



Mayor

John Gates

Councilmembers

Jonathan Smail
Ward I

Brett Payton
Ward II

Michael Fitzsimmons
Ward III

Dale Hall
Ward IV

Stacy Suniga
At-Large

Robb Casseday
At-Large

**A City Achieving
Community Excellence**

Greeley promotes a healthy, diverse economy and high quality of life responsive to all its residents and neighborhoods, thoughtfully managing its human and natural resources in a manner that creates and sustains a safe, unique, vibrant and rewarding community in which to live, work, and play.

City Council Agenda

August 6, 2019 at 6:30 PM

1001 11th Avenue, City Center South, Greeley, CO 80631

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Recognitions and Proclamations
5. Citizen Input
6. Approval of the Agenda
7. Reports from Mayor and Councilmembers
8. Petitions from Mayor and Councilmembers

Consent Agenda

The Consent Agenda is a meeting management tool to allow the City Council to handle several routine items with one action.

Council or staff may request an item be "pulled" off the Consent Agenda and considered separately under the next agenda item in the order they were listed.

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9. Approval of the City Council Proceedings of July 16, 2019
 10. Acceptance of the Report of the July 23, 2019, City Council Worksession
 11. Consideration of a resolution of the Greeley City Council approving amendment of Bylaws and Ratification of the High Plains Library District Board of Trustee Bylaws

End of Consent Agenda

12. Pulled Consent Agenda Items
13. Public hearing and final reading of an ordinance repealing Title 7, Animals, of the Greeley Municipal Code and replacing it with a new Title 7, Animals
14. Scheduling of Meetings, Other Events
15. Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and

ordinances to reflect action taken by the City Council at this meeting and at any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements and ordinances.

16. Adjournment

Council Agenda Summary

August 6, 2019

Agenda Item Number 1

Title

Call to Order

Council Agenda Summary

August 6, 2019

Agenda Item Number 2

Title

Pledge of Allegiance

Council Agenda Summary

August 6, 2019

Agenda Item Number 3

Title

Roll Call

Summary

Mayor Gates

Councilmember Smail

Councilmember Payton

Councilmember Casseday

Councilmember Fitzsimmons

Councilmember Suniga

Councilmember Hall

Council Agenda Summary

August 6, 2019

Agenda Item Number 4

Title

Recognitions and Proclamations

Summary

Councilmember Fitzsimmons will present the What's Great about Greeley Report.

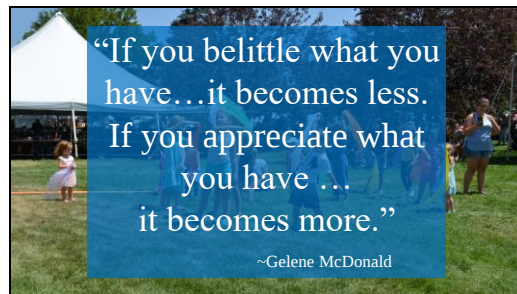
Attachments

August 6, 2019 What's Great about Greeley Report

Slide 1



Slide 2



At each Council Meeting, we recognize the people, organizations and businesses that make Greeley Great.

Tonight it's my turn to announce the recognitions. I'll start with a quote, "If you belittle what you have, it becomes less. If you appreciate what you have, it becomes more." With these announcements we are appreciating the good work of our residents, showing support for their efforts, and encouraging everyone to share the word that Greeley is Great.

Slide 3



The Colorado Women of Influence Foundation recognized its 12 Women of Vision at their annual gala event. Winners included Dr. Debbie Baker of Greeley, who retired after 28 years in Air Force, attained her doctorate in counseling and developed Greeley's first grief center, and Floris "Flo" Mikkelsen of Greeley, a lifetime advocate for seniors and a tireless volunteer with Greeley/Weld Senior Foundation, Weld County Area Agency on Aging Senior Nutrition Committee and the Senior Center Advisory Committee.

Slide 4



Congratulations to Greeley's own "Silver & Gold" for winning the Best of 2019 Indie-Alternative category from the Denver Westword Music Awards. Winners were chosen by a committee of more than 250 people in the Denver music industry.

Slide 5



UNC student-athletes get in done in the field, on the court, and in the classroom. UNC Swimmers Petra Kis and Maddy Moore were named honorable mention Scholar All-America by the College Swimming & Diving Coaches Association of America. Men's golf duo Li Chen and Nick Sharp earned Srixon/Cleveland Golf All-America Scholars honors by the Golf Coaches Association of America. And, the UNC Women's Volleyball team - the entire team - were named to the American Volleyball Coaches Association's Team All-Academic Honors with a cumulative team GPA of 3.7.

Slide 6



Congratulations to Greeley West graduate Samuel Diaz for his recent selection to work on a NASA-funded project to send a satellite to the sun. He will join a small team of engineering students through the Colorado Space Grant Consortium to work on a three-year project developing instruments for the 'Polarimeter to Unify the Corona and Heliosphere' mission that will study the origins of solar wind and how it affects Earth.

Slide 7



Council Agenda Summary

August 6, 2019

Agenda Item Number 5

Title

Citizen Input

Summary

During this 15-minute portion of the meeting, anyone may address the Council on any item of City business appropriate for Council's consideration that is not already listed on this evening's agenda.

Individual speakers will be limited to 3 minutes each. Council and staff will respond tonight, if possible, to questions or requests. If further time or discussion is needed, a staff member will contact you within the next couple of days. Some items may need to be scheduled for a future meeting.

Council Agenda Summary

August 6, 2019

Agenda Item Number 6

Title

Approval of the Agenda

Council Agenda Summary

August 6, 2019

Agenda Item Number 7

Title

Reports from Mayor and Councilmembers

Summary

During this portion of the meeting any Councilmember may offer announcements or reports on recent events and happenings. These reports should be a summary of the Councilmember's attendance at assigned board/commission meetings and should include key highlights and points that may require additional decision and discussion by the full Council at a future time.

Board/Commission	Meeting Day/Time	Assignment
--Team of 2-- Board/Commission Interviews	Monthly as Needed	Council Rotation
Water & Sewer Board	3 rd Wed, 2:00 pm	Gates
Youth Commission Liaison	4 th Mon, 6:00 pm	Smail
Historic Preservation Loan	As Needed	Suniga
Police Pension Board	Quarterly	Suniga
Employee Health Board	As Needed	Suniga
Human Relations Commission Liaison	2 nd Monday, 12:30 P.M.	Suniga
Airport Authority	3 rd Thur, 3:30 pm	Casseday/Payton
Visit Greeley	3 rd Wed, 7:30 am	Fitzsimmons
Upstate Colorado Economic Development	Last Wed, 7:00 am	Gates/Hall
Greeley Chamber of Commerce	4 th Mon, 11:30 am	Gates
Island Grove Advisory Board	1 st Thur, 3:30 pm	Smail
Weld Project Connect Committee (United Way)	As Needed	Fitzsimmons
Downtown Development Authority	3 rd Thur, 7:30 am	Casseday/Smail
Transportation/Air Quality MPO	1 st Thur, 6:00 pm	Casseday/Gates
Poudre River Trail	1 st Thur, 7:00 am	Hall
Interstate 25 Coalition	As Needed	Gates
Highway 85 Coalition	As Needed	Payton
Highway 34 Coalition	As Needed	Payton
CML Policy Committee (Council or Staff)	As Needed	Payton and City Manager Roy Otto/Fitzsimmons alternate
CML Executive Board opportunity	As Needed	
CML - Other opportunities	As Available/Desired	

Council Agenda Summary

August 6, 2019

Agenda Item Number 8

Title

Petitions from Mayor and Councilmembers

Summary

During this portion of the meeting any Councilmember may bring before the Council any business that the member feels should be deliberated upon by the Council. These matters need not be specifically listed on the Agenda, but formal action on such matters shall be deferred until a subsequent Council meeting.

Petitions will generally fall into three categories:

- 1) A policy item for Council deliberation and direction for a future Worksession, Committee meeting, or regular/special Council meeting;
- 2) A request to the City Manager for information or research;
- 3) A request involving administrative processes or procedures.

At the close of this portion of the meeting, the Mayor will confirm Council's consensus that the individual requests be pursued.

Attachments

Status Report of Council Petitions and Related Information

Greeley City Council

Status Report of Council Petitions

Council Request	Council Meeting, Worksession, or Committee Meeting Date Requested	Status or Disposition (After completion, item is shown one time as completed and then removed.)	Assigned to:
06-2019: Councilmember Hall requested to work with Doug Marek, City Attorney, and Brad Mueller, Community Development Director, on proactively creating regulations for oil and gas drilling.	July 16, 2019, Council Meeting	An item has been added to the August 27 th Worksession to discuss the oil and gas regulation matrix and monitoring/participating in the SB-181 rule making process. Roy Otto, City Manager, will meet with Councilmember Hall, Mr. Marek, and Mr. Mueller on July 29 th to discuss this petition in more detail.	Brad Mueller Doug Marek

Consent Agenda

August 6, 2019

The Consent Agenda is a meeting management tool to allow the City Council to handle several routine items with one action.

Once the Clerk has read each Consent Agenda item into the record, along with Council's recommended action, Council or staff may request the item be "pulled" off the Consent Agenda and considered separately under the next agenda item in the order they were listed.

The Consent Agenda includes Items No. 9 through 11 and their recommended actions.

Council's Recommended Action

To approve Items No. ____ through ____ or

To approve Items No. ____ through ____ with the exceptions of No.(s) ____

Council Agenda Summary

August 6, 2019

Agenda Item Number 9

Key Staff Contact: Betsy Holder, City Clerk, 970-350-9742

Title:

Approval of the City Council Proceedings of July 16, 2019

Summary:

A meeting of the City Council was held on July 16, 2019, in Council's Chambers at the City Center South Campus, 1001 11th Avenue, Greeley, Colorado.

Decision Options:

1. To approve the proceedings as presented; or
2. Amend the proceedings if amendments or corrections are needed, and approve as amended.

Council's Recommended Action:

A motion to approve the City Council proceedings as presented.

Attachments:

July 16, 2019 Proceedings

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
 July 16, 2019

1. Call to Order

Mayor John Gates called the meeting to order at 6:30 p.m., in the Council's Chambers at the City Center South Campus, 1001 11th Avenue.

2. Pledge of Allegiance

Mayor Gates led the Pledge of Allegiance to the American Flag.

3. Roll Call

Jerry Harvey, Assistant City Clerk, called the roll. Those present were Mayor John Gates and Councilmembers Robb Casseday, Michael Fitzsimmons, Dale Hall, Brett Payton, and Stacy Suniga.

Councilmember Smail was excused.

4. Recognitions and Proclamations

Councilmember Casseday presented the What's Great About Greeley Report.

Mayor Gates presented a proclamation for National Night Out.

Student travelers who visited our Sister City Moriya, Japan, along with staff and Councilmember Casseday presented information about their experiences from this biennial cultural exchange.

5. Citizen Input

Steve Teets, Greeley resident, spoke about the issue of fireworks going off around the July 4th holiday.

6. Approval of Agenda

The agenda was approved upon noting additional documentation for Item No. 4.

7. Reports from Mayor and Councilmembers

Councilmember Hall reported on his attendance at the Colorado Municipal League (CML) conference and ways CML will address legislation during the 2020 session.

Councilmember Casseday reported on his attendance at the North Front Range Metropolitan Planning Organization meeting and at the Regional Leadership Breakfast where it was decided that Roy Otto, City Manager, will put together a coalition on regional water collaboration.

Councilmember Suniga reported on her attendance at a number of neighborhood celebrations/block parties over the past two weekends.

8. **Petitions from Mayor and Councilmembers**

Councilmember Hall requested to work with Doug Marek, City Attorney, and Brad Mueller, Community Development Director, on proactively creating regulations for oil and gas drilling.

Consensus was reached by Council to direct staff to move forward on this petition.

*** * * * Consent Agenda * * * ***

9. **Approval of the City Council Proceedings of July 2, 2019**

The Council action recommended was to approve the Proceedings.

10. **Acceptance of the Report of the July 9, 2019, City Council Worksession**

The Council action recommended was to accept the Report.

11. **Consideration of a resolution of the City of Greeley Council authorizing the City to enter into an Intergovernmental Agreement for congestion mitigation and air quality grant funding with the Colorado Department of Transportation**

The Council action recommended was to adopt the resolution. **(Resolution No. 32, 2019)**

12. **Introduction and first reading of an ordinance repealing Title 7, Animals, of the Greeley Municipal Code and replacing it with a new Title 7, Animals**

The Council action recommended was to introduce the ordinance and schedule the public hearing and final reading for August 6, 2019.

*** * * * End of Consent Agenda * * * ***

Councilmember Casseday moved, seconded by Councilmember Suniga to approve the items on the Consent Agenda and their recommended actions. The motion carried: 6-0 (Councilmember Smail excused)

13. **Pulled consent agenda items**

No items were pulled from the Consent Agenda.

14. **Public hearing and final reading of an ordinance concerning the acquisition of interests in real property located in Weld County, Colorado for sanitary sewer infrastructure, by purchase or exercise of the power of eminent domain, pursuant to Section 7 of Article XVI, Section 15 of Article ii, and Sections 1 and 6 of Article XX of the Colorado Constitution and Colo. Rev. Stat. § 38-1-101, et seq. (Ashcroft Lift Station)**

Adam Prior, Chief Water and Sewer Engineer, described the Ashcroft Lift Station and the purpose for acquisition of the property. He continued by highlighting the project details and timeline. Mr. Prior concluded by describing the map of the property and project.

Mayor Gates opened the public hearing at 7:27 p.m., and no comments were offered.

Councilmember Suniga moved, seconded by Councilmember Hall to adopt the ordinance and publish with reference to title only. The motion carried: 6-0 (Councilmember Smail excused) **(Ordinance No. 32, 2019)**

15. Consideration of a resolution of the Greeley City Council authorizing the Greeley Police Department to allow a fee waiver for the release of criminal justice records

Chief Mark Jones, Greeley Police Chief, made himself available to answer any Councilmember questions.

Mayor Gates and Councilmember Payton expressed their preference that nothing be done to change the current fee waiver structure.

In response to questions from Councilmember Suniga, Chief Jones explained that it is not practical to give free reports to or contact everyone named in a police report.

The Resolution died for lack of a motion.

16. Scheduling of meetings, other events

No other meetings or events were scheduled.

17. Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and at any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances

Councilmember Hall moved, seconded by Councilmember Suniga to approve the above authorizations, and the motion carried: 6-0 (Councilmember Smail excused)

18. Adjournment

There being no further business to come before the Council, Mayor Gates adjourned the meeting at 7:39 p.m.

John Gates, Mayor

Jerry Harvey, Assistant City Clerk

Council Agenda Summary

August 6, 2019

Agenda Item Number 10

Key Staff Contact: Betsy Holder, City Clerk, 970-350-9742

Title:

Acceptance of the Report of the July 23, 2019, City Council Worksession

Summary:

A City Council Worksession was held on July 23, 2019, in Council's Chambers at the City Center South Campus, 1001 11th Avenue, Greeley, Colorado.

Decision Options:

1. To accept the Report as presented; or
2. Amend the Report if amendments or corrections are needed, and accept as amended.

Council's Recommended Action:

A motion to accept the Report as presented.

Attachments:

July 23, 2019 Report

City of Greeley, Colorado
COUNCIL WORKSESSION REPORT
 July 23, 2019

1. CALL TO ORDER

The meeting was called to order at 5:00 p.m. by Mayor ProTem Robb Casseday, in the Council's Chambers at the City Center South Campus, 1001 11th Avenue.

2. PLEDGE OF ALLEGIANCE

Mayor ProTem Casseday led the Pledge of Allegiance to the American Flag.

3. ROLL CALL

Jessica Diagana, Assistant City Clerk, called the roll. Those present were Mayor ProTem Casseday and Councilmembers Michael Fitzsimmons, Dale Hall, Jon Smail, Brett Payton, and Stacy Suniga. Mayor John Gates was excused.

4. REVIEW OF 2018 INTERNATIONAL CODES ADOPTION

Brad Mueller, Community Development Director, spoke of the International Building Code updates including their re-adoption. He then introduced Tim Swanson, Chief Building Official, who reviewed the 2018 International Residential Energy Conservation Codes. Mr. Swanson spoke about indoor air quality, moisture management, resilient buildings, thermal barriers, air barriers, efficient windows, mechanical ventilation, ceiling insulation, efficient lighting, duct sealing, and HVAC system sizing and their contribution to energy conservation. He spoke of residential fire sprinkler systems in one and two-family dwellings and noted staff's recommendation of implementing the requirement of residential fire sprinkler systems. Mr. Swanson spoke of myths regarding fire sprinklers and reviewed a home fire timeline and the effects of a home with a residential fire sprinkler system compared to one that is unsprinkled.

Mr. Mueller emphasized that the Construction Trades Advisory and Appeals Board is methodical in their thinking about these types of changes and recommendations. Mr. Mueller went on to review correspondence from the building community sent to address their concerns regarding costs and damage from residential fire sprinkler systems, and staff is planning an open house to address some of these concerns.

Councilmember Hall spoke of a personal experience with residential sprinklers in which there were two water events that caused significant damage, and, as such, he will have difficulty supporting the requirement of residential fire sprinklers in new construction. Mr. Mueller noted that residential fire sprinkler systems now have flush mounted heads rather than sprinklers that project from the ceiling, which significantly reduces the likelihood of a water event.

Mr. Swanson noted that a survey conducted indicates that a majority of communities have not adopted the requirement of residential fire sprinkler systems in new construction, but staff believes that the benefits outweigh the cost.

Councilmember Suniga expressed concerns with the requirement of residential fire sprinkler systems because of existing affordable housing issues and to then to add an additional expense. She expressed t

she believes the benefits would balance out the additional costs and that a price cannot be put on something like this.

In response to a question from Councilmember Smail, Mr. Mueller reported that staff has publicized the intent to require residential fire sprinkler systems and that this has been communicated to major stakeholders. Mr. Mueller also reiterated that staff would be hosting an open house that will be open to the public in addition to developers and builders.

Mayor ProTem Casseday thanked staff and members of the Construction Trades Advisory and Appeals Board for their work. He spoke of his experience with residential fire sprinkler systems and the design improvements that have happened over the years that have brought costs down significantly for systems. He expressed concern regarding how the building community will feel about another expense that is driving up the cost of housing and that this is something that has to be considered with these types of recommendations.

Dale Lyman, Fire Chief, reported that the number one cause of residential fire is cooking and that there have been two deaths in the last five years as a result of a fire. He stated that a vast majority of the housing stock would remain unsprinkled and as such, that it would take many years to see an impact on the community. He stated that residential fire sprinkler systems are tied into the plumbing system of the house which reduces the cost of the system and that this is something that would be endorsed by the Fire Department.

5. SECOND QUARTER FINANCIAL REPORT

Robert Miller, Budget and Compliance Manager, reported on the Second Quarter Financial Report including the General Fund summary, General Fund revenue, General Fund expenditures, sales tax distribution, sales tax by major categories, retail sales tax by location, property tax, General Fund: franchise fees and telephone tax, general use tax, auto use tax, building use tax, building permit valuations, water, sewer and stormwater funds, lodging tax revenues, and provided a summary of his presentation.

6. 2020 BUDGET REVENUE ESTIMATES

Mr. Miller reviewed the budget schedule, current forecasting indicators, General Fund resource overview, 2020 General Fund resources, total sales tax, total auto use tax, total building use tax, property tax, building permit and plan check fees, FTA grants, franchise fees, severance and federal mineral taxes, fines and forfeits, General Fund end of year estimates, and provided a summary of his presentation.

7. SCHEDULING OF MEETINGS, OTHER EVENTS

No additional meetings or other events were scheduled.

8. ADJOURNMENT

There being no further business to come before the Council, Mayor ProTem Casseday adjourned the meeting at 6:30 p.m.

Jessica Diagona, Assistant City Clerk

Council Agenda Summary

August 6, 2019

Agenda Item Number 11

Key Staff Contact: Betsy Holder, City Clerk, 970-350-9742

Title:

Consideration of a resolution of the Greeley City Council approving amendment of Bylaws and Ratification of the High Plains Library District Board of Trustee Bylaws

Summary:

During the High Plains Library District's (HPLD) annual review of the Board of Trustees bylaws, the Bylaw Committee recommended a change in the bylaws. The Board adopted the recommended change and requests the same from the establishing bodies, which includes Greeley.

