marshal or ordered by the Municipal Court. Except in the case of a vicious dog as further set forth in Section 5-6-2-12 below, the impounded domestic animal shall be released upon payment of such fees and service of complaint. Impound fees shall accrue at a daily rate, and shall be determined by the impound facility, or shall otherwise be established, and from time to time modified, by resolution of the Town Board of Trustees.

D. Except in the case of a vicious dog as further set forth in Section 5-6-2-12 below, if the Town Marshal or his/her designee is unable to locate the owner of an impounded domestic animal after five (5) days, the Town Marshal or his/her designee shall make reasonable efforts to put the domestic animal up for adoption or make other arrangements to locate a home for the domestic animal, including listing the domestic animal as adoptable with cooperating radio stations/newspapers, and posting same as adoptable at the Town Hall. If such efforts fail, the Town may destroy the domestic animal by lethal injection in a humane manner.

5-6-2-9 Rabies Control/Quarantine of Domestic Animals:

A. Any person having knowledge of an animal bite shall immediately report the incident to the Town Clerk, Town Marshal or the Public Health Veterinary Section of the Colorado Department of Health. The owner of a domestic animal that has been reported as having inflicted a bite on any person or other animal shall, on demand, produce said animal for quarantine as prescribed in this Section. Refusal to produce said animal constitutes a violation of this Section and each day of such refusal shall constitute a separate and individual violation. A domestic animal which is known to have bitten or injured any person so as to cause an abrasion of the skin, or a domestic animal which, in the opinion of the Town Marshal, or Deputy marshal or other designee, or licensed veterinarian, appears to be affected or infected with rabies, or a domestic animal which is known to have been bitten by or exposed to a rabid animal, shall be impounded by the Town Marshal, or any deputy, and closely confined by the Town in accordance with the directions of the Town Marshal, or his designee, at the expense of the owner, for a period of not less than fourteen (14) days, unless the owner causes such domestic animal to be destroyed properly and immediately at the owner's sole cost and expense. If a dog or cat subject to this Section has a valid rabies vaccination, it may be confined for such fourteen-day period on the owner's property if the confinement facilities and observation procedure are arranged to the satisfaction of the Town Marshal, or his designee. Notice of impoundment shall be given, as provided in Section 6-2-8(B) above. Any domestic animal so confined and not demonstrating evidence of rabies after fourteen (14) days shall be released upon visual inspection by the Town Marshal, or his designee, after such period and according to the release provisions in Section 5-6-2-8(C).

B. If said domestic animal is determined by a veterinarian to be suffering from rabies, it shall be destroyed immediately by lethal injection in a humane manner. If such domestic animal is determined not diseased, it may be released to its owner, in accordance with the provisions for release set out in Section 6-2-8(C) above. If the owner of said domestic animal is not determined, or located, or the dostic

animal is not claimed within the aforesaid fourteen day period, then the Town Marshal, or designee, may order such domestic animals destroyed by lethal injection in a humane manner. If said domestic animal shall die while confined or impounded as herein provided, notice thereof shall be given to the owner, if known, and proper medical tests shall be conducted at the expense of the owner to determine whether the animal was suffering from rabies at the date of death.

C. It shall be unlawful for an owner knowing or reasonably suspecting that his or her domestic animal has rabies to allow such animal to be taken off his property or premises or beyond the limits of the Town of Norwood without the written permission of the Town Marshal, or his designee. Every owner or other person, upon ascertaining a domestic animal is rabid, shall immediately notify the Town Marshal or any deputy who shall either remove the animal to a property quarantine facility, or if necessary for the protection of the public, immediately destroy the domestic animal.

D. Any person found guilty of violating or who acknowledges violating this Section shall be issued a complaint and summons requiring a court appearance and shall be subject to a maximum penalty set forth in Section 5-6-1-2(A)(2) of this Chapter, together with court costs, but in no event shall the fine be less than the mandatory minimum of \$25.

5-6-2-10 Release of Unclaimed Domestic Animals: With respect to an animal which has been impounded or quarantined pursuant to the provisions of Section 6-2-8 and 6-2-9 hereof and which has not been claimed, released, or destroyed in accordance with said Sections, the Town Marshal, or his designee, in lieu of having said animal destroyed, may release such dog or cat, if not diseased, subsequent to vaccination or determination of evidence of current vaccination and purchase of Town license, if required, to a qualified adoptive home, if the animal is deemed adoptable by the Town Marshal, or his designee.

5-6-2-11 Destruction of Dangerous Domestic Animals: If the Town Marshal or any Deputy Marshal reasonably believes that he or she cannot impound a domestic animal without suffering bodily injury or serious bodily injury, and determines that the domestic animal represents a serious and immediate threat to public safety and welfare, the officer is authorized to use any tranquilizer guns or other suitable weapon or devise to subdue or destroy the domestic animal immediately.

5-6-2-12 Vicious Dogs Unlawful: No person shall own, keep or harbor a vicious dog. Except as provided in Section 5-6-2-11, an alleged violation of this Section shall require a hearing before the Municipal Court, unless waived by the Town prosecutor. Any person found guilty of violating, or who acknowledges violating, this Section shall be subject to a maximum penalty set forth in Section 5-6-1-2(A)(1) of this Chapter, together with court costs, but in no event shall the fine be an amount less than the mandatory minimum of one hundred fifty dollars (\$150.00). Any person found guilty of violating, or who acknowledges violating this Section shall be required to pay the medical bills of any victim of the subject dog's vicious behavior that resulted from the vicious behavior and to pay any other appropriate restitution as ordered by the Municipal Court. A vicious dog is declared further to be a threat to public safety and welfare and, upon notice to the subject dog's owner, if known, by any means reasonably calculated to provide actual and immediate notice, and a hearing before the Municipal Court, the Municipal Court may order that the dog be banished from the Town or destroyed in a humane manner or any other sanction as provided for in Subsection 5-6-1-2(G).

The Town Marshal or any deputy is authorized to impound any dog that engages in vicious behavior in violation of this Section, and shall, upon such impoundment, provide notice to the owner as provided in Section 5-6-2-8(B). No dog that has been impounded as vicious shall be released prior to a determination by the Town Marshal or his/her designee that the owner of the dog can and will exercise sufficient control over the dog or other animal so that such dog or other animal present no danger to persons or other domestic animals. No dog impounded as vicious shall be released until a restitution bond in the amount of \$500.00 is posted for its release in addition to the release requirements provided for in Section 5-6-2-8(C), unless otherwise directed by the Town Marshal or the Municipal Court. If it is determined that the dog shall not be released, the owner may request a hearing before the Municipal Court. Such hearing shall be held no later than ten (10) business days, or such reasonable time thereafter, after the dog is impounded. If the Municipal Court determines that the owner cannot exercise sufficient control over the dog, the Municipal Court may order such dog banished from the Town or destroyed in a humane manner or any other sanction as provided for in Subsection 5-6-1-2(G).

5-6-2-13 Muzzling and Confinement: Whenever it becomes necessary to safeguard the public from the dangers of rabies, the Town Board of Trustees, if it deems it necessary, shall issue a proclamation ordering every person owning or keeping a domestic to confine it securely on his property or premises. If the domestic animal is a dog, it may be off the owner's premises if it is properly leashed and is properly fitted with a muzzle of sufficient strength to prevent its biting any person or other domestic animal. Any un-muzzled dog, or any other domestic animal, running at large during the time of the proclamation shall be seized and impounded, and notice of impoundment shall be given, as provided in Section 5-6-2-8(B). The Town Marshal or his/her designee has the authority to destroy in a humane manner any domestic animal noticeably infected with rabies and displaying vicious characteristics during the pendency of such proclamation. Any person found guilty of violating or who acknowledges violating this Section shall be subject to the penalties set forth in Section 5-6-1-2(D), (E) and (F) and otherwise according to this Chapter.

If a domestic animal impounded during the period of the proclamation is determined not to be infected with rabies, the owner may claim such domestic animal within five (5) days after such determination, upon compliance with the release requirements provided for in Section 5-6-2-8(C). In the event such domestic animal remains unclaimed after such five-day period, the Town Marshal or his/her designee has the authority to place the domestic animal for adoption or to destroy the domestic animal in a humane manner.