The City Attorney's Office has reviewed the change and views it as an acceptable modification. Accordingly, a resolution is attached for Council's consideration. If adopted, it accepts the bylaws change and ratifies the amended bylaws.

The recommended revision is found in Article 6, which previously read:

These Bylaws may be amended by a majority of the entire Board of Trustees at any regular meeting or any special meeting called for the purpose provided that the proposed amendment shall have been introduced at a regular meeting or special meeting called for that purpose at least fifteen (15) days before final action is taken.

Upon the recommendation of the Bylaw Committee, the HPLD Board of Trustees voted to approve the new language as follows:

6.1 Amendment in general. These Bylaws may be amended by a majority of the entire Board of Trustees at any regular meeting or any special meeting called for the purpose EXCEPT AS OTHERWISE DESCRIBED BELOW, provided that the proposed amendment shall have been introduced at a regular meeting or special meeting called for that purpose at least fifteen (15) days before final action is taken.

6.2 Amendment of term limits. NO AMENDMENT OF TRUSTEE TERMS PROVIDED IN ARTICLE 1, SECTION 1 SHALL BE EFFECTIVE UNLESS AND UNTIL IT IS RATIFIED BY A MAJORITY VOTE OF A MAJORITY OF THE ESTABLISHING BODIES. AN ESTABLISHING BODY'S FAILURE TO ACT WITHIN SIXTY (60) DAYS UPON A RECOMMENDATION SHALL BE CONSIDERED A RATIFICATION.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	N/A
If yes, what is the initial, or, onetime impact?	
What is the annual impact?	
What fund of the City will provide Funding?	
What is the source of revenue within the fund?	
Is there grant funding for this item?	N/A
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

The City Attorney's Office reviewed the bylaw change and views it as an acceptable modification.

Other Issues and Considerations:

A HPLD representative will be present to answer any questions for Council.

Applicable Council Priority and Goal:

Economic Health & Development: Foster and maintain public and private investment in business development.

Decision Options:

- 1) Adopt the resolution as presented; or
- 2) Amend the resolution and adopt as amended; or
- 3) Deny the resolution; or
- 4) Continue consideration of the resolution to a date certain.

Council's Recommended Action:

A motion to adopt the Resolution.

Attachments:

Resolution

Bylaws of the Board of Trustees of the High Plains Library District

High Plains Library District Correspondence

THE CITY OF GREELEY, COLORADO

RESOLUTION _____, 2019

A RESOLUTION OF THE GREELEY CITY COUNCIL APPROVING AMENDMENT OF BYLAWS & RATIFICATION OF THE HIGH PLAINS LIBRARY DISTRICT BOARD OF TRUSTEE BYLAWS

WHEREAS, the City Council of Greeley, Colorado is vested with the authority of administering the affairs of Greeley, Colorado; and

WHEREAS, the High Plains Library District ("HPLD") has been created by action of eight "Establishing Bodies", namely, the Town of Ault, the Town of Eaton, the City of Evans, the City of Fort Lupton, the City of Greeley, the Town of Hudson, the RE-8 School District Board of Education, the Weld County Board of County Commissioners, all of the State of Colorado; and

WHEREAS, a change in the bylaws has been approved by the Board of Trustees of the HPLD; and

WHEREAS, the High Plains Board of Trustees requests that the establishing bodies, including the City of Greeley, ratify the amended bylaws.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREELEY, COLORADO:

- 1) Section 1. The City Council hereby consents to the following change to Article 6 of the bylaws of the HPLD Board of Trustees:

From the current language: **ARTICLE 6 Amendment**

These Bylaws may be amended by a majority of the entire Board of Trustees at any regular meeting or any special meeting called for the purpose provided that the proposed amendment shall have been introduced at a regular meeting or special meeting called for that purpose at least fifteen (15) days before final action is taken.

To the amended language: **ARTICLE 6 Amendment**

6.1 Amendment in general. These Bylaws may be amended by a majority of the entire Board of Trustees at any regular meeting or any special meeting called for the purpose EXCEPT AS OTHERWISE DESCRIBED BELOW, provided that the proposed amendment shall have been introduced at a regular meeting or special meeting called for that purpose at least fifteen (15) days before final action is taken.

6.2 Amendment of term limits. NO AMENDMENT OF TRUSTEE TERMS PROVIDED IN ARTICLE 1, SECTION 1 SHALL BE EFFECTIVE UNLESS AND UNTIL IT IS RATIFIED BY A MAJORITY VOTE OF A MAJORITY OF THE ESTABLISHING BODIES. AN

*ESTABLISHING BODY'S FAILURE TO ACT WITHIN SIXTY (60) DAYS UPON A
RECOMMENDATION SHALL BE CONSIDERED A RATIFICATION*

Section 2. The amended bylaws, as listed in the attachment to this Resolution, are hereby ratified by the City of Greeley.

Section 3. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS _____ day of _____, 2019.

ATTEST:

THE CITY OF GREELEY, COLORADO

City Clerk

Mayor



BYLAWS OF THE BOARD OF
TRUSTEES OF THE HIGH PLAINS
LIBRARY DISTRICT
(2019)

These Amended Bylaws of the Board of Trustees (the "Board") of the High Plains Library District (the "District") are adopted this 15th day of July 2019.

The District is a political subdivision of the State of Colorado, established and existing by virtue of the provisions of Title 24, Article 90 of the Colorado Revised Statutes. These bylaws are adopted pursuant to C.R.S. 524-90-1 C9(a) for the Board's guidance in the management and control of the District. The District was established in 1985 by resolution of eight governmental entities, known herein as the "Establishing Bodies" or "EBs", namely: Town of Ault, the Town of Eaton, the City of Evans, the City of Fort Lupton, the City of Greeley, the Town of Hudson, the RE-8 (Fort Lupton) Board of Education, and the Weld County Board of County Commissioners.

ARTICLE 1
Board of Trustees

Section 1: ***Number, Geographic Areas and Term.*** The Board of Trustees shall consist of seven (7) members, all of whom must reside within the boundaries of the District's legal service area. There shall be one Trustee from each of the following six (6) geographic regions and one (1) At-Large Trustee:

- Region 1. Erie, Frederick, Firestone
N-C66, S-County Line E-US85, W- County Line + Erie town boundaries
- Region 2. Gilcrest, Hudson, Keenesburg, LaSalle, Lochbuie, Fort Lupton
N-CR52, S-County Line, E-County Line, W-US85
- Region 3. Mead, Johnstown, Milliken, Berthoud, Platteville
N-CR52, s-C66, E-US85, W-County Line
- Region 4. Greeley, Evans, Garden City
N-CR72, S-CR52, E-CR45, W-County Line excluding Windsor RE-4

Region 5. Ault, Eaton, Pierce, Nunn, Carr, Rockport, Lucerne N-County Line, S-CR72, E-CR45, W-County Line

Region 6. New Raymer, Kersey, Grover, Galeton, Briggsdale, Buckingham, Keota, Masters, Deerfield, Barnesville, Hardin
N-County Line, S-CR52, E-County Line, W-CR45

The Trustees shall serve for a maximum of two (2) terms, four (4) year each which shall be staggered so that one or two Trustees are appointed or reappointed each year. A Trustee's term shall expire on the 31st day of December, and the term of newly appointed Trustees shall begin on the 1st day of January.

Section 2: **Appointment of New Trustees.** When the term of an existing Trustee will expire, and such Trustee is either ineligible for reappointment or elects not to be considered by the Selection Committee for reappointment, a new Trustee shall be appointed in accordance with the procedure set forth in Appendix A, as delegated by the Establishing Bodies by virtue of that Settlement Stipulation relating to Weld County District Court Case #: 2014 CV 30358 and as approved by the Establishing Bodies in early 2017, consistent with C. R.S. §24-90-108(2)(c).

Section 3: **Vacancies.** Vacancies shall be filled for the remainder of the unexpired term as soon as possible in the manner in which Trustees are regularly chosen. Should a Trustee move out of the District the seat will be considered vacated. Should a Trustee move to a geographic area outside the one from which the Trustee had been appointed, the Trustee may either make a lateral move with another Trustee in order to maintain geographic representation, or the Trustee may serve out the term, then be replaced by someone from within the vacated region.

Section 4: **No Salary.** Trustees shall not receive a salary or other compensation as a Trustee, but necessary traveling and subsistence expenses actually incurred may be paid from the High Plains District Library Fund. A Trustee of the High Plains Library District may not be employed by the High Plains Library District.

Section 5: **Removal.** Pursuant to C.R.S. S 24-90-108(3), as construed in the January 20, 2017 Order RE: Petitioner's Motion for Summary Judgment in Weld County District Court Case #: 2014 CV 30358, a Trustee may be removed only by a majority vote of a majority of the Establishing Bodies (i.e., majority votes by at least 5 of 8 EBs), but only upon a showing of good cause as defined in, but not limited to, these Bylaws. Good cause shall include: failure to attend three consecutive regular board meetings or ongoing failure

High Plains Library District Bylaws
Adopted by Board July 15, 2019

Page | 2



to attend board meetings; criminal, fraudulent or otherwise illegal activity; refusal to sign High Plains Library District Board of Trustees Ethics Policy; serious violations of the provisions of the HPLD Board of Trustee Ethics Policy; or, a trustee's act of moving out of the geographic boundaries of the District. A trustee who is being considered for removal shall be given notice and an opportunity to be heard at a hearing prior to any such removal being voted upon.

Section 6: ***Meetings.***

6.1 *Time and Place.* The Trustees shall hold at least six regular meetings each calendar year. Special meetings may be called by the Chairman or upon the request of any Trustee or the Executive Director. The time and place will be announced in advance, according to provisions of 6.2.

6.2 *Notice; Open Meetings; Executive Sessions.* Notice of all meetings of three (3) or more Trustees shall be given to the public in the manner prescribed in C. R.S. S 24-6-402(2)(c). The Board shall cause notice of public meetings to be posted in designated public places no less than twenty-four (24) hours prior to the holding of the meeting. All meetings shall be open to the public, except that at any regular or special meeting, the Board may proceed into executive session upon a majority vote of two thirds (2/3) of the quorum present for the purpose of considering any matters permitted pursuant to C.R.S. 524-6-402(4).

6.3 *Quorum; Conduct of Meetings.* A simple majority present in person, or by telecommunication devices, of the total membership of the Board shall constitute a quorum. The act of a majority of Trustees present at a meeting at which a quorum is present shall be the act of the Board. All meetings shall be conducted under the rules of parliamentary procedure as outlined by The Standard Code of Parliamentary Procedure, by Alice Sturgis, 4th ed. The agenda shall be established by the Chairman of the Library District Board in conjunction with the Executive Director of the District.

6.4. *Public Participation.* Members of the public who wish to have an item placed on the agenda may submit a written request prior to a regular meeting.

6.5 *Public Comments.* At each meeting, the Board will allow time on the agenda for members of the public to address it, in person, about any relevant matters. The Board may impose time limits on such presentations, and it may choose to take action or not on any item raised during such public input.

Section 7: **Board Powers and Duties.** (C.R.S. S 24-90-109)

The Board shall:

7.1 adopt such bylaws, rules and regulations for its own guidance and policies for the governance of the District as it deems expedient;

7.2 have custody of all property of the District, including rooms or buildings constructed, leased or set apart therefore;

7.3 employ an Executive Director, and upon such person's recommendation, employ such other employees as may be agreed to be necessary; the Board will provide oversight, supervision and support for the Executive Director in order to further the goals of the organization and evaluate the effectiveness of the Executive Director on at least an annual basis;

7.4 select Legal Counsel

7.5 submit annually a budget as required by law and certify to the legislative body of the Establishing Bodies that the District serves the amount of the mill levy necessary to maintain and operate the District during the ensuing year;

7.6 adopt a budget and make appropriations for the ensuing fiscal year as set forth in part 1 of article 1 of title 29, C.R.S., and have exclusive control and spending authority over the disbursement of library funds as set forth in section 24-90-112 (2)(a);

7.7 accept such gifts of money or property for District purposes as it deems expedient;

7.8 hold and acquire land by gift, lease or purchase for District purposes;

7.9 lease, purchase or erect any appropriate building for District purposes and acquire such other property as may be needed therefor;

7.10 sell, assign, transfer or convey any property of the District, whether real or personal, which may not be needed within the foreseeable future for any purpose authorized by law, upon such terms and conditions as it may approve, and lease any other property, pending sale thereof, under agreement of lease, with or without an option to purchase the same; provided, however, that prior to the conveyance of such property, the Board shall make a finding that the property may not be needed within the foreseeable future for District purposes, except that no such finding shall be necessary if the property is sold or conveyed to state agency or political subdivision of this state;



7.11 borrow funds for District purposes by means of a contractual short-term loan when monies are not currently available but will be in the future or other means permitted under law, provided that such loans shall not exceed the amount of immediately anticipated revenues, and such loans shall be liquidated within six (6) months;

7.12 authorize the bonding of persons entrusted with District funds;

7.13 authorize an annual audit of the financial statements of the District;

7.14 authorize the purchase of materials and equipment on the recommendations of the Executive Director;

7.15 hold title to property given to or for the use or benefit of the District to be used according to the terms of the gift;

7.16 have authority to enter into contracts;

7.17 maintain a current, accurate map of the legal service area and provide for such map to be on file with the state library;

7.18 receive the true and accurate copies of all school district collective bargaining agreements submitted pursuant to the "Colorado School Collective Bargaining Agreement Sunshine Act", section 22-32-109.4, C.R.S., and create an electronic or physical repository for all of said current collective bargaining agreements at the library that is available to the public for inspection during regular business hours in a convenient and identified location.

7.19 at the close of each calendar year, make a report to the legislative body of the Establishing Bodies showing the condition of its trust during the year, the sums of money expended, the purpose of the expenditures and such other statistics and information and such other statistics and information as the Board deems to be of public interest;

7.20 at the close of each calendar year make a report to the state library in the form of a response to a survey designed and administered by the state library.

7.21 make such rules and regulations as it may deem necessary and upon such terms and conditions as may be agreed upon concerning the use of District services by nonresidents of the District.

7.22 to request of the Establishing Body boards that an election be held to alter the minimum tax levied to support the District pursuant to

section 24-90-112(1)(b)(III), C.R.S., in which case the Establishing Body boards shall cause the votes to be held.

7.23 have all other powers and duties which may now or in the future be authorized by state law.

7.24 Board authority lies with the entire Board, not individuals who serve on the Board.

ARTICLE 2 Officers

Section 1: ***Term of Officers.***

The officers of the Board shall consist of a Chairman, a Vice-Chairman, a Secretary/ Treasurer, and such other officers as the Board may deem necessary. All officers of the Board shall be nominated and voted upon at that year's December meeting. Officers shall serve for an unlimited number of one (1) year terms to begin the 1st day of January of each year. A vacancy in any office, however occurring, may be filled by the Board for the unexpired portion of the term.

Section 2: ***Duties of Officers.***

The officers shall have the following duties:

2.1 *Chairman.* The Chairman shall, subject to the direction and supervision of the Board, preside at all meetings of the Board, sign any leases, deeds, mortgages, contracts or other instruments which the Board has authorized to be executed, and in general, perform all duties incident to the office of Chairman and such duties as may be prescribed by the Board from time to time. The Chairman may appoint such committee as the business of the Board may require from time to time, and members of such committees may, but need not be, Trustees. No committee shall have any power other than advisory powers to the Board, and a committee shall be dissolved upon the completion of its charge or the submission of a final report or by a vote of the Board at any time.

2.2 *Vice-Chairman.* The Vice-Chairman shall assist the Chairman and shall perform such duties as may be assigned from time to time by the Chairman or the Board, and in the absence of the Chairman, shall have the powers and perform the duties of the Chairman.

2.3 *Secretary/Treasurer.* The Secretary/Treasurer shall oversee the keeping of the minutes of the meetings of the Board, be custodian of the District records and the District seal and see that the seal of the District is affixed to all documents, the execution of which are duly authorized. He/she shall be the custodian of District funds, all of which, regardless of their source, shall be deposited in an account or accounts authorized by the resolution of



the board. All warrants or checks must carry the signature of the Executive Director or the Treasurer or one other Trustee designated by the Board. Administrative procedures will be followed that conform with proper accounting internal controls. In general, the Secretary/Treasurer shall perform all duties incident to the office of Secretary/Treasurer and such other duties as, from time to time, may be assigned by the Chairman or the Board.

2.4 Removal of Officers. Any officer of the Board may be removed from office by a vote of the Board whenever, in the Board's judgment, the best interests of the District will be served thereby.

ARTICLE 3

Library District Executive Director and Staff

The Board shall appoint an Executive Director who the Board deems in its sole discretion to be well qualified and who shall be the executive and administrative officer of the District on behalf of the Board and under its review and direction. The Executive Director shall hire employees, shall specify the duties of District employees, and shall be held responsible for the proper direction and supervision of the staff, for the care and maintenance of District property, for the adequate and proper handling of library materials in keeping with stated policy of the board, for the efficient delivery of library services within the District and for the financial operation within the limitation of the budgeted appropriation.

ARTICLE 4 Corporate Seal

The corporate seal of the District shall be in the form of a circle, shall have inscribed the words, "High Plains Library District" and the words "Seal" and "Colorado" on it.

ARTICLE 5 Fiscal Year

The fiscal year of the District shall begin on the first (1st) day of January of each year and shall end on the thirty-first (31) day of December of each year.

ARTICLE 6 Amendment

6.1 Amendment *in general*. These Bylaws may be amended by a majority of the entire Board of Trustees at any regular meeting or any special meeting called for the purpose except as otherwise described below, provided that the proposed amendment shall have been introduced at a regular meeting or special meeting called for that purpose at least fifteen (15) days before final action is taken.

6.2 Amendment *of term limits*. No amendment of Trustee term limits provided in Article 1 shall be effective unless and until it is ratified by a majority vote of a majority of the Establishing Bodies. An Establishing Body's failure to act within sixty (60) days upon a recommendation shall be considered a ratification.

These Bylaws were adopted at a regular meeting of the Board of Directors held on the 15th day of July 2019.

HIGH PLAINS LIBRARY DISTRICT:



Kenneth Poncelow, Chairman



Bob Grand, Secretary/ Treasurer



APPENDIX

A

PROCEDURE FOR SELECTING NEW BOARD MEMBERS

The following trustee replacement process is set forth pursuant to the Stipulated Agreement of the Establishing Bodies and HPLD Board as approved in 2017 with relation to Weld County District Court Case #: 2014 CV 30358.

1. Three months preceding the completion date of a Board member's term, or whenever a board vacancy occurs midterm, High Plains Library District shall place an advertisement for a new Board member in the Greeley Tribune which is the newspaper of record, and the local newspaper(s) of the region to be represented.
2. The High Plains Library District shall set the Selection Committee meeting date and time.
3. The High Plains Library District shall send letters requesting participation on the Selection Committee to the Mayors, RE-8 School Superintendent, and Chairman of the County Commissioners of the eight Establishing Bodies.
4. Each Establishing Body shall appoint one elected official who will be a voting representative to serve on the Selection Committee, except that the City of Fort Lupton and the RE-8 Board of Education¹ shall collectively send one elected official to represent the area⁷ to be selected as they shall determine each year. The High Plains Library District Board shall send two voting representatives to serve on the Selection Committee, namely, the Vice-Chairman of the HPLD Board, and one other HPLD Trustee.
5. The HPLD Board Vice-Chairman shall serve as Chairman of the Selection Committee.
6. The Selection Committee shall meet to interview candidates and shall select, from the applicants, a new Board member for each vacancy. No Selection Committee representatives shall vote upon trustee candidates without having attended the interviews of all candidates being interviewed.
7. Trustee nominees shall be nominated by a majority vote of the members of the Selection Committee present at the meeting.
8. The High Plains Library District shall send a letter requesting ratification of the nominated member candidate(s) to each Establishing Body

High Plains Library District Bylaws

Adopted by Board July 15, 2019

Page | 9

board. All nominations must be ratified unanimously by all eight (8) Establishing Bodies by a 2/3 supermajority vote within each Establishing Body board or council. Pursuant to C.R.S. S 24-90-108(2)(c), an Establishing Body's failure to act within sixty (60) days upon a recommendation shall be considered a ratification of such appointment.