5-6-2-14 Nuisance Domestic Animals/Domestic Animal Disturbances/Prohibited Activities:

A. Noise. It shall be unlawful to keep, harbor or possess a dog, cat or other animal which disturbs the peace and quiet of others by loud or frequent or habitual barking, yelping, crying, whining, meowing, or making any other noises so that same may be heard beyond the premises where the dog or other animal is kept or harbored. Any person found guilty of violating or who acknowledges violating this Section shall be subject to the penalties set forth in Section 5-6-1-2(D), (E), and (F) and otherwise according to this Chapter.

B. Canine Trespass. No individual responsible for any animal shall allow said animal to enter private property without the permission of the person in control of the property. Any person found

guilty of violating or who acknowledges violating this Section shall be subject to the penalties set forth in Section 5-6-1-2(D), (E), and (F) and otherwise according to this Chapter.

C. Dogs in Estrus. Any unspayed female dog in the stage of estrus (heat) shall be confined in a house or secure enclosure or such dog shall be physically restrained by a competent person by the use of a hand-held leash. Any unspayed dog that is in the state of estrus and is not properly confined or restrained shall be deemed a public nuisance. Any person found guilty of violating or who acknowledges violating this Section shall be subject to the penalties set forth in Section 5-6-1-2(D), (E), and (F) and otherwise according to this Chapter.

D. Defecating (failure to remove). No owner of any dog shall permit such dog to defecate, without immediately removing, upon a common thoroughfare, street, sidewalk, parking area, play area, park, any other public property or any private property when permission of the owner or tenant of such property has not been obtained. When any dog defecates without permission upon any private property other than that of the owner, it shall be the duty of the owner of such dog to immediately remove and properly dispose of such feces in a container normally used for garbage, and not upon the property of another. No individual responsible for any dog shall appear with such dog upon the public ways or within public places or upon the property of another, absent that person's consent, without some means for the removal of excrement. This section shall not apply to a blind person while walking his or her licensed guide dog. Any person found guilty of violating or who acknowledges violating this Section shall be subject to the penalties set forth in Section 5-6-1-2(D), (E), and (F) and otherwise according to this Chapter.

E. Cleanliness of Premises. The accumulation of animal feces compromises public health and constitutes a threat to public safety. Accumulation of feces on any premises to the extent that it creates an unsanitary, offensive, or unhealthy condition shall be deemed to be a public nuisance. In addition to abatement, any person found guilty of violating or who acknowledges violating this Section shall be subject to the penalties set forth in Section 5-6-1-2(E) and (F) and otherwise according to this Chapter.

F. Trashing. No owner of any animal shall permit such animal to trash or engage in trashing behavior. Any person found guilty of violating or who acknowledges violating this Section shall be subject to the penalties set forth in Section 5-6-1-2(D), (E), and (F) and otherwise according to this Chapter.

G. Threatening behavior. No owner of any dog shall permit such dog to threaten any person or other animal without ample provocation. Any person found guilty of violating, or who acknowledges violating, this Section shall be subject to a maximum penalty set forth in Section 5-6-1-2 of this Chapter, together with court costs, but in no event shall the fine be an amount less than the mandatory minimum of one hundred dollars (\$100.00).

5-6-2-15 Liability: The Town of Norwood or any employees thereof, or any other person authorized to enforce the provisions of this Chapter shall not be held responsible for any accident, injury, illness or disease that may occur to the animal, nor for the destruction of any animal if done pursuant to the provisions of this Chapter.

ARTICLE 3 – PROHIBITED ANIMALS

SECTIONS:

- 5-6-3-1: Certain Animals Prohibited
- 5-6-3-2: Fowl Running at Large Prohibited
- 5-6-3-3: Penalty

5-6-3-1 Certain Animals Prohibited: It shall be unlawful for any person to knowingly own, possess, keep or harbor within the limits of the Town of Norwood any cows or other cattle, horses, goats, pigs, hogs, sheep, poisonous or venomous snakes, or chickens, geese, ducks, turkeys, pheasants, peacocks or other free-roaming or game fowl, or any wild or undomesticated animal, without written approval from the Town of Norwood Board of Trustees and Town Marshal.

In the event that any person residing within the Town of Norwood has written approval from the Town Board of Trustees and Town Marshal to possess, keep or harbor any of the animals listed above, if such animals become a nuisance or are complained upon, such animals will be deemed a nuisance and shall be removed immediately from the Town limits by the owner or keeper of the animal or animals.

This Section shall not apply to rodeos, circuses, livestock shows, horse shows or other similar events held within the Town, licensed slaughterhouses or livestock sales operations, or the raising of certain animals for profit, if licensed pursuant to law. Further, these restrictions shall not prohibit the riding of horses on streets within the Town as long as such activity does not create an unreasonable nuisance.

5-6-3-2 Fowl Running at Large Prohibited: It shall be unlawful for the owner or keeper of any chickens, geese, ducks, turkeys, or other fowl to permit or suffer the same to run at large within the Town of Norwood. "To run at Large" shall be deemed to mean off the premises of the owner or keeper of said fowl and not confined upon the premises or within or upon any automobile or other vehicle.

5-6-3-3 Penalty: Any person found guilty of violating or who acknowledges violating this Article shall be subject to the penalties set forth in Section 5-6-1-2(D), (E), and (F) and otherwise according to this Chapter.

ARTICLE 4 - CRUELTY TO ANIMALS

SECTIONS:

- 5-6-4-1: Cruelty- Neglect of Animals Prohibited
- 5-6-4-2: Engaging in Violent Contest
- 5-6-4-3: Protection of Mistreated, Neglected or Abandoned Animals; Penalty

5-6-4-1 Cruelty-Neglect of Animals Prohibited: It shall be unlawful for any person, unless authorized by law, knowingly or with criminal negligence, to do or to cause or procure to be done, any of the following:

A. **Cruelty to Animals.** To overdrive, overload, overwork, torture, torment, deprive of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate, needlessly kill, or otherwise mistreat any animal; or

B. **Forsaking a Pet:** Being the individual having the charge and custody of an animal, to neglect, inhumanely confine, fail to provide adequate food or water and protection from the weather, or abandon said animal; or

C. **Battering Another's Animal:** To kill or injure any animal belonging to another, except in reasonable defense of property or person.

D. Any person found guilty of violating, or who acknowledges violating, this Section shall be subject to a maximum penalty set forth in Section 5-6-1-2(A)(1) of this Chapter, together with court costs, but in no event shall the fine be an amount less than the mandatory minimum of one hundred dollars (\$100.00). In the case of a person incurring a second or subsequent conviction under the provisions of this Section 5-6-4-1, a sentence of not less than ten (10) days imprisonment shall be mandatory and shall not be subject to suspension, nor shall such persons be eligible for probation for any part of such period. A plea for nolo contendere accepted by the court shall be considered a conviction for the purposes of this Section.

5-6-4-2 Engaging in Violent Contest: It shall be unlawful for any person, association or persons, or corporation to knowingly advertise, offer to conduct or conduct, or otherwise promote any contest or competition when the object of the contest or competition is the killing or mutilation of dogs or other animals. Any person found guilty of violating, or who acknowledges violating, this Section shall be subject to a maximum penalty set forth in Section 5-6-1-2(A)(1) of this Chapter, together with court costs, but in no event shall the fine be an amount less than the mandatory minimum of one hundred dollars (\$100.00). In the case of a person incurring a second or subsequent conviction under the provisions of this Section 5-6-4-1, a sentence of not less than ten (10) days imprisonment shall be mandatory and shall not be subject to suspension, nor shall such persons be eligible for probation for any part of such period. A plea for nolo contendere accepted by the court shall be considered a conviction for the purposes of this Section.

5-6-4-3 Protection of Mistreated, Neglected or Abandoned Animals:

A. If any animal is found to be without adequate food or water, it shall be lawful for the Marshal or his/her designee to enter into and upon any area, building or vehicle where such animal is confined and supply it with adequate food and water; except such enter shall not be made into any building which is a person's residence, unless by search warrant or court order. The Marshal or his/her designee shall not be liable in any action for such entry. Notice that the entry has occurred shall be given by posting such notification at an entrance to, or at a conspicuous place upon, the area, building or vehicle where such animal was confined. If, through reasonable observation, the Marshal determines that the animal has

not been cared for by a person other than the Marshal or his/her designee within twenty-four (24) hours of the posting of said notification, such animal shall be presumed to have been abandoned and that the animal's life or health is endangered.

B. The Marshal or his/her designee may take charge of, provide for or remove from the area, building or vehicle where found any animal found to be mistreated, treated cruelly, forsaken or neglected to such degree that the animal's life or health is endangered, or used in violent contest or abandoned in any circumstance. The Marshal shall petition the Municipal Court for a prompt hearing to determine whether the owner, if known, is able to adequately provide for the animal and is a fit person to own the animal.