9. If a nominated candidate is not ratified, the Selection Committee reconvenes and begins the process again to select a candidate to present to the Establishing Bodies for ratification.

10. New trustees shall begin their terms on the 1st day of January, or in the case of replacement during an uncompleted term, the incoming trustee's term shall begin immediately following said trustee's ratification by the Establishing Bodies.

¹ *Each of the City of Fort Lupton and Weld County School District RE-8 is deemed to be an establishing body for purposes of removal and ratification of library district trustees; but combined shall send only one representative to the HPLD trustee nomination committee.*



APPENDIX B

PROCEDURE REGARDING CHANGING AREAS OF REPRESENTATION

When a Trustee is appointed to the High Plains Library District Board of Trustees, the selection is based, in part, on where the person resides. [Refer to Article 1, Section 1: Number, geographic areas and term.] If a Trustee relocates within the boundaries of the District's legal service area, but outside the region in which he/she had resided when appointed to the Board, he/she may request to change the area of representation.

1. The Trustee who has relocated shall submit in writing to the HPLD Board Chairman reasons for a request to change area of representation.
2. After discussion between the Trustee and the Board Chairman the Board Chairman will bring the issue to the full board for discussion and to identify possible solutions.
3. The Board will vote on the solution(s) to the request. The vote will be final.

APPENDIX C

PROCEDURE REGARDING ACTION TO REMOVE TRUSTEE

A Trustee being considered for removal pursuant to Section 1, Article 5 of these Bylaws shall be given notice and an opportunity to be heard at a hearing prior to any such removal being voted upon. The following procedures shall be followed regarding such removal action.

1. Pursuant to C.R.S. S 24-90-108(3), as construed in the January 20, 2017 Order RE: Petitioner's Motion for Summary Judgment in Weld County District Court Case #: 2014 CV 30358, a Trustee may be removed only by a majority vote of a majority of the Establishing Bodies (i.e., majority votes by at least 5 of 8 EBs), but only upon a showing of good cause as defined in, but not limited to, these Bylaws. One or more Establishing Bodies may initiate a Trustee removal action by vote taken to initiate a removal action at a public meeting of its governing board or council, or the HPLD Board of Trustees may initiate a Trustee removal action by voting upon a resolution to refer a request to initiate a removal action to an Establishing Body to initiate a Trustee removal action.
2. Upon initiation of a trustee removal action, a Trustee being considered for removal shall be given timely notice of the time, place, and nature of a hearing regarding the consideration of the Trustee's removal, the legal authority and jurisdiction under which it is to be held (including the identity of the person or persons who will compose the hearing panel), and the matters of fact and law asserted, including a particularized statement of the good cause asserted for removal as provided in these Bylaws to include failure to attend three consecutive regular board meetings or ongoing failure to attend board meetings; criminal, fraudulent or otherwise illegal activity; refusal to sign High Plains Library District Board of Trustees Ethics Policy; serious violations of the provisions of the HPLD Board of Trustee Ethics Policy; on a trustee's act of moving out of the District.
3. At least thirty days prior to a hearing, such notice shall be served personally upon (1) the affected Trustee, (2) HPLD's Executive Director, (3) the HPLD Board of Trustees, and (4) each other Establishing Body. A party to be served may agree to another method of service by accepting the same in writing. In fixing the time and place for a hearing, due regard shall be had for the convenience and necessity of the parties and their representatives.
4. The affected Trustee and HPLD may, but are not required, to submit a written answer thirty days after the service of such notice.



5. The affected Trustee, HPLD, and each Establishing Body shall be parties to the proceeding, and each may be represented by counsel. Each party may present evidence, may call witnesses to present evidence, and shall also have the right to cross-examine witnesses who testify at the proceeding. In the event more than one person engages in the conduct of a hearing, such persons shall designate one of their number to perform such of the above functions as can best be performed by one person only, and thereafter such person only shall perform those functions which are assigned to him by the several persons conducting such hearing.

6. Only one of the following may preside at a hearing: (1) the governing board of the Establishing Body initiating the removal action, (2) a panel composed of representatives of multiple Establishing Bodies, or (3) an appointed hearing officer. A party to the proceeding may object to the presiding hearing panel or officer as to bias, impartiality, or other basis by filing an objection within 30 days of service of notice of the proceeding. A hearing panel or officer shall forthwith rule upon the allegations in such objection as part of the record in the proceeding. A member of a hearing panel or hearing officer may at any time withdraw if he or she deems himself or herself disqualified or for any reason in which case another person shall be assigned to continue the proceeding.

7. The Establishing Body initiating the removal action shall have the burden of proof. Evidence shall be received pursuant to the provisions of the Colorado Administrative Procedure Act C. R.S. S 24-4-105(4) — (9).

8. Upon conclusion of a hearing, the presiding hearing panel or officer shall promptly issue a decision in writing regarding the facts regarding removal, and request that each Establishing Body vote upon whether to remove the affected Trustee. Each Establishing Body may adopt the factual record of the hearing panel or officer or may conduct its own hearing regarding removal pursuant to these procedures before voting regarding removal of the affected Trustee.

9. Each Establishing Body's vote regarding removal shall constitute a final action subject to judicial review.

10. An affected Trustee may seek judicial review of a removal decision by filing a complaint seeking relief under C-R.C.P. 106(a)(4) or other applicable law in the district court within twenty-eight days after an establishing bodies' final decision regarding removal.



July 16th 2019

John Gates, Mayor
City of Greeley
1000 10th Street
Greeley, CO 80631

Dear Mayor Gates,

During the High Plains Library District's annual review of our Board of Trustees bylaws, our Bylaw Committee recommended the following revisions;

The recommended revisions are found in Article 6, which previously read;

ARTICLE 6 Amendment

These Bylaws may be amended by a majority of the entire Board of Trustees at any regular meeting or any special meeting called for the purpose provided that the proposed amendment shall have been introduced at a regular meeting or special meeting called for that purpose at least fifteen (15) days before final action is taken.

Upon the recommendation of the Bylaw Committee, the HPLD Board of Trustees voted to approve the following revisions and the bylaws are now amended to read;

ARTICLE 6 Amendment

6.1 Amendment in general. These Bylaws may be amended by a majority of the entire Board of Trustees at any regular meeting or any special meeting called for the purpose EXCEPT AS OTHERWISE DESCRIBED BELOW, provided that the proposed amendment shall have been introduced at a regular meeting or special meeting called for that purpose at least fifteen (15) days before final action is taken.

6.2 Amendment of term limits. NO AMENDMENT OF TRUSTEE TERMS PROVIDED IN ARTICLE 1, SECTION 1 SHALL BE EFFECTIVE UNLESS AND UNTIL IT IS RATIFIED BY A MAJORITY VOTE OF A MAJORITY OF THE ESTABLISHING BODIES. AN ESTABLISHING BODY'S FAILURE TO ACT WITHIN SIXTY (60) DAYS UPON A RECOMMENDATION SHALL BE CONSIDERED A RATIFICATION.

These recommendations were presented at the May 20th, 2019 HPLD Board Meeting and approved at the July 15th, 2019 meeting.

Carbon Valley Regional Library • Centennial Park Library • Eaton Public Library
Erie Community Library • Farr Regional Library • Fort Lupton Public & School Library
Glenn A. Jones, M.D. Memorial Library • Hudson Public Library • Kersey Library • Lincoln Park Library
• Nantes Library • Northern Plains Public Library • Outreach • Platteville Public Library
Riverside Library and Cultural Center (Evans)
1-888-861-READ (7323) • www.MyLibrary.us



In accordance with our bylaws we are requesting our Establishing Bodies review the changes and ratify them within 60 days. If you have any questions or concerns, please contact Kathy Webb, Executive Assistant at 970-506-8588 or email kwebb@highplains.us with subsequent action or resolutions.

Executive Director, Dr. Matthew Hортt, 970-506-8563, mhortt@highplains.us will be glad to answer any further questions as well.

Thank you,

Sincerely,

HIGH PLAINS LIBRARY DISTRICT BOARD OF TRUSTEES

Carbon Valley Regional Library • Centennial Park Library • Eaton Public Library
Erie Community Library • Farr Regional Library • Fort Lupton Public & School Library
Glenn A. Jones, M.D. Memorial Library • Hudson Public Library • Kersey Library • Lincoln Park Library
• Nantes Library • Northern Plains Public Library • Outreach • Platteville Public Library
Riverside Library and Cultural Center (Evans)
1-888-861-READ (7323) • www.MyLibrary.us

Council Agenda Summary

August 6, 2019

Agenda Item Number 12

Title

Pulled Consent Agenda Items

Council Agenda Summary

August 6, 2019

Agenda Item Number 13

Key Staff Contact: Mark Jones, Police Chief, 970-350-9665

Title:

Public hearing and final reading of an ordinance repealing Title 7, Animals, of the Greeley Municipal Code and replacing it with a new Title 7, Animals

Summary:

In February 2016, the U.S. District Court found fault with the animal impoundment procedures as outlined in the City of Greeley Municipal Ordinances Title 7- Animals. The language in the previous ordinance failed to clearly establish guidelines and procedures to protect the due process of violators during the impoundment of animals and did not provide sufficient protections to the property interests of the animal owners in these cases.

Since this time, the police department's animal control officers have utilized the animal impoundment procedures of the Weld County Court system, which can be more cumbersome and less efficient than the municipal process. A committee comprised of Municipal Court Judge Gonzales, the Greeley City Attorney's Office, and representatives of the Greeley Police Department reviewed and modified the language in the ordinance to correct the shortcomings of the previous ordinance and align the new ordinance with current industry best practices. The entire ordinance was reviewed and the necessary modifications were approved by the committee to ensure consistency and accuracy. The revised ordinance incorporates current standards as outlined by the American Animal Hospital Association (AAHA) and the State of Colorado Department of Public Health and Environment (CDPHE) related to vaccinations, rabies control, and quarantine. It also includes provisions to protect the property interest and due process of violators. This ordinance was introduced at the July 16, 2019 Council meeting.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
If yes, what is the initial, or, onetime impact?	
What is the annual impact?	
What fund of the City will provide Funding?	
What is the source of revenue within the fund?	
Is there grant funding for this item?	No
If yes, does this grant require a match?	
Is this grant onetime or ongoing?	
Additional Comments:	

Legal Issues:

This rewritten ordinance includes provisions to protect the property interest and due process of violators.

Consideration of this matter is a legislative process which includes the following public hearing steps:

- 1) City staff presentation (if requested)
- 2) Council questions of staff
- 3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
- 4) Council discussion
- 5) Council decision

Other Issues and Considerations:

None.

Applicable Council Priority and Goal:

Safety: Manage the health, safety and welfare in a way that promotes a sense of security and well-being for residents, businesses and visitors.

Decision Options:

- 1) Adopt the ordinance as presented; or
- 2) Amend the ordinance and adopt as amended; or
- 3) Deny the ordinance; or
- 4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to adopt the ordinance and publish with reference to title only.

Attachments:

Ordinance

Exhibit A

Title 7 – as currently in the Greeley Municipal Code

CITY OF GREELEY, COLORADO

ORDINANCE NO. _____, 2019

**AN ORDINANCE REPEALING TITLE 7, ANIMALS, OF THE GREELEY MUNICIPAL
CODE AND REPLACING IT WITH A NEW TITLE 7, ANIMALS**

WHEREAS, it becomes necessary to update the Greeley Municipal Code from time to time to continue to improve functionality and align with public values and Council priorities; and

WHEREAS, a large number of changes to Title 7 are necessary to offer clarity in comprehension and improve enforcement significantly; and

WHEREAS, after review of these changes, Council believes that it is in the best interests of the citizens of the City of Greeley to repeal Title 7 in its entirety and replace it with a new Title 7.

**NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL FOR
THE CITY OF GREELEY, COLORADO, AS FOLLOWS:**

Section 1. Title 7 is hereby repealed in its entirety and replaced with Exhibit A, attached hereto and incorporated herein by this reference.

Section 2. This Ordinance shall become effective five days following its final publication, as provided in Section 3-16 of the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS _____ DAY OF
_____, 2019.

ATTEST:

CITY OF GREELEY, COLORADO

City Clerk

Mayor

EXHIBIT A
Proposed TITLE 7 Animals

TITLE 7

Animals

Chapter 7.04

Definitions

7.04.010 - Applicability.

As used in this Title, the following words have the meanings ascribed to them in this Chapter.

7.04.020 – Animal.

Animal means any vertebrate creature that has been bred or raised to live with or near humans and is dependent on humans for food, water and shelter. *Animal* includes pets and livestock. *Animal* does not include fowl, service animals, wild animals and wild birds, all of which are separately defined herein. *Animal* does not include human beings.

7.04.030 – Animal control officer.

Animal control officer means any person who is employed by the City and authorized by the Chief of Police to administer and enforce this Title. Any officer of the Greeley Police Department can act as an animal control officer.

7.04.040 – Animal establishment.

Animal establishment means any premises, including kennels and stables, used in whole or in part for the keeping of animals for the purpose of adoption, breeding, boarding, grooming, handling, selling, sheltering, trading or otherwise transferring animals. *Animal establishment* does not mean veterinary facilities, licensed research facilities or facilities operated by government agencies, including an animal shelter or impound agency.

7.04.050 – Animal shelter.

Animal shelter means a premises operated by the City or another entity, including the Humane Society of Weld County, for the purpose of housing and caring for animals held under the authority of the laws, regulations or ordinances of the City. An animal shelter may also be an impound agency.

7.04.060 – Dangerous animal.

Dangerous animal means an animal that has attacked or bitten a person, attacked or bitten another animal and thereby killed or caused bodily injury, chased a person on property not the premises of the owner or keeper such that the person is reasonably in fear of attack, or acted in a manner that causes or should cause the owner or keeper to know that the animal may be dangerous. *Dangerous animal* does not mean an animal that merely growls, snarls or bares its teeth and has not attacked, bitten or chased.

7.04.070 – Days.

Days means calendar days, including Saturdays, Sundays and legal holidays. In computing any period of time prescribed or allowed by this Title, the day of the event from which the period of time begins to run is not included. The last day of the computed period is included, unless it is a Saturday, Sunday or legal holiday, in which case the last day is the next day which is not a Saturday, Sunday or legal holiday.

7.04.080 – Disposition or disposal.

Disposition or *disposal* means adoption, donation, release of an animal to a rehabilitator licensed by the Colorado Division of Wildlife or the United States Fish and Wildlife Service or humane destruction.

7.04.090 – Finding of violation.

Finding of violation means a determination by the Municipal Court or entry of a stipulation that a violation of this Title has been committed.

7.04.100 – Fowl.

Fowl means any bird not kept as a pet, but customarily used in the market or household for food consumption, such as a chicken, duck, goose and turkey, and includes wild birds such as guinea fowl and pheasants.

7.04.110 – Guard dog.

Guard dog means any dog trained or used to protect persons or property by attacking or threatening to attack any person found within the area patrolled by the dog.

7.04.120 – Impound agency.

Impound agency means a premises operated by the City or another entity, including the Humane Society of Weld County, and designated for the confinement of animals taken into custody under this Title. An impound agency may also be an animal shelter.

7.04.130 – Keeper.

Keeper means a person, within the City, who has custody of or exercises control over an animal, the occupant of the premises where the animal is usually kept or a person who, for a period of at least five (5) consecutive days, possesses, harbors or allows an animal to remain about the person's premises.

7.04.140 – Owner.

Owner means a person, within the City, who owns an animal or who is named on the licensing records of an animal as the owner.

7.04.150 – Premises.

Premises means real property owned, rented, leased, used, kept or occupied by a person. *Premises* does not include common areas of multiple household dwelling units.

7.04.160 – Restrained.

Restrained means physically controlled by use of a leash, rope, chain or cable not more than six (6) feet in length held by a person of sufficient size and physical ability to restrict the animal's movement, properly tethering the animal or keeping it within an enclosure restricting the animal to a particular premises.

7.04.170 – Service animal.

Service animal means a dog or miniature horse that has been trained to do work or perform tasks for an individual with a disability. The tasks performed by the service animal must be directly related to the person's disability. Animals that provide emotional support, therapy or comfort or are pets are not considered service animals.

7.04.180 – Sufficient food.

Sufficient food means a quantity of food sufficient to maintain an adequate level of nutrition for the animal's age, size, physical condition, health condition, species and breed, provided at least once every twenty-four (24) hours from a clean receptacle.

7.04.190 – Sufficient water.

Sufficient water means clean, fresh, potable water adequate for the animal's age, size, physical condition, health condition, species and breed, accessible to the animal at all times.

7.04.200 – Wild animal.

Wild animal means prosimians or other nonhuman primates; venomous or poisonous snakes or venomous or poisonous reptiles; felids (including but not limited to jaguars, cheetahs, mountain lions, wildcats, panthers, margays or any other species of cat other than ordinarily domesticated house cats); ursids (including but not limited to bears); wild birds as defined herein; nonpoisonous snakes longer than six (6) feet; reptiles (other than snakes) longer than one (1) foot; mustelids (including but not limited to badgers, prairie dogs, skunks, beavers and muskrats); bats; procyonides (including but not limited to raccoons and coatis); elephants; marine mammals (including but not limited to seals, sea lions, dolphins and sea otters); hyenas; edentates (including but not limited to anteaters, sloths and armadillos); viverrids (including but not limited to mongooses, civets and genets); marsupials; undomesticated ungulates (including but not limited to deer, hippopotamuses, rhinoceroses, giraffes, camels and zebras); crocodilians (including but not limited to alligators and crocodiles); or canids (including but not limited to wolves, coyotes, foxes or other species of canine other than ordinarily domesticated dogs). For purposes of this Title, an animal in use for bona fide scientific research by a university or college shall not be treated as a wild animal.

7.04.210 – Wild bird.

Wild bird means a bird of prey, a game bird (excluding fowl) or any other undomesticated bird not customarily kept as a pet. For purposes of this Title, neither the house sparrow nor the European starling shall be treated as a wild bird.

Chapter 7.06

Administration

7.06.010 – Purpose.

The City Council finds and declares that the purpose of this Title is to establish the regulations and expectations regarding animals in order to protect the public health, safety and welfare of persons in the City by prescribing the conditions under which animals can be kept and treated, restricting the types of animals that can be kept, requiring licensing and rabies vaccination, setting limits on the activities of animals, and preventing damage to people or property.

7.06.020 – Authority of animal control officers.

- (a) An animal control officer shall have the authority to enforce the provisions of this Title and to make all determinations required by the provisions of this Title within the officer's discretion, including the power to issue a summons, complaint and penalty assessment to any person the officer reasonably believes to have violated this Title.
- (b) An animal control officer may issue to a person the officer reasonably believes to have violated this Title a summons, complaint and penalty assessment that may be voided by the officer prior to filing with the Municipal Court upon satisfactory proof being presented to the officer that the person cited has come into compliance with the requirements of this Title.
- (c) When an animal control officer reasonably believes that a violation of this Title has occurred that may compromise the public health, safety and welfare of persons in the City or endanger the life of an animal, the officer may impound the animal prior to a finding of violation.
- (d) An animal control officer has the authority to enter a premises (excluding a dwelling or other enclosed building) or vehicle to enforce the provisions of or perform a duty imposed by this Title, if:
 - (1) The officer has obtained consent of the person in possession of the premises or vehicle;
 - (2) The officer has obtained a warrant pursuant to Rule 241 of the Colorado Municipal Court Rules of Procedure;
 - (3) The officer is in pursuit of an animal that is or has been running at large;
 - (4) The officer is in pursuit of an animal the officer has reasonable cause to believe has bitten a human being;
 - (5) The officer is performing a rabies quarantine compliance inspection; or
 - (6) The officer reasonably believes that the life of an animal is endangered.

7.06.030 – Interference or failure to obey.

- (a) Interfering with or failing to obey a lawful order of an animal control officer who is performing the officer's duties pursuant to this Title, this Code or state or federal law is prohibited.
- (b) Any finding of violation of this Section shall be deemed a misdemeanor offense punishable pursuant to Chapter 1.32 of this Code.

7.06.040 – Liability.