C. The Marshal shall cause to be served upon the owner:

- (1) If the owner is known and residing within the Town, written notice by any method reasonably calculated to inform such person, including posting at least five (5) days prior to the hearing at a place provided for public notices within the Town, or service of process shall be given; or
- (2) If the owner is not known, the Marshal shall cause to be published, in a newspaper of general circulation in the Town, notice of the hearing, and shall further cause notice of the hearing to be posted at a place provided for public notices within the Town, at least five (5) days prior to such hearing.

D. Action by the Court:

- (1) The Marshal may, in his or her discretion, provide care for such animal until judgment by the Court.
- (2) The Court may order the animal be placed for adoption or sold and the proceeds deposited in the registry of the Court pending a decision.
- (3) The Court may adjudge that the owner is a person able to adequately provide for such animal and a person fit to own the animal, in which case the animal shall be returned to the owner after all reasonable expenses of any food, shelter and care provided by the Town, if any, have been paid by the owner; except that, and unless ordered by the Court, if such expenses are not paid within ten (10) days of such court order, the Marshal may, in his or her discretion and without liability, dispose of the animal by selling it at public auction, placing it for adoption in a suitable home, giving it to a suitable animal shelter or humanely destroying it as deemed proper by the Marshal.
- (4) With respect to the sale of an animal, the proceeds shall first be applied to the costs of the sale and then to the expenses for the care and provision of the animal, and the remaining proceeds, if any, shall be paid over to the owner of the animal. If the owner of the animal cannot be found, any remaining proceeds shall be paid into the Town's general fund.

- (5) At least six (6) days prior to disposing of the animal, the Marshal shall provide written notice to the owner at his or her last known address of the time and place of the disposition of the animal pursuant to this Section.

E. Disposition of Animal.

- (1) If the owner is adjudged by the Court to be a person unable to adequately provide for the animal or a person not fit to own the animal, then the Court shall order that the animal be:
- (a) Sold by the Marshal at public auction;
 - (b) Placed for adoption in a suitable home;
 - (c) Given to a suitable animal shelter;
 - (d) Humanely destroyed as deemed proper by the Court.
- (2) In no case shall the person adjudged unable to adequately provide for the animal or unfit to own the animal be allowed to purchase directly or indirectly the animal at any sale.
- (3) With respect to the sale of an animal, the proceeds shall first be applied to the costs of the sale and then to the expenses for the care and provision of the animal, and the remaining proceeds, if any, shall be paid over to the owner of the animal. If the owner of the animal cannot be found, any remaining proceeds shall be paid into the Town's general fund.

F. The Marshal may lawfully interfere to prevent the perpetration of an act of mistreatment, cruelty, violent contest, neglect or abandonment, which act occurs in his or her presence.

G. Any person found guilty of violating, or who acknowledges violating, this Section shall be subject to a maximum penalty set forth in Section 5-6-1-2(A)(1) of this Chapter, together with court costs, but in no event shall the fine be an amount less than the mandatory minimum of one hundred dollars (\$100.00). In the case of a person incurring a second or subsequent conviction under the provisions of this Section 5-6-4-1, a sentence of not less than ten (10) days imprisonment shall be mandatory and shall not be subject to suspension, nor shall such persons be eligible for probation for any part of such period. A plea for nolo contendere accepted by the court shall be considered a conviction for the purposes of this Section.

ARTICLE 5 - DEAD ANIMALS

SECTIONS:

- 5-6-5-1: Removal of Animal Carcass
5-6-5-2: Penalty

5-6-5-1 Removal of Animal Carcass: It shall be unlawful for the owner or possessor of a dead animal, or the owner of property on which a dead animal is located, to intentionally, knowingly or recklessly permit such dead animal's body or carcass to remain undisposed of for a period of longer than twenty four (24)

hours. No dead animal shall be placed on any Town property, but shall either be buried properly on the owner's property or other private property with the prior consent of the owner of such property, or taken to a place designed for proper disposal at the expense of the owner.

5-6-5-2 Penalty: Any person found guilty of violating or who acknowledges violating this Section shall be subject to the penalties set forth in Section 5-6-1-2(D), (E), and (F) and otherwise according to this Chapter.