No person shall have any cause of action, civil or criminal, against the City or its authorized personnel, including animal control officers, resulting from enforcement of this Title, including forcing entry into a locked vehicle to render emergency assistance to an animal pursuant to Section 13-21-108.4, C.R.S., confiscation and destruction of a trap or impoundment of an animal.

Chapter 7.08

Violations

7.08.010 – Violations.

- (a) Conduct prohibited by this Title shall be punishable as a misdemeanor infraction or a misdemeanor offense, as designated in each Section, pursuant to Chapters 1.32 and 1.33 of this Code.
- (b) A finding of violation punishable as a misdemeanor offense may also result in impoundment or a judicial order prohibiting the owning or keeping of any animal.
- (c) A finding of violation for which there is a determination of injury or damage may also result in a judicial order for restitution.

7.08.020 – Mistreatment.

- (a) Mistreatment of an animal by a person is prohibited. The following conduct constitutes mistreatment:
 - (1) Failing to provide or depriving the animal of:
 - a. Sufficient food and sufficient water; or
 - b. Proper veterinary care consistent with the species, type of animal and acceptable agricultural animal husbandry practices.
 - (2) Overdriving, overloading, overworking, tormenting, torturing, beating, mutilating or killing an animal.
- (b) Any finding of violation of this Section shall be punishable as a misdemeanor offense. Mistreated animals are subject to impoundment prior to a finding of violation.

7.08.030 – Failing to provide adequate shelter and containment.

- (a) Failing to provide adequate shelter and containment for an animal is prohibited.
 - (1) To be adequate, a shelter must include:
 - a. A roof, at least three (3) enclosed sides, a doorway and a solid and level floor;
 - b. Dry bedding in sufficient quantity for insulation against cold and damp conditions; and
 - c. Protection from weather and environmental conditions, including cold, heat, sun exposure, wind and precipitation.
 - (2) To be adequate, containment must include enough space to meet the physical condition and exercise requirements of the species, type of animal and accepted agricultural animal husbandry practices, and be suitable to prevent the animal from escaping.
 - (3) Adequate containment may consist of tethering the animal on the owner or keeper's premises by means of a trolley system or attached to a pulley on a cable run, or by using a stake in the ground that is attached to a freely rotating ring device. However, tethering an animal so as to create a danger to the well-being of the animal is prohibited. Danger to the well-being of the animal is created when:
 - a. The animal is tethered in excess of ten (10) consecutive hours in a twenty-four-hour period;
 - b. The animal is tethered in a manner that is reasonably likely to become entangled with objects or other animals so as to cause injury to the animal;

- c. The tether is not attached to a properly fitted collar or harness worn by the animal or is attached to a choke or pinch collar worn by the animal, choke and pinch collars being prohibited for the purposes of tethering;
- d. There is no swivel attached to both ends of the tether to minimize tangling;
- c. The tether weighs more than one-eighth (1/8) of the animal's body weight;
- e. The trolley system or cable run is less than ten (10) feet in length and mounted less than four (4) feet and more than seven (7) feet above ground level; or
- f. The animal is not provided with a sufficient area to exercise and does not have access to adequate shelter, sufficient food and sufficient water.

(4) To be adequate, the shelter and containment must be clean and free of filth, including feces.

- (b) A first finding of violation this Section shall be punishable as a misdemeanor infraction. A subsequent finding of violation within one (1) calendar year of a first finding shall be punishable as a misdemeanor offense. Animals without adequate shelter and containment are subject to impoundment prior to a finding of violation.

7.08.040 – Abandonment.

- (a) Abandonment of an animal is prohibited. An animal is abandoned if:
 - (1) It is left on the premises of the owner or keeper unattended and without adequate provision for its care for more than forty-eight (48) consecutive hours.
 - (2) It is physically fastened to a stationary object not located on the premises of the owner or keeper if the owner or keeper is not located within fifteen (15) feet of the animal.
- (b) A first finding of violation of this Section shall be punishable as a misdemeanor infraction. A subsequent finding of violation within one (1) calendar year of a first finding shall be punishable as a misdemeanor offense. Abandoned animals are subject to impoundment prior to a finding of violation.

7.08.050 – Animal at large.

- (a) It is prohibited for an owner or keeper to allow an animal to be at large. An animal is at large when it is off the premises of the owner or keeper and not restrained.
- (b) A first finding of violation of this Section shall be punishable as a misdemeanor infraction. A subsequent finding of violation within one (1) calendar year of a first finding shall be punishable as a misdemeanor offense. An animal at large is subject to impoundment prior to a finding of violation.

7.08.060 – Noise.

- (a) Unless mitigating circumstances exist, an owner or keeper of an animal is prohibited from allowing an animal to make a loud, persistent or continuous noise, including barking, whining, howling, squawking or yelping, when the noise is plainly audible beyond the premises on which the animal is owned or kept for a consecutive period in excess of ten (10) minutes during the day (7:00 a.m. to 9:00 p.m.) or for a consecutive period in excess of five (5) minutes during the night (9:01 p.m. to 6:59 a.m.) and/or a cumulative period in excess of ninety (90) minutes during any twenty-four-hour period.
- (b) Any finding of violation of this Section shall be a misdemeanor infraction.

7.08.070 – Dangerous animal.

The owning or keeping of a dangerous animal, except as provided in Chapter 7.22 of this Title, is prohibited. Any finding of a violation of this Section shall be a misdemeanor offense. A dangerous animal is subject to impoundment prior to a finding of violation.

- (1) It is a defense to a violation of owning or keeping a dangerous animal that the animal attacked, bit or chased a person because that person was:
 - a. Attacking the animal or engaging in conduct reasonably calculated to provoke an animal to attack, bite or chase;
 - b. Engaged in unlawfully entering an enclosed portion of the premises upon which the animal was lawfully kept;
 - c. Engaged in unlawfully entering a vehicle in which the animal was confined;
 - d. Attempting to injure another person, including the owner or keeper;
 - e. Attempting to stop a fight between the animal and another animal;
 - f. Attempting to aid the animal when the animal was injured; or
 - g. Attempting to capture the animal in the absence of the owner or keeper, with the exception of an animal control officer or other law enforcement agent.
- (2) It is a defense to a violation of owning or keeping a dangerous animal that the animal attacked, bit or chased another animal because it was:
 - a. Defending itself;
 - b. Defending its young; or
 - c. Defending a person, including the owner or keeper.

7.08.080 – Animal fighting.

Sponsoring, arranging, holding, encouraging, instigating or permitting a fight between animals, or between animals and humans, for the purpose of monetary gain or entertainment is prohibited. Any finding of violation of this Section shall be a misdemeanor offense. Animals used in animal fighting are subject to impoundment prior to a finding of violation.

7.08.090 – Poison exposure.

No person may knowingly expose an animal to any known poisonous substance. Any finding of violation of this Section shall be a misdemeanor offense.

7.08.100 – Trap setting.

- (a) Setting a steel-jaw trap or any other type of trap that is designed to kill, injure or maim an animal is prohibited. Any finding of violation of this Section shall be a misdemeanor offense.
- (b) In addition to the penalty set out above, unlawfully set traps may be confiscated and destroyed by authorized personnel.

7.08.110 – Wild birds.

- (a) Except pursuant to a revocable hunting permit issued pursuant to Chapter 7.30 of this Title, frightening, shooting at, wounding, killing, capturing, ensnaring, trapping, netting, poisoning or otherwise disturbing a wild bird or its nest, eggs or young is prohibited. Any finding of violation of this Section shall be a misdemeanor infraction.
- (b) The entire area within the corporate limits of the City is a bird sanctuary for the refuge of all wild birds, and all persons within the City are urged to protect wild birds and encourage their propagation and refuge within the sanctuary.

7.08.120 – Food or beverage premises.

It is prohibited for an owner or keeper to allow an animal upon premises open to the public where food or beverages are prepared, stored or sold. This Section does not apply to service animals or animals assisting law enforcement. Any finding of violation of this Section shall be a misdemeanor infraction.

7.08.130 – Damage to property.

It is prohibited for an owner or keeper to allow an animal to damage the property of another, including public property. Any finding of violation of this Section shall be a misdemeanor infraction.

7.08.140 – Animal waste removal.

The owner or keeper of an animal shall immediately remove any feces deposited by the animal upon the property of another, including public property and common areas. Any finding of violation of the Section shall be a misdemeanor infraction.

7.08.150 – City parks or recreational areas.

- (a) No person may take an animal into a City park or recreational area in which notices excluding animals have been posted by the City. Where animals are not excluded, the animal shall be restrained and allowed only on a public walkway adjacent to the park or recreational area.
- (b) This Section does not apply to service animals or animals assisting law enforcement.
- (c) Any finding of violation of this Section shall be a misdemeanor infraction.

7.08.160 – Confining in a vehicle.

- (a) An owner or keeper of an animal is prohibited from confining the animal inside a vehicle located on a street or in a parking lot for more than thirty (30) minutes. However, confining an animal inside a vehicle located on a street or in a parking lot for any period of time so as to create a danger to the well-being of the animal is prohibited. Danger to the well-being of the animal is created when:
 - (1) The outdoor temperature is more than ninety (90) degrees Fahrenheit;
 - (2) The animal does not have access to sufficient water;
 - (3) The animal is tied within the vehicle in a manner which does not allow the animal to seek shelter from direct sunlight; and
 - (4) Cross-ventilation has not been provided by lowering at least two (2) windows on either side of the vehicle by at least two (2) inches.
- (b) An owner or keeper is prohibited from confining an animal in the bed of a truck located on a street or in a parking lot for any period of time so as to create a danger to the well-being of the animal as described in Paragraphs (a)(1) through (3) above.
- (c) Any finding of a violation of this Section shall be a misdemeanor offense. A confined animal is subject to impoundment prior to a finding of violation. The animal control officer has the authority to enter a vehicle or truck bed, including forcing entry into a locked vehicle to render emergency assistance to or remove an animal to protect its well-being, pursuant to this Section and state law.

Chapter 7.15

Impoundment

7.15.010 – Animals subject to impoundment.

- (a) An animal owned or kept by a person with a finding of violation of a Section of this Title punishable as a misdemeanor offense may be taken into custody by an impound agency in the discretion of the Municipal Court.
- (b) An animal may be impounded before a finding of violation when:
 - (1) An animal is at large;
 - (2) An animal control officer reasonably believes that the animal may compromise the public health, safety and welfare of persons in the City;
 - (3) An animal control officer reasonably believes the life of the animal is endangered; or
 - (4) The owner or keeper of the animal has been issued a summons, complaint or penalty assessment for an alleged violation of Section 7.08.070 (Dangerous animal) or Chapter 7.16 (Rabies Control), 7.22 (Guard Dogs) or 7.28 (Wild Animals) of this Title.
- (c) It is a violation of Section 7.06.030 of this Title for the owner or keeper of an animal subject to impoundment to fail to produce the animal on demand of an animal control officer. Any finding of violation of this Section shall be deemed a misdemeanor offense punishable pursuant to Chapter 1.32 of this Code.
- (d) In all cases involving impoundment, a due process hearing will be conducted by the Municipal Court.

7.15.020 – Notice of impoundment and administrative due process impoundment hearing.

If the owner or keeper of the animal can be identified, then within twelve (12) hours of impounding an animal, the owner or keeper shall be notified of the impoundment and right to a hearing by a notice delivered to the owner or keeper by telephone, electronic mail or written notice posted at a conspicuous place upon the owner's or keeper's premises.

7.15.030 – Due process hearing.

- (a) No more than three (3) days after impoundment, an administrative due process impoundment hearing will be set and the owner or keeper of the animal will be summoned to appear before the Municipal Court on the next available court date following impoundment.
- (b) The hearing shall be conducted as an administrative hearing, pursuant to the procedures outlined in Chapter 2.09 of this Code.
- (c) At the hearing, the Court shall consider the following:
 - (1) The conduct of the animal during the incident charged;
 - (2) Evidence of aggressive or violent behavior by the animal;
 - (3) Prior violations by the owner or keeper of this Title, this Code or the laws of any state or its political subdivisions involving an animal;
 - (4) Prior violations, involving the same animal, of this Title, this Code or the laws of any state or its political subdivisions;
 - (5) Conditions existing on the premises where the animal has been or will be kept that increase the likelihood of any danger to any person or animal;

- (6) Evidence of mitigating action taken by the owner or keeper of the animal that decreases the likelihood of any danger to any person or animal; and
 - (7) Evidence relevant to the justification or lack of justification for impoundment as determined by the Court.
- (d) No evidence presented to the Court in connection with the administrative due process impoundment hearing shall be used in the prosecution of alleged violations of this Title.
- (e) At the hearing, the Court shall determine whether, by a preponderance of the evidence, there was justification for the impoundment. The determination shall have no effect upon the validity of the summons, complaint and penalty assessment, and the owner or keeper may still be found, at trial, to have violated this Title.
- (f) If the Court finds, by a preponderance of the evidence, that the impoundment was justified:
- (1) Except when its owner or keeper is subject to prosecution for alleged violations specified in Section 7.15.010(b)(4) above, the animal may be released to the owner or keeper if, within ten (10) days of the hearing date, the owner or keeper deposits with the Court as security the fair, reasonable and necessary costs of care as determined by the Court. If the Court determines, based upon a credible showing, that the owner or keeper is indigent, the Court may reduce or eliminate the deposit payment requirement; or
 - (2) If the owner or keeper is not indigent but elects not to deposit security to pay the costs of care during the impoundment, the Court shall determine that ownership of the animal has been relinquished and release the animal to the impound agency for disposition; and
 - (3) The Court may order an animal to remain impounded until after the alleged violation has been adjudicated. If a finding of violation results, the animal shall not be released to the owner or keeper.
- (g) If the Court finds, by a preponderance of the evidence, that the impoundment was not justified:
- (1) The animal shall be released to the owner or keeper. No deposit payment shall be required, but a dog or cat released to a person residing in the City must become licensed pursuant to Chapter 7.20 of this Title within fifteen (15) days of the release; and
 - (2) If an animal is not reclaimed within five (5) days after being eligible for release from impoundment, the Court shall determine that ownership of the animal has been relinquished and release the animal to the impound agency for disposition.
- (h) If the owner or keeper does not appear at the hearing, the Court shall find, without the necessity of conducting the hearing, that the impoundment was justified and order the owner or keeper to deposit with the Court as security the fair, reasonable and necessary costs of care as determined by the Court within ten (10) days of the hearing date.

7.15.040 – Costs of care during impoundment.

- (a) Because payment of the costs of care is a reimbursement to the impound agency for actual funds expended, unless a determination of indigency has been made pursuant to Section 7.15.030(f)(1), the owner or keeper of an impounded animal shall be liable for the reasonable costs of care during the impoundment, including veterinary costs, even if the Municipal Court has determined that ownership of the animal has been relinquished and the animal has been released to the impound agency for disposition.
- (b) The owner or keeper of an impounded animal shall not be liable for the reasonable costs of care during the impoundment if:

- (1) The Court determines at the administrative due process impoundment hearing that the impoundment was unjustified; or
- (2) The owner or keeper is not convicted of any violation of this Title.

7.15.050 – Humane destruction.

Notwithstanding the time periods provided in this Chapter, if, in the judgment of the impound agency, an animal is injured, disabled or diseased beyond recovery, or pursuant to Court order, the animal may be humanely destroyed. The humane destruction of the animal shall not relieve the owner or keeper of the obligation to pay the fair, reasonable and necessary costs of care.

Chapter 7.16

Rabies Control

7.16.010 – Rabies vaccination.

A dog or cat over the age of six (6) months shall be vaccinated against rabies by a licensed veterinarian, and the owner shall obtain from the veterinarian a rabies vaccination certificate and rabies tag.

7.16.020 – Wearing rabies tags.

A dog or cat shall display the rabies tag issued according to this Chapter at all times when it is off the premises of the owner or keeper.

7.16.030 – Reporting bites.

A person having knowledge that an animal has bitten a human being shall immediately report the bite to an animal control officer and provide any further information requested by the officer.

7.16.040 – Reporting rabies cases.

A person suspecting that an animal has rabies or has been exposed to rabies, or having knowledge of a positively diagnosed occurrence of rabies, shall immediately report the information to an animal control officer and provide any further information requested by the officer.

7.16.050 – Quarantine.

- (a) An animal required to have a rabies vaccination certificate and rabies tag that bites a human being or is suspected of having been exposed to rabies shall be quarantined for an observation period of at least ten (10) days unless otherwise required by the current Compendium of Animal Rabies Prevention and Control published yearly by the National Association of State Public Health Veterinarians.
 - (1) The animal shall be quarantined at the premises of the owner or a veterinary hospital of the owner's choice; or
 - (2) If the owner refuses to quarantine or cannot be immediately identified, the animal shall be quarantined, at the expense of the owner, at the animal shelter.
- (b) An animal quarantined because of a bite or suspicion of rabies exposure by the animal shelter shall not be released until the quarantine period is over, unless the owner or keeper shows proof that the animal was vaccinated against rabies at the time of the bite or exposure and pays the costs of care during quarantine, including veterinary costs.
- (c) Failure to quarantine is a violation of this Title. The owner shall consent to the entry of the premises in which an animal is being quarantined by the Chief of Police, for the purpose of ascertaining whether the provisions of this Chapter have been and are being complied with. A finding of violation shall be deemed a misdemeanor offense punishable pursuant to Chapter 1.32 of this Code. In addition, an animal required to be quarantined but is not quarantined is subject to impoundment prior to a finding of violation.
- (d) If a dog or cat is released from quarantine to a person residing in the City, the dog or cat must become licensed pursuant to this Title within fifteen (15) days after the release. Failure to obtain a license within fifteen (15) days after release from quarantine shall be deemed a misdemeanor offense.

7.16.060 – Killing suspected or confirmed rabid animals.

No person shall kill any suspected or confirmed rabid animal without the prior written approval of an animal control officer, except in defense of a human being or another animal, or to prevent the escape of such suspected or confirmed rabid animal. This Section does not apply to state or county health officials.

7.16.070 – Approval required for body removal.

No person shall remove the dead body of any suspected or confirmed rabid animal from where the animal was killed or found without the prior written approval of an animal control officer. This Section does not apply to state or county health officials.

7.16.080 – Destruction of rabid animals.

If rabies has been detected by a veterinarian or medical doctor in any animal, the animal shall be humanely destroyed.

7.16.090 – City-wide quarantine by Chief of Police.

When there has been a positive diagnosis of rabies within the City, as determined by the Weld County Health Department, the Chief of Police may declare a City-wide quarantine for a reasonable period of time not to exceed six (6) months. During the period of such quarantine, an owner or keeper of any animal shall confine the animal within the premises of the owner and shall not transport, take or remove the animal from the City without the prior written approval of an animal control officer.

Chapter 7.20

Licenses

7.20.010 – License tag required.

The owner or keeper of a dog or cat over the age of six (6) months owned or kept within the City shall obtain a license tag for such dog or cat in the manner specified in this Chapter.

7.20.020 – License tag application.

- (a) An owner or keeper shall apply for a dog or cat license tag at the Finance Department or at such other location as contracted for by the City within fourteen (14) days of acquiring possession of the dog or cat. The application shall be upon a form provided by the City and shall contain at least the following information:
 - (1) The name, address and telephone number of the owner;
 - (2) The call name, breed, color and sex of the animal;
 - (3) Proof of current rabies vaccination; and
 - (4) Documentation of animal neutering, if applicable.
- (b) The owner or keeper shall not knowingly make any material misrepresentation on the license application.
- (c) Upon acceptance of the completed license application and after payment of the license fee, the staff of the Finance Department or such other person as contracted for by the City shall issue a durable tag stamped with an identifying number and year of expiration.

7.20.030 – Application fee.

The application fee and duration of the license tag shall be set in writing annually by the City Manager as provided in Section 1.05.010 of this Code.

7.20.040 – Wearing license tags required.

Dogs and cats shall display the license tag issued pursuant to this Chapter at all times while outside of the premises of the owner or keeper.

7.20.050 – Use by other than licensed animal prohibited.

No person shall use or permit the use of a license tag for an animal other than the animal for which such tag was issued.

7.20.060 – Replacement tag.

A duplicate replacement tag may be obtained upon payment of a fee, which amount shall be set in writing annually by the City Manager.

7.20.070 – Record of tags issued.

The Finance Department shall maintain a record of all tags issued according to this Chapter, and that record may be inspected by the public in accordance with the Colorado Open Records Act. Tags issued by an entity contracted for by the City shall be periodically reported to the Finance Department, and that record may be inspected by the public in accordance with the Colorado Open Records Act.

7.20.080 – Exceptions to requirements.

- (a) Service animals and animals assisting law enforcement are excepted from the licensing requirements of this Chapter. Any owner or keeper claiming these exceptions has the burden of proving to the satisfaction of the City that he or she is entitled to such exception.
- (b) Animal establishments licensed pursuant to Chapter 7.24 of this Title are excepted from the license tag requirements of this Chapter.

7.20.090 – Violations.

Any finding of violation of this Chapter shall be deemed a misdemeanor infraction punishable pursuant to Chapters 1.32 and 1.33 of this Code.

Chapter 7.22

Guard Dogs

7.22.010 – Permit required.

An owner or keeper of a guard dog shall obtain a permit, in the manner specified in this Chapter, for each premises where a guard dog is proposed to be used.

7.22.020 – Permit application.

- (a) An owner or keeper of a guard dog shall apply for a permit to the Chief of Police. The application shall be upon a form provided by the Chief of Police and shall contain at least the following information:
 - (1) The name, address and telephone number of the owner;
 - (2) The name, address and telephone number of the person who is the handler of the guard dog;
 - (3) Proof of current rabies vaccination;
 - (4) The address of the premises where the guard dog is proposed to be used; and
 - (5) Proof of the following insurance:
 - a. A policy, issued by a company authorized to do business in Colorado, insuring the applicant/permittee and the City and its authorized personnel, and protecting, defending and holding harmless the City and its authorized personnel from and against claims, suits and demands, whether frivolous or otherwise, caused by or arising out of injury, death or property damage to third persons caused by the permittee's guard dog.
 - b. The insurance policy shall provide for coverage in the minimum amount of one million dollars (\$1,000,000.00) for injury to or death of any person, three million dollars (\$3,000,000.00) for injuries or deaths in any one (1) occurrence or incident, and third-person property damage in the amount of five thousand dollars (\$5,000.00).
 - c. The insurance policy shall provide that thirty (30) days' advance notice of any cancellation shall be given by the insurance company, in writing, to the City Clerk and the Chief of Police.
- (b) The applicant shall not knowingly make any material misrepresentation on the permit application.
- (c) Upon acceptance of the completed permit application, the Chief of Police may issue the permit, and a copy of the permittee's insurance policy shall be filed with the City Clerk. The permit may include any additional reasonable conditions which are deemed necessary to protect the public safety. The additional conditions may include:
 - (1) Anti-escape devices in addition to the fence required by this Chapter; and
 - (2) Sight barriers.

7.22.030 – Application fee.

The application fee and duration of the permit shall be set in writing annually by the City Manager as provided in Section 1.05.010 of this Code.

7.22.040 – Premises requirements.

A guard dog may not be used or located at a premises unless all of the following have been met:

- (1) All gates and entrances to the area where the guard dog is housed, used, located or trained shall be kept closed and locked when not in use.

- (2) Where guard dogs are to be used or located outside of buildings, the area guarded must be enclosed by at least a ten-foot-high chain-link fence.
- (3) The posting of signs reading "DANGER! GUARD DOG!" printed with letters not less than two (2) inches high shall be posted not more than one hundred (100) feet apart along the perimeter of the premises, and shall be posted at all premises corners and at every entrance into the building yard. The Chief of Police may also require such signs to be illuminated to the degree deemed necessary to ensure that they are readily visible and readable at night.

7.22.050 – Vehicle requirements.

Vehicles used in transporting guard dogs shall be modified and screened to protect the public from accidental contact with the guard dog.

7.22.060 – Inspection authority of police.

The permittee shall consent to the entry of the premises in which guard dogs are used or located by the Chief of Police, for the purpose of ascertaining whether the provisions of this Chapter have been and are being complied with.

7.22.070 – Transfer of permit location.

An unexpired permit may be transferred to a new premises operated by the same permittee; provided, however, that no such transfer is allowed until the Chief of Police has inspected and approved the facilities at the new premises.

7.22.080 – Animals assisting law enforcement.

This Chapter does not apply to animals assisting law enforcement.

7.22.090 – Violations.

A finding of violation of any of the provisions of this Chapter shall be deemed a misdemeanor offense punishable pursuant to Chapter 1.32 of this Code and may include revocation of the permit. In addition, an unpermitted guard dog is subject to impoundment prior to a finding of violation.

Chapter 7.24

Animal Establishments

7.24.010 – Animal establishments.

No person shall own or operate an animal establishment without having first obtained land use approval pursuant to Section 18.46.065 of this Code.

7.24.020 – State license required.

No person shall own or operate an animal establishment without a valid pet animal facility license issued by the Commissioner of the Colorado Department of Agriculture pursuant to Sections 35-80-101 through 117, C.R.S., entitled “Pet Animal Care and Facilities Act,” with all subsequent amendments or supplements thereto.

7.24.030 – Violations.

A finding of violation of this Chapter shall be deemed a misdemeanor infraction punishable pursuant to Chapters 1.32 and 1.33 of this Code and be reported to the Commissioner of the Colorado Department of Agriculture. In addition, a finding of violation may result in revocation of the animal establishment’s land use approval.

Chapter 7.28

Wild Animals

7.28.010 – Keeping wild animals.

No person may keep a wild animal or wild bird unless such person has the permit or license described in Section 7.28.020 below. Any finding of violation of the Section shall be a misdemeanor offense, and the wild animal or wild bird is subject to impoundment prior to a finding of violation. This Chapter does not apply to displays or exhibitions regulated elsewhere by state, county or federal law, including but not limited to zoological parks, performing animal exhibitions or circuses.

7.28.020 – Permit or license required for wild animals and wild birds.

No person shall keep or allow to be kept a wild animal or wild bird unless such person has received, from the Colorado Division of Wildlife or a corresponding department or federal agency, a permit or license therefor.

7.28.030 – Authority of animal control officers.

An animal control officer has the authority to:

- (1) Impound a wild animal or wild bird kept in violation of this Title;
- (2) Act as a “peace officer” as that term is defined in Section 33-1-102(32), C.R.S., with all subsequent amendments or supplements thereto; and
- (3) Take reasonable steps to ensure compliance with the requirements of the federal Animal Welfare Act set forth under the Regulations and Standards in Title 9, Code of Federal Regulations (CFR), Chapter 1, Subchapter A - Animal Welfare.

Chapter 7.29

Shipping of Live Fowl

7.29.010 – Height of shipping and receiving containers.

Crates or cages in which live fowl are transported shall be sufficiently high so that birds confined therein can stand erect and hold their heads upright without touching the top.

7.29.020 – Construction of containers.

Crates and cages in which live fowl are transported shall be made of open slats or wire on at least three (3) sides.

7.29.030 – Conditions in containers.

Crates or cages in which live fowl are transported shall be kept clean and have troughs or other receptacles in which sufficient food and sufficient water are constantly available and easily accessible by the birds. The fowl shall not be overcrowded and shall not be exposed to undue temperature extremes.

7.29.040 – Removal of dead, injured or diseased fowl required.

Dead, injured or diseased fowl shall be at once removed from containers.

7.29.050 – Transfer after receiving required.

If live fowl are received for sale or storage, they shall immediately be transferred to such crates or cages as are described in this Chapter.

7.29.060 – Violations.

A finding of violation of this Chapter shall be deemed a misdemeanor infraction punishable pursuant to Chapters 1.32 and 1.33 of the Code.

Chapter 7.30

Hunting

7.30.010 – Hunting not allowed.

Hunting without first obtaining a revocable permit issued by the City Manager shall not be allowed within the City. Any finding of violation of this Chapter shall be deemed a misdemeanor offense punishable pursuant to Chapter 1.32 of this Code.

Definitions.....	1
7.04.010 Applicability.	1
7.04.020 Animal.....	1
7.04.030 Animal control officer.....	1
7.04.040 Animal establishment.....	1
7.04.050 Animal shelter.	1
7.04.060 Dangerous animal.	1
7.04.070 Days.	1
7.04.080 Disposition or disposal.....	2
7.04.090 Finding of violation.....	2
7.04.100 Fowl.	2
7.04.110 Guard dog.....	2
7.04.120 Impound agency.....	2
7.04.130 Keeper.	2
7.04.140 Owner.....	2
7.04.150 Premises.	2
7.04.160 Restrained.	2
7.04.170 Service animal.....	2
7.04.180 Sufficient food.....	3
7.04.190 Sufficient water.	3
7.04.200 Wild animal.....	3
7.04.210 Wild bird.	3
Chapter 7.06.....	4
Administration	4
7.06.010 Purpose.....	4
7.06.020 Authority of animal control officers.	4
7.06.030 Interference or failure to obey.....	4
7.06.040 Liability.....	4
Chapter 7.08.....	6
Violations.....	6
7.08.010 Violations.....	6
7.08.020 Mistreatment.	6

7.08.030	Failing to provide adequate shelter and containment.....	6
7.08.040	Abandonment.....	7
7.08.050	Animal at large.....	7
7.08.060	Noise.....	7
7.08.070	Dangerous animal.....	7
7.08.080	Animal fighting.....	8
7.08.090	Poison exposure.....	8
7.08.100	Trap setting.....	8
7.08.110	Wild birds.....	8
7.08.120	Food or beverage premises.....	9
7.08.140	Animal waste removal.....	9
7.08.150	City parks or recreational areas.....	9
Chapter 7.15.....		10
Impoundment.....		10
7.15.010	Animals subject to impoundment.....	10
7.15.020	Notice of impoundment and administrative due process impoundment hearing.....	10
7.15.030	Due process hearing.....	10
7.15.040	Costs of care during impoundment.....	11
7.15.050	Humane destruction.....	12
Chapter 7.16.....		13
Rabies Control.....		13
7.16.010	Rabies vaccination.....	13
7.16.020	Wearing rabies tags.....	13
7.16.030	Reporting bites.....	13
7.16.040	Reporting rabies cases.....	13
7.16.050	Quarantine.....	13
7.16.060	Killing suspected or confirmed rabid animals.....	13
7.16.070	Approval required for body removal.....	14
7.16.080	Destruction of rabid animals.....	14
7.16.090	City-wide quarantine by Chief of Police.....	14
Chapter 7.20.....		15
Licenses.....		15
7.20.010	License tag required.....	15

7.20.020	License tag application.....	15
7.20.030	Application fee.....	15
7.20.040	Wearing license tags required.	15
7.20.050	Use by other than licensed animal prohibited.	15
7.20.060	Replacement tag.....	15
7.20.070	Record of tags issued.	15
7.20.080	Exceptions to requirements.....	16
7.20.090	Violations.....	16
Chapter 7.22.....		17
Guard Dogs		17
7.22.010	Permit required.....	17
7.22.020	Permit application.	17
7.22.030	Application fee.....	17
7.22.040	Premises requirements.	17
7.22.050	Vehicle requirements.	18
7.22.060	Inspection authority of police.	18
7.22.070	Transfer of permit location.	18
7.22.080	Animals assisting law enforcement.....	18
7.22.090	Violations.....	18
Chapter 7.24.....		19
Animal Establishments		19
7.24.010	Animal establishments.	19
7.24.020	State license required.	19
7.24.030	Violations.....	19
Chapter 7.28.....		20
Wild Animals		20
7.28.010	Keeping wild animals.....	20
7.28.020	Permit or license required for wild animals and wild birds.	20
7.28.030	Authority of animal control officers.	20
Chapter 7.29.....		21
Shipping of Live Fowl		21
7.29.010	Height of shipping and receiving containers.....	21
7.29.020	Construction of containers.	21

7.29.030	Conditions in containers.....	21
7.29.040	Removal of dead, injured or diseased fowl required.....	21
7.29.050	Transfer after receiving required.....	21
7.29.060	Violations.....	21
Chapter 7.30.....		22
Hunting		22
7.30.010	Hunting not allowed.....	22

Title 7 - Animals
Chapter 7.04 - Definitions
7.04.010 - Applicability.

As used in this Title, the following words have the meanings ascribed to them in this Chapter.

(Ord. 52, 1985 §1(part))

7.04.013 - Adequate food.

Adequate food means the provision at suitable intervals, at least once every twenty-four (24) hours, of a quantity of wholesome foodstuff suitable for the animal's age, size, physical condition, species and breed, sufficient to maintain an adequate level of nutrition in the animal, such foodstuff to be served in a clean receptacle, dish or container.

(Ord. 8, 2006 §1)

7.04.014 - Adequate water.

Adequate water means the access at all times to an adequate supply of clean, fresh, potable water consistent with the normal requirements of the animal's age, size, physical condition, species and breed.

(Ord. 8, 2006 §1)

7.04.015 - Adequate shelter.

Adequate shelter means an enclosure available for use by an animal so that, when factors related to the age, size, physical condition, medical condition, species and breed are considered, the animal's well-being is not endangered by weather or environmental conditions.

(Ord. 8, 2006 §1)

7.04.020 - Animal.

Animal means any live vertebrate creature, domestic or wild, except human beings.

(Ord. 52, 1985 §1(part))

7.04.030 - Animal control officer.

Animal control officer means any person who is employed by the City and authorized by the Chief of Police to administer and enforce this Title.

(Ord. 52, 1985 §1(part))

7.04.040 - Animal establishment.

Animal establishment means any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, performing animal exhibition or kennel. This term shall not include veterinary medical facilities, licensed research facilities or facilities operated by government agencies.

(Ord. 52, 1985 §1(part))

7.04.050 - Animal shelter.

Animal shelter means a facility operated by the City or by a humane society pursuant to contract with the City, for the purpose of impounding and caring for animals.

(Ord. 52, 1985 §1(part))

7.04.055 - Animal show.

Animal show means a competitive exhibition of an animal.

(Ord. 8, 2006 §1)

7.04.060 - At large.

At large means off the property of the owner and not under restraint.

(Ord. 52, 1985 §1(part))

7.04.070 - Bodily injury.

Bodily injury means physical pain, illness or any impairment of physical or mental condition.

(Ord. 52, 1985 §1(part))

7.04.080 - Circus.

Circus means a commercial variety show featuring animal acts for public entertainment.

(Ord. 52, 1985 §19(part))

7.04.090 - Control.

Control means physical restraint by use of a leash or lead not more than six (6) feet in length.

(Ord. 8, 2006 §1; Ord. 52, 1985 §1(part))

7.04.097 - Domesticated animal.

Domesticated animal means a pet or companion animal that is kept by humans for companionship, amusement or for the beauty of its appearance or utterances, rather than for economic reasons. A domesticated animal may include, but is not limited to, dogs, cats, fish, parrots, doves, cockatiels, budgies, cockatoos, finches, macaws, any other domesticated birds (except wild birds), nonpoisonous snakes under six (6) feet in length, rodents (including hamsters, guinea pigs, mice, gerbils, chinchillas, degus, flying squirrels and rats), sugar gliders, rabbits, ferrets and pot-bellied pigs.

(Ord. 8, 2006 §1)

7.04.100 - Dwelling unit.

Dwelling unit means one (1) or more rooms and a single kitchen designed for or occupied as a single unit.

(Ord. 52, 1985 §1(part))

7.04.102 - Exotic animal.

For purposes of this Title, the term *exotic animal* shall have the same meaning as the term *wild animal*.

(Ord. 02, 2010 §1)

7.04.103 - Exotic bird.

For purposes of this Title, the term *exotic bird* shall have the same meaning as the term *wild bird* .

(Ord. 02, 2010 §1)

7.04.105 - Fowl.

Fowl means any bird customarily used in the market or household for food consumption, such as a chicken, duck, goose, guinea, peafowl, turkey and pheasant.

(Ord. 8, 2006 §1)

7.04.110 - Humane officer.

Humane officer means any person designated by law or ordinance, or by a humane society under contract with the City, to perform the duties therein or herein designated.

(Ord. 52, 1985 §1(part))

7.04.120 - Humane manner.

Humane manner means care of an animal, including but not limited to adequate heat, ventilation, adequate shelter, adequate food, adequate water, veterinary services and any and all other care and/or treatment necessary to maintain the good health of the animal and to prevent suffering by the animal. *Humane manner* also means tethering only in compliance with this Title.

(Ord. 8, 2006 §1; Ord. 52, 1985 §1(part))

7.04.130 - Humane trap.

Humane trap means any trap which is not designed to cause injury to the animal trapped.

(Ord. 8, 2006 §1; Ord. 52, 1985 §1(part))

7.04.135 - Immediate vicinity.

Immediate vicinity means within the sight or hearing of a responsible adult.

(Ord. 8, 2006 §1)

7.04.140 - Inhumane trap.

Inhumane trap means any trap which is designed to cause injury to the animal trapped.

(Ord. 8, 2006 §1; Ord. 52, 1985 §1(part))

7.04.150 - Kennel.

Kennel means any establishment or dwelling unit kept or being used for the purpose of keeping, boarding, breeding, buying, selling, grooming, letting for hire or engaging in the training of animals.

(Ord. 52, 1985 §1(part))

7.04.160 - Leash or lead.

Leash or *lead* means a thong, cord, rope, chain or similar device which holds an animal in restraint and which is not more than six (6) feet long.

(Ord. 52, 1985 §1(part))

7.04.170 - Livestock.

Livestock means any bovine animal, horse, mule, ass, sheep or goat.

(Ord. 52, 1985 §1(part))

7.04.180 - Neighborhood.

Neighborhood means the area within five hundred (500) feet of the exterior boundaries of the property where the animal is kept.

(Ord. 52, 1985 §1(part))

7.04.190 - Owner.

Owner means any person, partnership, corporation or association owning any animal or animals, or having the same in his, her or its care, custody or control, or who causes, encourages or suffers the same to remain upon his, her or its premises.

(Ord. 8, 2006 §1; Ord. 52, 1985 §1 (part))

7.04.195 - Performing animal.

Performing animal means any animal not otherwise defined as a domesticated animal or livestock that is kept by any individual or corporation for the purpose of appearing in any performing animal exhibition.

(Ord. 8, 2006 §1)

7.04.200 - Performing animal exhibition.

Performing animal exhibition means any spectacle, display, act or event, other than a circus, in which performing animals are used.

(Ord. 52, 1985 §1(part))

7.04.210 - Pet.

Pet means any animal customarily kept for pleasure rather than for utility.

(Ord. 52, 1985 §1(part))

7.04.220 - Pet shop.

Pet shop means the premises of any person, partnership or corporation, whether operated separately or in connection with another business enterprise, that buys, sells or boards animals.

(Ord. 52, 1985 §1(part))

7.04.230 - Premises.

Premises means real property owned, rented, leased, used, kept or occupied by a person.

(Ord. 52, 1985 §1(part))

7.04.240 - Rabies vaccination.

Rabies vaccination means the inoculation of an animal with a rabies vaccine approved by the Colorado Department of Health.

(Ord. 52, 1985 §1 (part))

7.04.245 - Responsible adult.

Responsible adult means any individual who has reached the age of majority or has been legally emancipated, and who has not been declared incompetent to act in his or her own best interests by a court of law.

(Ord. 8, 2006 §1)

7.04.250 - Restraint.

Restraint means physical control by use of a lead or leash.

(Ord. 52, 1985 §1(part))

7.04.255 - Tethering.

Tethering means using a rope, chain or similar restraint for holding an animal in place.

(Ord. 8, 2006 §1)

7.04.260 - Trap.

Trap means any device used to contain or capture an animal.

(Ord. 52, 1985 §1(part))

7.04.270 - Veterinary hospital.

Veterinary hospital means any premises upon which a licensed veterinarian performs surgery, makes diagnoses and treats diseases of and injuries to animals.

(Ord. 52, 1985 §1(part))

7.04.280 - Vicious animal.

Vicious animal means any animal that constitutes a physical threat to humans or other domestic animals.

(Ord. 52, 1985 §1(part))

7.04.290 - Wild animal.

Wild animal means any prosimian or other nonhuman primate; venomous or poisonous snake or venomous or poison reptile; felids, (including but not limited to jaguars, cheetahs, mountain lions, wildcats, panthers, margays or any other species of cat other than ordinarily domesticated house cats); any ursids (including but not limited to bears); any wild birds as defined herein; any nonpoisonous snake longer than six (6) feet; any reptile (other than snakes) longer than one (1) foot; any mustelids (including but not limited to badgers, prairie dogs, skunks, beavers and muskrats); bats; procyonides (including but not limited to raccoons and coatis); elephants; marine mammals (including but not limited to seals, sea lions, dolphins and sea otters); hyenas; edentates (including but not limited to anteaters, sloths and armadillos); viverrids (including but not limited to mongooses, civets and genets); marsupials; undomesticated ungulates (including but not limited to deer, hippopotamuses, rhinoceroses, giraffes, camels and zebras); crocodilians (including but not limited to alligators and crocodiles); or any canid (including but not limited to wolves, coyotes, foxes or other species of canine other than ordinarily domesticated dogs). However, any animal that is in use for bona fide scientific research by a university or college shall not be considered a *wild animal* for purposes of this Title.

(Ord. 02, 2010 §1; Ord. 8, 2006 §1; Ord. 52, 1985 §1(part))

7.04.300 - Wild bird.

Wild bird means any birds of prey except for falcons as set forth in Section 7.28.050, any game bird (excluding fowl) and any bird not customarily kept as a domestic animal within the State.

(Ord. 8, 2006 §1)

Chapter 7.08 - Care and Protection

7.08.010 - Failure to provide treatment in humane manner unlawful.

It is unlawful for any person to fail to provide an animal owned or in the custody of such person with treatment in a humane manner.

(Ord. 8, 2006 §1; Ord. 52, 1985 §1(part))

7.08.015. - Adequate shelter for domesticated animals.

A shelter for a domesticated animal shall be deemed inadequate unless said shelter:

- (1) Has a roof, at least four (4) enclosed sides, a doorway and a solid level floor;
- (2) Contains dry bedding in sufficient quantity for insulation against cold and damp;
- (3) Is structurally sound and able to contain the animals and maintained in good repair to protect the animals from injury, safety or health hazards;
- (4) Adequately provides the animals with shade, warmth and protection from weather, water and the elements; and
- (5) Is kept clean and free of filth.

(Ord. 8, 2006 §1)

7.08.020 - Cruelty to animals and fightsunlawful.

It is unlawful to torment, overload, overwork or otherwise abuse an animal, or cause, instigate or permit any dogfight, cockfight, bullfight or other combat between animals, or between animals and humans.

(Ord. 52, 1985 §1(part))

7.08.030 - Abandonment unlawful.

It is unlawful to abandon an animal; in this context, *abandon* means to leave the animal unattended for more than forty-eight (48) consecutive hours.

(Ord. 52, 1985 §1(part))

7.08.040 - Killing or injuring unlawful; exceptions.

It is unlawful to intentionally or maliciously kill, injure or cause pain or suffering to any animal unless such act is necessary to defend a human being or other animal from immediate attack or as otherwise authorized by law or ordinance.

(Ord. 52, 1985 §1(part))

7.08.050 - Confining in vehicle unlawful; impoundment.

It is unlawful to confine any animal within a parked, closed vehicle, without allowing cross-ventilation to prevent the animal from suffering heat exhaustion, heat stroke or death; and under no circumstances shall a person confine such animal in any parked, closed vehicle on any public street or way for more than thirty (30) minutes. Any animal control officer or any police officer observing any animal kept in violation of this Section may enter the vehicle, leaving written notice in the vehicle and shall impound such animal to protect its well-being.

(Ord. 8, 2006 §1; Ord. 52, 1985 §1(part))

7.08.060 - Continued custody without care unlawful.

It is unlawful for any person to keep any animal in his or her custody without providing for the animal's physical needs, including adequate food, adequate shelter and adequate water. Any violation of this Section is also a violation of Section 7.08.010.

(Ord. 8, 2006 §1; Ord. 52, 1985 §1(part))

7.08.070 - Taking animal without permission.

It is unlawful for any person to take and deliver to the animal shelter or elsewhere an animal, not his or her own, from any premises, enclosed lot or building not his or her own, unless he or she has first received permission from the owner of such animal, as well as permission from the owner or person in possession of the premises, lot or building, unless authorized by this Title.

(Ord. 52, 1985 §1(part))

7.08.080 - Releasing from restraint without permission; exception.

It is unlawful to, without the consent of the owner, release any animal from restraint, except when necessary to preserve the life of such animal; provided, however, that when an animal has been released under such necessity, the person making such release shall immediately inform an animal control officer that he or she has done so or, in the alternative, shall immediately return the animal to the custody of its owner.

(Ord. 52, 1985 §1(part))

7.08.090 - Leaving on or near public way unlawful.

It is unlawful to tie or otherwise physically fasten an animal to any object on a public way or so near to a public way that the animal may go upon the same and to leave the animal and depart the immediate vicinity thereof.

(Ord. 52, 1985 §1(part))

7.08.095 - Fencing of animals without adequate space unlawful.

It is unlawful to confine an animal (including domesticated, wild or performing animals and livestock) within a fenced yard or fenced pen without providing adequate space for exercise. *Adequate space* means each animal should have the ability to move about freely and exercise consistent with the needs of the animal, considering the age, size, physical condition, medical condition, species and breed. The fencing of the yard or pen shall be of a sufficient height and of a sufficient material to prevent the animal from escaping from the fenced yard or pen and to prevent harm to the animal.

(Ord. 8, 2006 §1)

7.08.100 - Tethering in danger to well-being of domesticated animal unlawful; lawful tethering of domesticated animal defined.

- (a) It is unlawful to tether any animal in such a manner as to create an immediate physical danger to the well-being of the animal.
- (b) Tethering to a pole, stake or any similar stationary object shall be deemed to create an immediate physical danger to the well-being of a domesticated animal if the domesticated animal is not within the immediate vicinity of its owner, caretaker or other responsible adult, except as provided in Paragraph(c)(7) below.
- (c) Domesticated animals not in the immediate vicinity of their owner, caretaker or other responsible adult may be tethered by means of a trolley system or attached to a pulley on a cable run, if the conditions set forth below are met:
 - (1) The tether must be attached to a properly fitting collar or harness worn by the animal. Choke collars and pinch collars are prohibited for purposes of tethering.
 - (2) There must be a swivel attached to both ends of the tether to minimize tangling.
 - (3) The tether may not weigh more than one-eighth (1/8) of the animal's body weight.
 - (4) The trolley system or cable run must be at least ten (10) feet in length and mounted at least four (4) feet and no more than seven (7) feet above ground level.
 - (5) The tethered domesticated animal shall be provided with sufficient area to exercise, and shall have access to adequate shelter and adequate water.
 - (6) The trolley system or cable run must be located on the domesticated animal owner's property and must prevent the tether from extending over an object or edge that could result in injury or strangulation of the domesticated animal and prevent the tether from becoming entangled with other objects or animals.
 - (7) A stake, if flush with the ground and containing a slip ring or other low profile, freely rotating ring device, shall be allowed under the same conditions as a trolley system except for the trolley height requirements.
- (d) In no case shall a domesticated animal be tethered in excess of ten (10) hours in a twenty-four-hour period. Tethering in excess of ten (10) hours in a twenty-four-hour period shall be unlawful and shall be deemed to constitute inhumane treatment of the domesticated animal.

(Ord. 8, 2006 §1; Ord. 52, 1985 §1 (part))

7.08.110 - Poison exposure unlawful; exception.

It is unlawful to expose any known poisonous substance, whether mixed with food or not, so that a reasonable person would know or should know that such substance would probably cause animals to be attracted thereto, eat thereof and be poisoned thereby; provided, however, that this Section does not make unlawful the poisoning of rats or mice with commercial rat poison mixed with vegetable substances.

(Ord. 52, 1985 §1(part))

7.08.120 - Inhumane trap setting unlawful; exceptions.

It is unlawful to set any type of steel-jaw trap or any other inhumane trap which, by its nature, may kill or maim any animal or a human; provided, however, that this Section does not prohibit the use of common rat and mouse traps.

(Ord. 8, 2006 §1; Ord. 52, 1985 §1(part))

7.08.130 - Artificially treated animals prohibited.

It is unlawful to possess, display, sell or give away dyed, colored or in any way artificially treated baby chicks, ducklings, fowl, rabbits or any other animals as pets, playthings, novelties or gifts.

(Ord. 52, 1985 §1(part))

7.08.140 - Motor vehicle strike or injury; duties of driver.

(a) Any person who, while driving a motor vehicle, strikes or injures any domestic animal shall:

- (1) Stop and immediately report the accident to the owner of the animal or to the custodian of the animal if the custodian is of responsible age; or
- (2) If, after a reasonable search, the driver cannot locate the owner, immediately report the accident to the animal control officer or the police.

(b) Failure to stop or report the accident is unlawful.

(Ord. 52, 1985 §1(part))

7.08.150 - Treatment in violation of this Chapter; removal and impoundment.

Any animal found receiving treatment in violation of this Chapter may be removed and impounded at the expense of the owner by the animal control officer, a police officer or the humane officer.

(Ord. 8, 2006 §1; Ord. 52, 1985 §1(part))

7.08.160 - Endangered life; removal and impoundment.

Any animal whose life reasonably appears to be endangered may be removed and impounded by the animal control officer, police officer or humane officer, whether or not in the presence of its owner.

(Ord. 52, 1985 §1(part))

7.08.170 - Wild bird sanctuary; exception.

The entire area within the corporate limits of the City is a bird sanctuary for the refuge of all wild birds, except the English sparrow and the starling, and all persons within the City are urged to protect wild birds and encourage their propagation.

(Ord. 52, 1985 §1(part))

7.08.180 - Killing, injuring or molesting wild birds prohibited; exceptions.

No person shall, at any time, within the corporate limits of this City, frighten, shoot at, wound, kill, capture, ensnare, trap, net, poison or in any other manner kill, injure or molest any wild birds, or injure the nest, eggs or young of such birds; provided, however, that this Section does not apply to English or European house sparrows or starlings; and provided further that the Chief of Police has authority to grant a permit for the killing or capturing of pigeons, sparrows or starlings when, in his or her opinion, they have become a threat to the health and safety of the neighborhood.

(Ord. 52, 1985 §1(part))

Chapter 7.12 - Misdemeanor Infractions Relating to Animals

7.12.010 - Public nuisances.

The City Council finds, determines and declares that the animals described in this Chapter are detrimental to the public health, safety and welfare of the inhabitants of the City and finds, determines and declares each such animal to be a public nuisance. The violations set forth in this Chapter are designated misdemeanor infractions and any violation of this Chapter shall be punished pursuant to Chapter 1.32.

(Ord. 27, 2010 §1; Ord. 52, 1985 §1(part))

7.12.020 - Reserved.

7.12.030 - Going to school without permission.

Any animal that goes upon school premises without the permission of the person in charge of the premises is a violation of this Chapter.

(Ord. 27, 2010 §1; Ord. 52, 1985 §1(part))

7.12.040 - At large animals - first violation.

No owner of any animal shall permit such animal to run at large within the City. If any animal is found at any place within the City other than the premises of its owner, the owner is rebuttably presumed to have violated this Section and the first violation of such shall be a misdemeanor infraction. Second and subsequent violations within three hundred sixty-five (365) days of the date of the first violation shall be a violation of Chapter 7.14.

(Ord. 27, 2010 §1; Ord. 52, 1985 §1(part))

7.12.050 - Noisy animals.

- (a) Any animal that barks, whines, howls or makes any other noise in a manner which, under nonmitigating circumstances, could be considered by reasonable persons of ordinary sensibilities as excessive or continuous, or in such a manner as to interfere with the sleep of any such person or persons, is a violation of this Chapter.
- (b) No owner of an animal in the City shall permit such animal to disturb the peace and quiet of the neighborhood by barking, whining, howling or making any other noise in a continuous or excessive manner; nor shall the owner of an animal in the City permit such animal to interfere with the sleep of any reasonable person of ordinary sensibilities between sunset and sunrise by barking, whining, howling or making any other noise in an excessive or continuous manner. The animal control officer or police officer has authority, without liability, to use all reasonable means to abate such violation, including the authority to impound such animal upon receipt of a signed complaint where the owner is absent from the premises; provided, however, that this authority does not extend to entering the owner's dwelling or other building upon the owner's premises.

(Ord. 27, 2010 §1; Ord. 8, 2006 §1; Ord. 52, 1985 §1(part))

7.12.060 - Females in estrus.

- (a) Any animal that, being a female in heat, because of the nature of its confinement or lack of the same, has attracted other animals and caused them to congregate or remain on or about any premises, is a violation of this Chapter.
- (b) An animal control officer may order any unspayed female domesticated animal that is in a stage of estrus and is not properly confined, or any such animal that is creating a public nuisance, to be removed to a boarding facility or a veterinary hospital until the period of estrus is finished. All expenses incurred as a result of such order shall be paid by the domesticated animal's owner. Failure to comply with such an order is a violation of this Section and the domesticated animal may be impounded at the owner's expense.

(Ord. 27, 2010 §1; Ord. 52, 1985 §1(part))

7.12.070 - Unlicensed or unvaccinated animals.

Any animal that has not been duly licensed or vaccinated as required by Chapters 7.16 and 7.20 is a violation of this Chapter.

(Ord. 27, 2010 §1; Ord. 52, 1985 §1(part))

7.12.080 - Abandoned animals.

Any animal that has been abandoned is a violation of this Chapter.

(Ord. 27, 2010 §1; Ord. 52, 1985 §1(part))

7.12.090 - Out-of-control animals - first violation.

Any animal that is not under control as required by this Title is a violation of this Chapter, and the first violation of such shall be a misdemeanor infraction. Second and subsequent violations within three hundred sixty-five (365) days of the date of the first violation shall be a violation of Chapter 7.14.

(Ord. 27, 2010 §1; Ord. 52, 1985 §1(part))

7.12.100 - Damaging property other than of owner.

Any animal that damages public property or private property not owned by the owner of the animal is a violation of this Chapter.

(Ord. 27, 2010 §1; Ord. 52, 1985 §1(part))

7.12.110 - Diseased animals without care.

Any animal that has contracted rabies or other contagious or pestilential disease and is not under the care of a veterinarian is a violation of this Chapter.

(Ord. 27, 2010 §1; Ord. 52, 1985 §1(part))

7.12.120 - Reserved.

7.12.130 - Tethered unattended on public property.

Any animal that is tethered or otherwise physically fastened to any object on public property and the owner has departed from the immediate vicinity of the animal is a violation of this Chapter.

(Ord. 27, 2010 §1; Ord. 8, 2006 §1; Ord. 52, 1985 §1(part))

7.12.140 - Food or beverage premises; exception.

Any animal that is on premises open to the public where food or beverages are prepared, stored or sold is a violation of this Chapter; provided, however, that this Section does not apply to Seeing Eye animals, animals trained as ears for the deaf, animals trained as an aid to the disabled or government-owned animals, provided that such animals are in service for such purposes at the time.

(Ord. 27, 2010 §1; Ord. 8, 2006 §1; Ord. 52, 1985 §1(part))

7.12.150 - Defecation without cleanup.

Any animal that defecates upon public property or private property not owned by the animal's owner, and such excreta is not immediately removed by the owner, is a violation of this Chapter.

(Ord. 27, 2010 §1; Ord. 52, 1985 §1(part))

7.12.160 - Unrestrained in public parks; exceptions.

- (a) It is unlawful for any person to take an animal into a public park, regardless of whether the animal is on a leash or is confined, in which notices have been properly posted by the Director of Parks and Recreation, or a designee thereof, to enforce the rules and regulations promulgated pursuant to Section 13.40.070. Any animal not under restraint that is found in a public park where animals are allowed is a violation of this Chapter.

- (b) This Section does not apply to Seeing Eye animals, animals trained as ears for the deaf, animals trained as an aid to the disabled, government-owned animals or animals participating in animal shows or exhibits that are conducted in compliance with officially sanctioned activities.

(Ord. 27, 2010 §1; Ord. 8, 2006 §1; Ord. 52, 1985 §1(part))

Chapter 7.14 - Misdemeanor Offenses Relating to Animals

7.14.005 - Misdemeanor offenses.

The City Council finds, determines and declares that the animals described in this Chapter are detrimental to the public health, safety and welfare of the inhabitants of the City. The violations set forth in this Chapter are designated misdemeanor offenses, and any violation of this Chapter shall be punished pursuant to Chapter 1.32.

(Ord. 27, 2010 §1)

7.14.010 - Control required.

No owner of any animal shall permit such animal to run at large within the City. If any animal is found at any place within the City other than the premises of its owner, the owner is rebuttably presumed to have violated this Section.

(Ord. 52, 1985 §1(part))

7.14.020 - At large animals - misdemeanor violation.

Any animal that has been previously found to be at large pursuant to Chapter 7.12, and who is again found to be at large within three hundred sixty-five (365) days of the first violation shall be in violation of this Section.

(Ord. 27, 2010 §1)

7.14.030 - Out-of-control animals - misdemeanor violation.

Any animal that has been previously found to be out of control pursuant to Chapter 7.12 and who is again found to be out of control within three hundred sixty-five (365) days shall be in violation of this Section.

(Ord. 27, 2010 §1)

7.14.035 - Injured or killed animal on public street; deemed at large.

Animals killed or injured on or along public streets are deemed to have been running at large, and the animal control officer or a police officer may remove such animals therefrom and, in his or her discretion, may take those needing medical attention to the animal shelter or a veterinarian. The owner of any animal receiving such medical attention shall pay the City for the cost thereof, which cost may, if the owner refuses to pay therefor, be recovered by a personal civil action by the City against the owner.

(Ord. 27, 2010 §1)

7.14.040 - Property interference prohibited.

Any owner whose animal, whether or not running at large, destroys, damages or injures any shrubbery, plants, flowers, grass, lawn, fence or anything whatsoever upon any public property or upon private property not belonging to said owner, is in violation of this Section.

(Ord. 52, 1985 §1(part))

7.14.050 - Menacing or attacking animals.

Any owner whose animal menaces or attacks persons, animals or vehicles is in violation of this Chapter.

(Ord. 27, 2010 §1)

7.14.060 - Reserved.

7.14.065 - Removal of dead or diseased animals required.

Dead animals shall be immediately removed from private or public property and disposed of in accordance with any applicable law, rule or regulation. Diseased animals shall be removed from private or public property.

(Ord. 27, 2010 §1; Ord. 02, 2010 §1; Ord. 8, 2006 §1)

7.14.070 - Reserved.

7.14.080 - Vicious animals prohibited; exceptions.

(a) No person shall own, keep, harbor or possess any vicious animal in the City except as provided in Chapter 7.22, relating to guard dogs; provided, however, that an animal is not a vicious animal because it has attacked or bitten any or all of the following persons:

- (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 the animal owner's automobile or other vehicle wherein such animal is confined;
- (3) Any person engaged in attempting to stop a fight between such animal and another animal; or
- (4) Any person engaged in attempting to aid such animal when it is injured.

(b) It shall be an affirmative defense to a vicious animal charge that a female domesticated animal is nursing her young, unless such animal has previously been deemed a vicious animal pursuant to this Code or in another jurisdiction.

(Ord. 27, 2010 §1; Ord. 8, 2006 §1; Ord. 52, 1985 §1(part))

7.14.090 - Lawfully upon private property defined.

For the purposes of Section 7.14.080, a person is lawfully upon the private property of such owner when he or she is on the property in the performance of any duty imposed upon him or her by the laws of this State or City, or the laws or postal regulations of the United States or when he or she is on such property at the invitation, express or implied, of the owner thereof.

(Ord. 27, 2010 §1; Ord. 52, 1985 §1(part))

7.14.100 - Warnings and criminal charges.

If the animal control officer or any police officer of the City deems an animal to be a vicious animal, he or she shall issue a written warning to the owner of the animal stating his or her determination that such animal is a vicious animal, or he or she may cause criminal charges to be filed in Municipal Court against the owner, alleging the vicious propensities of such animal.

(Ord. 27, 2010 §1; Ord. 52, 1985 §1(part))

7.14.110 - Court findings and orders.

If the Municipal Court finds that the evidence supports a charge made as set out at Section 7.14.100, the Municipal Judge may order any or all of the following:

- (1) A fine of up to one thousand dollars (\$1,000.00);
- (2) Imprisonment as set forth in Chapter 1.32;
- (3) Prohibit the owner from keeping such animal within the City;
- (4) Order the animal's owner to restrict the animal as provided in Chapter 7.22 for guard dogs; and/or
- (5) Order such animal to be destroyed in a humane manner.

(Ord. 27, 2010 §1; Ord. 8, 2006 §1; Ord. 52, 1985 §1(part))

7.14.120 - Impoundment duty of officers.

It is the duty of the animal control officer or any police officer to seize and impound any vicious animal observed in violation of this Chapter, whether or not such vicious animal is on the premises of the owner, by whatever means is reasonable.

(Ord. 27, 2010 §1; Ord. 52, 1985 §1(part))

7.14.130 - Destruction for public safety or safety of officers.

Any animal control officer, police officer or humane officer may, when reasonably necessary to protect his or her own person or that of members of the public, immediately destroy any animal. The owner of any such animal has no recourse or cause of action against either the City or such officers, or any of them.

(Ord. 27, 2010 §1; Ord. 52, 1985 §1(part))

7.14.140 - Reserved.

7.14.150 - Trapping unrestrained animals; interference with traps prohibited.

The animal control officers, humane officers and police officers may place and set humane or live traps for the purpose of capturing unrestrained animals on any property in the City at the written request of the owner of such property. No person, other than such officers, shall molest or release any animal trapped therein or bother in any way any trap set pursuant to this Section.

(Ord. 27, 2010 §1; Ord. 52, 1985 §1(part))

7.14.160 - Unauthorized or inhumane traps prohibited.

No person shall use inhumane traps within the City.

(Ord. 27, 2010 §1; Ord. 8, 2006 §1; Ord. 52, 1985 §1(part))

7.14.170 - Confiscation and destruction.

The animal control officers, police officers and humane officers shall confiscate and destroy all unauthorized or inhumane traps.

(Ord. 27, 2010 §1; Ord. 52, 1985 §1(part))

7.14.180 - No cause of action for confiscation.

No person using or setting inhumane traps has any cause of action, civil or criminal, against the City or its officers as a result of the confiscation of such traps as provided in Section 7.14.170 above.

(Ord. 27, 2010 §1; Ord. 8, 2006 §1; Ord. 52, 1985 §1(part))

Chapter 7.15 - Impoundment

7.15.010 - Animals subject to impoundment.

Any animal which constitutes a public nuisance as defined in Chapter 7.12, which has or is suspected of having rabies or which is found killed or injured on or along public streets or is otherwise in violation of this Title may be taken into custody by the animal control officer or any police officer and shall be humanely impounded in the animal shelter.

(Ord. 8, 2006 §1)

7.15.020 - Notice of impoundment.

Immediately upon impounding any animal, the animal control officer shall make all reasonable efforts to notify the owner of the animal of the impoundment. The officer shall mail notice to the owner of such animal at the owner's last known address, as indicated on the most recent license application, unless verbal notice of impoundment is given to the owner or another person of suitable age who resides with the owner. The notice shall be effective upon mailing. If, by contract with the City, the animal shelter assumes notification responsibilities, said notification shall be given by the animal shelter rather than the animal control officer.

(Ord. 8, 2006 §1)

7.15.030 - Disposal authorization when.

In no event shall any living animal be disposed of prior to the expiration of seventy-two (72) hours after the notice has been given as provided at Section 7.15.020 above or, in the event the owner has requested a hearing, prior to the expiration of twenty-four (24) hours after the hearing. If the owner is unknown, the animal shall not be disposed of prior to the expiration of seventy-two (72) hours after impoundment.

(Ord. 03, 2007 §1; Ord. 8, 2006 §1)

7.15.040 - Euthanization or adoption.

Any animal not reclaimed by its owner within the time established in Section 7.15.030 above where no bond has been placed may be humanely euthanized or adopted. An animal may be humanely euthanized or adopted if an owner fails to post a bond pursuant to Section 7.15.120. Any animal may be disposed of at any time pursuant to the direction or authorization of a licensed veterinarian or state or other health authorities if required for public safety or in the best interests of the animal.

(Ord. 03, 2007 §1; Ord. 8, 2006 §1)

7.15.050 - Injured or sick animals.

If, in the judgment of the animal control officer or police officer, an impounded animal is in need of immediate treatment for illness or injury, the officer may take the animal directly to a licensed veterinarian. If an impounded animal is delivered to the Humane Society pursuant to a contract between the City and the Humane Society, the Society may take the animal to a licensed veterinarian if in the judgment of the Society the animal is sick or injured and in need of immediate treatment. The costs of treatment shall remain the responsibility of the owner and may be recovered by the City or the Humane Society.

(Ord. 8, 2006 §1)

7.15.060 - Release to other than veterinarians prohibited when.

An animal control officer or humane officer shall not release, except to a veterinarian, any animal which is reasonably thought to be vicious and a threat to public safety or shows symptoms of rabies.

(Ord. 8, 2006 §1)

7.15.070 - Release; compliance required.

An animal shall be released only upon payment of all applicable charges and fees if authorized by the animal control officer, the City Manager or the Municipal Court. An animal released to a person residing in the City must first be licensed pursuant to Chapter 7.20, if applicable.

(Ord. 03, 2007 §1; Ord. 8, 2006 §1)

7.15.080 - Costs responsibility of reclaiming owner.

An owner reclaiming an impounded animal shall be assessed a fee for the costs incurred on behalf of such animal for care and subsistence. This fee shall be set on an annual basis by the Humane Society or any other operator of the facility where the animal is impounded. In addition, the owner shall pay any costs incurred and the veterinary fees for the animal, if any.

(Ord. 8, 2006 §1)

7.15.090 - Fee responsibility of owner.

The owner of an impounded animal remains personally liable for all impoundment and veterinary fees, notwithstanding that the owner may abandon the animal or the animal is adopted or euthanized.

(Ord. 8, 2006 §1)

7.15.100 - Ownership of unclaimed animals.

Any animal not duly reclaimed by its owner within seventy-two (72) hours after notice has been given pursuant to Section 7.15.020 of this Chapter becomes and is the property of the City, and the owner is deemed to have abandoned the animal and forfeited his or her rights thereto and has no cause of action against the City or its employees or authorized agents as a result thereof.

(Ord. 03, 2007 §1; Ord. 8, 2006 §1)

7.15.110 - Administrative impoundment hearings.

- (a) The owner of an animal impounded pursuant to this Title is entitled to an impoundment hearing regarding the impoundment, if such person requests a hearing within seventy-two (72) hours of the notice of impoundment. The request for an administrative impoundment hearing must be personally delivered to the Police Department.
- (b) The administrative impoundment hearing shall be conducted by the City Manager or his or her designee (hereinafter referred to as the "hearing officer") within ten (10) calendar days of the request. The City Manager shall notify the owner of the date, time and location of the hearing.
- (c) At the hearing, the hearing officer shall determine whether there is probable cause to conclude that the animal is subject to impoundment under this Title. If the hearing officer finds probable cause, the officer shall assess the costs of impoundment against the owner. The owner may post a bond as set forth below to prevent disposition of the animal. Should the owner fail to post a bond, the animal may be disposed of or adopted at the discretion of the humane society or other facility where the animal has been impounded without further notice.
- (d) If the hearing officer finds no probable cause, the officer shall order the immediate release of the animal. The owner shall not be liable for any boarding or impoundment fee.
- (e) Failure of any person to request an impoundment hearing or to attend such hearing constitutes a waiver of the right to such hearing and constitutes a relinquishment of the owner's property rights to said animal, and the animal may be humanely disposed of or adopted at the discretion of the humane society or other facility where the animal has been impounded without further notice.

(Ord. 03, 2007 §1; Ord. 8, 2006 §1)

7.15.120 - Bond.

The owner of an animal that has been impounded pursuant to this Chapter may prevent disposition of the animal by requesting an administrative impoundment hearing and subsequently posting a bond with the court in an amount sufficient to provide for the animal's care and keeping at the impound agency for at least thirty (30) days, including the day on which the animal was taken into custody. Such bond shall be filed with the court within seventy-two (72) hours after the animal is impounded or, if the owner has requested a hearing, within twenty-four (24) hours of the conclusion of the administrative impoundment hearing if the City Manager determined probable cause existed for the impoundment. At the end of the time for which expenses are covered by the bond, if the owner or custodian desires to prevent disposition of the animal, the owner or custodian shall post a new bond with the court within seventy-two (72) consecutive hours of the prior bond's expiration. However, the court shall order the immediate disposition of the animal by euthanasia if, in the opinion of a veterinarian, the animal is experiencing extreme pain or suffering. At the end of the time for which expenses are covered by the bond, the impound agency may determine disposition of the animal unless there is a court order prohibiting such disposition. The owner or custodian shall be liable for the cost of the care, keeping or disposal of the animal.

(Ord. 03, 2007 §1; Ord. 8, 2006 §1)

7.15.130 - Time.

The time periods set forth in this Chapter shall be calculated by counting the number of hours, beginning at the time an animal is impounded and ending seventy-two (72) consecutive hours thereafter, including weekends and holidays, regardless of whether or not the shelter or City Hall is open or closed on any of the calendar days.

(Ord. 03, 2007 §1; Ord. 8, 2006 §1)

Chapter 7.16 - Rabies Control

7.16.010 - Inoculation required for dogs, cats and ferrets.

The owner of every dog, cat and ferret over the age of six (6) months shall cause such dog, cat or ferret to be inoculated against rabies, and the owner shall obtain from a licensed veterinarian a rabies vaccination certificate containing the following information: the name, address and telephone number of the owner of the vaccinated animal, the date of the vaccination, the date of expiration of the vaccination, the year and number of the rabies tag and the breed, age, color and sex of the vaccinated animal.

(Ord. 8, 2006 §1; Ord. 52, 1985 §1(part))

7.16.030 - Reporting bites required.

The owner of any animal that bites a human being shall report the occurrence to the animal control officer when known to him or her or reported to him or her and shall provide such further information requested by the animal control officer.

(Ord. 52, 1985 §1(part))

7.16.040 - Quarantine required.

Any animal that bites a human being shall be quarantined for a period of not less than ten (10) days from the date of the bite. The animal shall be quarantined on the owner's premises; provided, however, that if the owner refuses to quarantine the animal, the animal shall be quarantined at the animal shelter or a veterinary hospital at the expense of the owner. If the owner cannot be immediately identified, the animal shall be quarantined at the animal shelter or veterinary hospital until such time as the owner is

located. The expense of the quarantine shall be the responsibility of the owner. Failure to quarantine is a violation of this Title.

(Ord. 52, 1985 §1(part))

7.16.050 - Reporting of rabies cases and bites required.

Every person having knowledge thereof shall report to the animal control officer any suspected or positively diagnosed occurrence of rabies and any biting by any suspected or confirmed rabid animal.

(Ord. 52, 1985 §1(part))

7.16.060 - Killing rabid or suspect animals authorized.

No person shall kill any suspected or confirmed rabid animal except upon the prior written consent of the animal control officer, or in defense of a human being or other animal, or to prevent the escape of such suspected or confirmed rabid animal. This Section does not apply to state or county health officials.

(Ord. 52, 1985 §1(part))

7.16.070 - Body removal; approval required.

No person shall remove the dead body of any suspected or confirmed rabid animal from where the animal was killed or found without the prior written approval of the animal control officer. This Section does not apply to state or county health officials.

(Ord. 52, 1985 §1(part))

7.16.080 - Destruction of rabid animals.

If rabies has been diagnosed by a veterinarian or medical doctor in any animal, such animal shall be summarily destroyed and its brain sent immediately to the State Health Department in Denver for positive verification at the owner's expense, or the animal or its body may be disposed of according to law, regulation or order of the Department of Health.

(Ord. 52, 1985 §1(part))

7.16.090 - Animals without established incubation period; destruction.

If a standard rabies incubation period has not been established for a particular species of animal and any animal of that species has been diagnosed as rabid or is reasonably suspected of being rabid, it shall be summarily destroyed, and if involved with another animal or human, a necropsy shall be performed to determine whether the other animal is contaminated by rabies.

(Ord. 52, 1985 §1(part))

7.16.100 - Quarantine by Chief of Police.

When there has been a positive diagnosis of rabies within the City, the Chief of Police may declare a City-wide quarantine for a reasonable period of time not to exceed six (6) months. During the period of such quarantine, every owner of animals shall confine his or her animals within the premises of the owner and shall not transport, take or remove his or her animal from the City without the prior written consent of the animal control officer.

(Ord 52, 1985 §1(part))

7.16.110 - Violations.

- (a) The first violation of this Chapter shall be deemed a misdemeanor infraction and shall be punished pursuant to Chapter 1.32.
- (b) Any second or subsequent violation of this Chapter within three hundred sixty-five (365) days of the first violation shall be deemed a misdemeanor offense and shall be punished pursuant to Chapter 1.32.

(Ord. 27, 2010 §1)

Chapter 7.20 - Licenses

7.20.010 - Dog or cat license required.

Except as otherwise provided in this Chapter, any person within this City owning, keeping, harboring or having custody of any dog or cat shall obtain a license for such animal in the manner specified in this Chapter.

(Ord. 12, 1990 §3(part); Ord. 52, 1985 §1(part))

7.20.020 - Deadline for application; nonresident exception.

An applicant for a dog or cat license shall apply for a license immediately after having become the owner of or after having begun to keep, harbor or have custody of any such dog or cat or immediately after such dog or cat is brought into this City; provided, however, that this requirement does not apply to a nonresident keeping a dog or cat within the City for not longer than sixty (60) days.

(Ord. 12, 1990 §3(part); Ord. 52, 1985 §1(part))

7.20.030 - Where to file; contents.

- (a) An applicant for a dog or cat license may apply at the Finance Department and/or at such other locations as contracted for by the City. Such application shall be upon forms provided by the City and shall contain at least the following information:
 - (1) The name, address and a telephone number of the owner;
 - (2) The call name, breed, color and sex of the animal;
 - (3) Proof of current rabies vaccination;
 - (4) Documentation of animal neutering, if applicable.
- (b) The applicant shall not knowingly make any material misrepresentation in the license application.
- (c) Licenses issued by any agency other than the Finance Department shall be periodically reported to the Finance Department as required by the agency's contract with the City.

(Ord. 27, 2010 §1; Ord. 53, 2009 §1; Ord. 12, 1990 §3(part); Ord. 52, 1985 §1(part))

7.20.040 - Application fee.

The application fees and duration of the license shall be set in writing annually by the City Manager.

(Ord. 53, 2009 §2; Ord. 9, 2004 §1; Ord. 12, 1990 §3(part); Ord. 52, 1985 §1(part))

7.20.050 - Issuance of tag; term.

- (a) Upon acceptance of the completed license application and after payment of the license fee, the staff of the Finance Department or such other persons as contracted for by the City shall issue a durable tag stamped with an identifying number and year of issuance.
- (b) One-year licenses shall be valid for the twelve (12) months following the date of issuance.

- (c) Two-year licenses shall be valid for twenty-four (24) months following the date of issuance.
- (d) Three-year licenses shall be valid for thirty-six (36) months following the date of issuance.
- (e) Any dog or cat released from impoundment to an owner residing in the City shall be duly licensed as provided in this Chapter. Animals too young to be vaccinated in impoundment may be released but shall be vaccinated and licensed by their owner upon reaching six (6) months of age.

(Ord. 9, 2004 §2; Ord. 11, 1991 §1; Ord. 12, 1990 §3(part); Ord. 52, 1985 §1(part))

7.20.060 - Wearing tags required.

Dogs shall wear the tags issued according to Section 7.20.050 above at all times while outside of the owner's premises unless, for purposes of training, the dog is wearing a training collar.

(Ord. 8, 2006 §1; Ord. 52, 1985 §1(part))

7.20.070 - Use by other than licensed animal prohibited.

No person shall use or permit the use of a license tag for an animal other than the animal for which such tag was duly issued.

(Ord. 52, 1985 §1(part))

7.20.080 - Duplicate tag.

A duplicate tag may be obtained upon payment of a replacement fee, which amount shall be set in writing annually by the City Manager.

(Ord. 53, 2009 §3; Ord. 52, 1985 §1(part))

7.20.090 - Record of tags issued; maintenance; inspection.

The Finance Department shall maintain a record of all tags issued according to this Chapter, and such record may be inspected by the public in accordance with the public records laws.

(Ord. 46, 2012 §1; Ord. 52, 1985 §1(part))

7.20.100 - Exceptions to requirements.

Dogs specially trained to aid or assist handicapped or disabled persons and governmental police dogs are excepted from the licensing requirements of this Chapter and from payment of such fees as are set out in this Chapter. Any owner claiming any of these exceptions has the burden of proving to the satisfaction of the licensing authority that the dog in question is entitled to such exception.

(Ord. 61, 1996 §1; Ord. 52, 1985 §1(part))

7.20.110 - Violation.

Violations of this Chapter shall be deemed misdemeanor infractions and shall be punished pursuant to Chapter 1.32.

(Ord. 27, 2010 §1; Ord. 52, 1985 §1(part))

Chapter 7.22 - Guard Dogs

7.22.010 - Guard dog defined.

As used in this Chapter, the words *guard dog* mean any dog trained or used to protect persons or property by attacking or threatening to attack any person found within the area patrolled by the dog.

(Ord. 52, 1985 §1(part))

7.22.020 - Application of Chapter.

This Chapter shall apply to all guard dogs and owners of guard dogs, with the exception that Sections 7.22.040, 7.22.050, 7.22.060, 7.22.070, 7.22.150, 7.22.160, 7.22.170 and 7.22.180 shall not apply to those guard dogs owned or possessed by the same person, partnership or corporation owning or in legal possession of the premises to be guarded.

(Ord. 52, 1985 §1(part))

7.22.030 - Compliance with Chapter required.

No person shall place or maintain guard dogs in any area for the protection of persons or property unless and until all applicable provisions of this Chapter have been met.

(Ord. 52, 1985 §1(part))

7.22.040 - Permit required; procedures.

Every person referred to at Section 7.22.020 shall have applied for and received a guard dog permit for each premises where guard dogs are proposed to be used. Applications for such permits shall be made to the Chief of Police. The Chief of Police shall establish the procedures for permit applications, inspection of guard dog facilities and for the issuance of guard dog identification tags.

(Ord. 52, 1985 §1(part))

7.22.050 - Transfer of location requirements.

Permits for both permanent and temporary locations may be transferred to a new location operated by the same permittee during the same year; provided, however, that no such transfers are effective before the Chief of Police or his or her designee has inspected and approved the required facilities at the new location. No such transfer shall be granted until five (5) working days have expired from the date of application for transfer.

(Ord. 52, 1985 §1(part))

7.22.060 - Application contents.

Permit applications shall include at least the following information:

- (1) The name of the applicant;
- (2) The address of the applicant;
- (3) The name and address of the person who is the handler of the guard dog; and
- (4) The address of the premises where such guard dogs are proposed to be used.

(Ord. 52, 1985 §1(part))

7.22.070 - Fees required.

Every application for a permit must be accompanied by the appropriate fee as set in accordance with Section 1.05.010 of this Code.

(Ord. 26, 2011 §1; Ord. 52, 1985 §1(part))

7.22.080 - Gates and entrances closed and locked.

All gates and entrances to the area where the guard dog is housed, used or trained shall be kept closed and locked when not in use.

(Ord. 52, 1985 §1(part))

7.22.090 - Protection measures; compliance required.

Additional measures determined necessary by the Chief of Police or his or her designee to protect the public from accidental contact with the guard dog shall be taken by the permittee or owner.

(Ord. 52, 1985 §1(part))

7.22.100 - Fencing requirements.

Where guard dogs are to be used outside of buildings, the permittee or owner must enclose the area guarded with at least a ten-foot-high chain-link fence, to which anti-escape devices have been added when such is determined necessary by the Chief of Police or his or her designee as necessary to protect the public from accidental contact with the guard dog.

(Ord. 52, 1985 §1(part))

7.22.110 - Sight barriers may be required.

The Chief of Police or his or her designee may also require the permittee or owner to erect and maintain a sight barrier which breaks the guard dogs' line of vision.

(Ord. 52, 1985 §1(part))

7.22.120 - In-building use; anti-escape measures.

In buildings where guard dogs are to be used, the Chief of Police or his or her designee may require the permittee or owner to provide protective measures to insure that guard dogs cannot jump through exterior glass windows, doors or other such openings in the exterior walls of such buildings.

(Ord. 52, 1985 §1(part))

7.22.130 - Warning signs; specifications; posting.

The Chief of Police or his or her designee may require the permittee or owner to post the building and yard where a guard dog is to be used with signs reading, "DANGER! GUARD DOG!" Such signs shall be printed with letters not less than two (2) inches high and shall be first approved by the Chief of Police or his or her designee. The Chief of Police or his or her designee may also require such signs to be illuminated at night and to the degree they deem necessary to insure that they are readily visible and readable. Such signs shall be posted not more than one hundred (100) feet apart along the perimeter of the premises and shall be posted at all premises corners and at every entrance into the building yard.

(Ord. 52, 1985 §1(part))

7.22.140 - Transportation vehicles; protection measure.

The Chief of Police or his or her designee may require that vehicles used in transporting guard dogs be modified and screened to protect the public from accidental contact with the guard dog.

(Ord. 52, 1985 §1(part))

7.22.150 - Inspection authority of police.

The permittee agrees and consents to the entry of the premises in which guard dogs are used, by the Chief of Police or his or her designee, for the purpose of ascertaining whether the provisions of this Chapter have been and are being complied with.

(Ord. 52, 1985 §1(part))

7.22.160 - Insurance requirements.

- (a) As an express condition precedent to the granting of any permit under this Chapter, every proposed permittee shall obtain, at his or her own expense, a policy of insurance, issued by a company authorized to do business in the State, insuring the permittee, the City, the City's agents and employees enforcing this Title, and protecting, defending and holding harmless the City and its agents and employees from and against claims, suits and demands, whether frivolous or otherwise, caused by or arising out of injury, death or property damage to third persons caused by the permittee's guard dog or dogs.
- (b) The policy shall be in the minimum amount of one million dollars (\$1,000,000.00) for injury to or death of any one (1) person and three million dollars (\$3,000,000.00) for injuries or deaths in any one (1) occurrence or incident, and the policy shall also provide for third-person property damage coverage in the amount of five thousand dollars (\$5,000.00).
- (c) Such policy shall have been exhibited to and received the written approval of the Finance Director. A copy of such approved policy shall be filed with the City Clerk and the policy shall contain a provision that thirty (30) days' advance notice of any cancellation thereof shall be given by the insurance company, in writing, to the City Clerk and the Chief of Police.

(Ord. 52, 1985 §1(part))

7.22.170 - Permit issuance; authority of Chief of Police.

If the Chief of Police is satisfied that the provisions of this Chapter and condition precedent set out at Section 7.22.160 have been met and fully complied with, he or she may issue the permit; provided, however, that the Chief of Police may append to such permit any other provisions or conditions which he or she deems necessary to protect the public safety.

(Ord. 52, 1985 §1(part))

7.22.180 - Revocation of permit.

Any permit issued pursuant to this Chapter may be revoked, after notice and an opportunity for hearing, for failure to comply with the provisions of the permit, for willful falsification of the application for the permit, for fraud upon the City or for other violation of this Chapter, after having been given thirty (30) days in which to cure such violations and having failed to do so.

(Ord. 52, 1985 §1(part))

7.22.190 - Governmental guard dogs excepted from requirements.

This Chapter does not apply to governmental guard dogs.

(Ord. 52, 1985 §1(part))

7.22.200 - Violation; impoundment of dog; prosecution of persons.

Any guard dog found in violation of this Chapter or this Title shall be immediately impounded by the Chief of Police or his or her designee. The owner, handler, keeper or other person charged with the possession of such dog may be prosecuted for violation of this Chapter or this Title.

(Ord. 52, 1985 §1(part))

Chapter 7.24 - Animal Establishment Permits

7.24.010 - Kennels and animal establishments; land use approval required.

No person or owner shall keep or operate any kennel or other animal establishment without having first applied for and received land use approval therefor. Such approval shall be valid indefinitely unless sooner revoked as provided in this Chapter and/or in Section 18.46.065 of this Code.

(Ord. 01, 2007 §2; Ord. 52, 1985 §1(part))

Chapter 7.28 - Wild Animals, Performing Animals, Wild Birds, Fowl and Livestock

7.28.010 - Wild or vicious animals; display or exhibition prohibited; exceptions.

No person shall keep or permit to be kept on his or her premises any wild animal, wild bird, fowl, performing animal or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee, unless otherwise authorized herein; provided, however, that this Section and Sections 7.28.020 and 7.28.030 do not apply to zoological parks, performing animal exhibitions or circuses elsewhere regulated by law.

(Ord. 8, 2006 §1; Ord. 52, 1985 §1(part))

7.28.020 - Wild animals and wild birds as pets; permit or license required.

No person shall keep or permit to be kept any adult wild animal or wild bird as a pet unless such person has received, from the State Division of Wildlife or a corresponding department or agency of the United States government, a permit or license therefor.

(Ord. 8, 2006 §1; Ord. 52, 1985 §1(part))

7.28.030 - Release order authority of; noncompliance is violation.

The animal control officer has the authority to order any person or owner to release any wild animal kept or permitted to be kept in violation of this Title. Any person or owner refusing or neglecting to obey such order immediately is in violation of this Title and shall be punished accordingly.

(Ord. 52, 1985 §1(part))

7.28.040 - Sanitary conditions required.

No person keeping wild animals, wild birds, fowl, performing animals and/or livestock shall fail to provide facilities for keeping the animal environment clean and free of filth. Failure to do so is a violation of this Chapter.

(Ord. 8, 2006 §1; Ord. 52, 1985 §1(part))

7.28.050 - Falconers; license, confinement or control required.

State-licensed or federally licensed falconers may keep birds of prey on their premises; provided that such birds of prey are maintained according to state and federal laws and regulations and are confined or controlled to preclude their posing a threat to persons or animals within the City, and to preclude noise which could be considered by reasonable persons of ordinary sensibilities as excessive or continuous, or which interferes with the sleep of any such person or persons.

(Ord. 8, 2006 §1; Ord. 52, 1985 §1(part))

7.28.060 - Performing animals; certain techniques prohibited.

No person is permitted to exhibit any animal performance in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause or probably cause physical injury, suffering or irritation to any such animal.

(Ord. 52, 1985 §1(part))

7.28.070 - Equipment requirements.

All equipment used on any performing animal shall fit properly and be in good working condition and no person shall fix, affix or otherwise attach to any such animal any equipment which is not.

(Ord. 52, 1985 §1(part))

7.28.080 - Excreta; owner responsible for removal.

The owner of every animal shall immediately remove or cause to be removed any excreta deposited by such animal in public areas, recreational areas or private property which is not his or her own.

(Ord. 52, 1985 §1(part))

7.28.090 - Provisions not to limit county health powers.

This Title does not limit the power of the County Health Department to enforce ordinances relating to public health and safety.

(Ord. 52, 1985 §1(part))

7.28.105 - Adequate shelter for wild animals, performing animals and livestock.

Shelter for wild animals, performing animals and livestock shall be deemed inadequate unless said shelter:

- (1) Is structurally sound and able to contain the animals and maintained in good repair to protect the animals from injury, safety or health hazards;
- (2) Adequately provides the animals with shade, warmth and protection from weather, water and the elements; and
- (3) Is kept clean and free of filth.

(Ord. 8, 2006 §1)

7.28.110 - Running at large prohibited; herding and tethering restrictions.

No wild animal, wild bird, performing animal, fowl or livestock shall be permitted to run at large within the City, nor shall any such animals be herded or tethered upon any street, alley, ditch bank or public grounds within the City, nor shall any such animals be tethered upon any lot or private grounds as to enable such animals to trespass upon any street, sidewalk, ditch bank, alley or public ground of the City, unless the owner of such animals has obtained official permission from the City for such herding or tethering.

(Ord. 8, 2006 §1; Ord. 52, 1985 §1(part))

7.28.120 - Impoundment.

The Chief of Police may impound any wild animal, wild bird, fowl, performing animal, livestock or swine running at large within the City in a public pound provided for that purpose in accordance with the impoundment procedures set forth in Chapter 7.15 of this Title.

(Ord. 02, 2010 §1; Ord. 8, 2006 §1; Ord. 52, 1985 §1(part))

7.28.140 - Impounded animals; care permitted; recovery of costs.

In case any animal is at any time impounded and continues to be without adequate shelter, adequate food and adequate water, any person, from time to time and as often as it is necessary, may enter into or upon any pound or corral in which any such animal is confined and supply it with necessary food and water so long as it remains so confined. Such person shall not be liable to any action for such entry, and the reasonable cost of such feed and water may be collected by him or her from the owner of such animal. This Section does not apply to animals impounded and sheltered in the animal shelter.

(Ord. 8, 2006 §1; Ord. 52, 1985 §1(part))

7.28.150 - Live bird shipping and receiving containers; height.

All crates or cages in which live birds are received for transportation shall be sufficiently high so that birds confined therein can stand erect and hold their heads upright without touching the top.

(Ord. 02, 2010 §1; Ord. 8, 2006 §1; Ord. 52, 1985 §1(part))

7.28.160 - Shipping and receiving container construction; supply of food and water.

Such crates or cages as are described at Section 7.28.150 above shall be made of open slats or wire on at least three (3) sides and shall have troughs or other receptacles, easy for access at all times by the birds confined therein but so placed that their contents cannot be befouled by the live birds; in such troughs there shall be constantly kept clean water and suitable food.

(Ord. 02, 2010 §1; Ord. 52, 1985 §1(part))

7.28.170 - Cleanliness, room temperature.

Such crates or cages as are described at Section 7.28.150 above shall be kept clean and in wholesome condition. Live birds confined therein shall not be overcrowded but shall have room to move about and shall not be exposed to undue heat or cold.

(Ord. 02, 2010 §1; Ord. 52, 1985 §1(part))

7.28.180 - Removal of dead, injured or diseased fowl required.

Dead, injured or diseased fowl and birds shall be at once removed from containers described at Section 7.28.150.

(Ord. 52, 1985 §1(part))

7.28.190 - Transfer after receiving required.

Whenever live birds shall be received for sale or storage, they shall immediately be transferred to such crates or cages as are described in Sections 7.28.150 through 7.28.180 below.

(Ord. 02, 2010 §1; Ord. 8, 2006 §1; Ord. 52, 1985 §1(part))

Chapter 7.30 - Hunting

7.30.010 - Revocable permits for hunting.

- (a) Notwithstanding any other provision of this Chapter, the City Manager or his or her designee may grant a revocable permit to a landowner containing such conditions as may be appropriate to allow hunting on land within the City. Such permit shall be granted for a time period to be determined by the City Manager or his or her designee, but not to exceed three hundred sixty-five (365) days. Any

such permit so granted shall be subject to all statutes and regulations of the State pertaining to the discharge of firearms, BB guns, pellet guns, bows and arrows or crossbows. Any such permit so granted shall specifically designate what animals, fowl or wildlife may be hunted in such designated area and shall state that such animals, fowl or wildlife may only be hunted in conformance with state regulations governing hunting seasons. Granted revocable permit applications will require the permit holder to sign an agreement acknowledging his or her obligations and responsibilities, to include the landowners' responsibility to provide a copy of the permit to all lessees and/or users of the property, and also acknowledge that the revocable permit can be revoked without cause at City discretion.

- (b) Administrative denial of a revocable permit may be appealed to the City Council. Within thirty (30) days of an administrative denial of a revocable permit, the applicant shall submit a written request for Council appeal to the City Clerk. City staff will then schedule review of the appeal at a regularly scheduled City Council meeting.

(Ord. 02, 2007 §1; Ord. 8, 2006 §1)

Chapter 7.32 - Enforcement

7.32.020 - Enforcement; violation for interference or failure to obey.

The animal control officer and police officers shall enforce the provisions of this Title. It is a violation of this Title and this Chapter for any person to interfere with any animal control officer or any police officer who is performing his or her duties pursuant to this Title, this Code or state law. It is also a violation of this Title for any person to fail to obey a lawful order of any such officer.

(Ord. 8, 2006 §1; Ord. 52, 1985 §1(part))

7.32.030 - Certificates or badges.

Officers and agents of the Humane Society shall be provided with certificates by such Society that they are such officers and agents, in such form as the directors of such Society may choose, or with a badge bearing the name or seal of such Society, and shall, if requested, show such certificate or badge when acting officially.

(Ord. 52, 1985 §1(part))

7.32.040 - Scope of authority.

Any officer, agent or employee of the Humane Society of Weld County, if such society is under contract with the City, may perform such functions as provided by such contract and by this Title and in performing such functions has the same authority as an animal control officer of the City.

(Ord. 52, 1985 §1(part))

7.32.050 - Enforcement authority.

The animal control officers and police officers may enforce the provisions of this Title and may cooperate with state, county, federal or other governmental officers, employees or agents to enforce this Title or laws of other such governmental subdivisions which relate to animal control, protection or humane treatment; provided, however, that such cooperation takes place in the City and in the County. Nothing in this Chapter shall be deemed to alter or in any way affect the authority of the Colorado Division of Wildlife to enforce laws or rules related to animals or wildlife.

(Ord. 8, 2006 §1; Ord. 52, 1985 §1(part))

7.32.060 - Violation; penalty.

Any person who violates any provision of this Title or performs any unlawful act defined by this Title, any person who fails to perform any act required by this Title, or any person who fails or refuses to

comply with any lawful order given pursuant to this Title is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Chapter 1.32 of this Code, if no other penalty is provided. Each day of any such violation is a separate offense and punishable accordingly. In addition to those penalties set forth in Chapter 1.32, the Municipal Judge may order any or all of the following:

- (1) A fine of up to one thousand dollars (\$1,000.00);
- (2) Imprisonment as set forth in Chapter 1.32;
- (3) Prohibit the owner from keeping such animal within the City;
- (4) The animal's owner to restrict the animal as provided in Chapter 7.22 for guard dogs; and/or
- (5) Such animal to be destroyed in a humane manner.

(Ord. 05, 2011 §1; Ord. 8, 2006 §1; Ord. 56, 1994 §1; Ord. 52, 1985 §1(part))

Council Agenda Summary

August 6, 2019

Agenda Item Number 14

Title

Scheduling of Meetings, Other Events

Summary

During this portion of the meeting the City Manager or City Council may review the attached Council Calendar or Worksession Schedule regarding any upcoming meetings or events.

Attachments

Council Meeting/Worksession Schedule
Council Meetings/Other Events Calendar

City Council Meeting Schedule

<u>Date</u>	<u>Description</u>	<u>Staff Contact</u>	
August 13, 2019	Planning Commission Interviews	Betsy Holder	0.50
Worksession Meeting	CIP, Water & Sewer & Stormwater Budget Presentation	Renee Wheeler	1.50
August 20, 2019 Council Meeting	Ordinance - Intro - Building Code Amendments to the Greeley Municipal Code	Brad Mueller	Consent
	Ordinance - Intro - 354 Business Park Rezone #2	Brad Mueller	Consent
	Ordinance - Intro - 1530 3rd Avenue ROW Vacation	Brad Mueller	Consent
	Ordinance - Intro - 1530 3rd Avenue Rezone	Brad Mueller	Consent
	Resolution - Assignment of Private Activity Bond Allocation	Ben Snow	Regular
	Industrial Hemp Overview (non-action item)	Ben Snow	Regular
	Board & Commission Appointments	Betsy Holder	Regular
August 27, 2019 Worksession Meeting	Discussion regarding Updates to Fire Station Nos. 2 & 6	Joel Hemesath	0.50
	2020 Operating Budget Presentation	Renee Wheeler	1.00
	Review of the Oil and Gas Regulation Matrix and Monitoring/Participating in the SB-181 Rule Making Process	Brad Mueller	1.00
September 3, 2019 Council Meeting	Ordinance - Intro - Fourth Additional Appropriation	Renee Wheeler	Consent
	Ordinance - Final - Building Code Amendments to the Greeley Municipal Code	Brad Mueller	Regular
	Ordinance - Final - 354 Business Park Rezone #2	Brad Mueller	Regular
	Ordinance - Final - 1530 3rd Avenue ROW Vacation	Brad Mueller	Regular
	Ordinance - Final - 1530 3rd Avenue Rezone	Brad Mueller	Regular
September 10, 2019 Worksession Meeting	My Greeley Campaign	Becky Safarik	0.50
	16th Street Improvements	Becky Safarik	0.50
	Transportation Masterplan Map Update	Joel Hemesath	0.50
	2020 Operating Budget Presentation	Renee Wheeler	1.00
September 17, 2019 Council Meeting	Ordinance - Intro - Issuance of Certificates of Participation for Fire Stations	Renee Wheeler	Consent
	Ordinance - Final - Fourth Additional Appropriation	Renee Wheeler	Regular
	Board & Commission Appointments	Betsy Holder	Regular
September 24, 2019 Worksession	School Fee-inlieu Discussion	Brad Mueller	0.50
	CDBG Presentation	Ben Snow	0.50
	2020 Operating Budget Presentation	Renee Wheeler	1.00
October 1, 2019 Council Meeting	Public Hearing to approve 2020 budget and 2020-2024 Consolidated Plan	Renee Wheeler	Regular
	Public Hearing to approve 2020 budget and 2020-2024 Consolidated Plan	Ben Snow	Regular
	Ordinance - Intro & Public Hearing- 2020 Budget Adoption	Renee Wheeler	Regular
October 8, 2019	Operating Budget Follow-up (if necessary)	Renee Wheeler	0.50
Worksession Meeting			
October 15, 2019 Council Meeting	Ordinance - Final - 2020 Budget Adoption	Renee Wheeler	Regular
	Board & Commission Appointments	Betsy Holder	Regular
October 22, 2019 Worksession Meeting	3rd Quarter CIP Update	Joel Hemesath	0.50
	Quarterly Financial Report	Renee Wheeler	0.50
November 5, 2019	Ordinance - Intro - Dissolution of GGID	Renee Wheeler	Consent
Council Meeting			
November 12, 2019			
Worksession Meeting			
November 19, 2019 Council Meeting	Ordinance - Final - Dissolution of GGID	Renee Wheeler	Regular
	Board & Commission Appointments	Betsy Holder	Regular
November 26, 2019			
Worksession Meeting			
December 3, 2019	Ordinance - Intro - Fifth Additional Appropriation	Renee Wheeler	Consent
Council Meeting			
December 10, 2019			
Worksession Meeting			
December 17, 2019 Council Meeting	Ordinance - Final - Fifth Additional Appropriation	Renee Wheeler	Regular
	Board & Commission Appointments	Betsy Holder	Regular
December 24, 2019			
Worksession Meeting			

August 5, 2019 - August 11, 2019

August 2019							September 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2	1	2	3	4	5	6	7
4	5	6	7	8	9	10	8	9	10	11	12	13	14
11	12	13	14	15	16	17	15	16	17	18	19	20	21
18	19	20	21	22	23	24	22	23	24	25	26	27	28
25	26	27	28	29	30	31	29	30					

Monday, August 5

Tuesday, August 6

6:30pm - 7:30pm City Council Meeting (1001 11th Avenue) 

Wednesday, August 7

Thursday, August 8

Friday, August 9

Saturday, August 10

Sunday, August 11

August 12, 2019 - August 18, 2019

August 2019							September 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2	1	2	3	4	5	6	7
4	5	6	7	8	9	10	8	9	10	11	12	13	14
11	12	13	14	15	16	17	15	16	17	18	19	20	21
18	19	20	21	22	23	24	22	23	24	25	26	27	28
25	26	27	28	29	30	31	29	30					

Monday, August 12

Tuesday, August 13

5:00pm - 6:00pm City Council Worksession (1001 11th Avenue)

Wednesday, August 14

Thursday, August 15

7:30am - 8:30am DDA (Casseday/Smail)

3:30pm - 4:30pm Airport Authority (Casseday/Payton)

Friday, August 16

Saturday, August 17

10:00am - 11:00am City Chat with Councilmember Suniga (TBD)

Sunday, August 18

August 19, 2019 - August 25, 2019

August 2019							September 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2	1	2	3	4	5	6	7
4	5	6	7	8	9	10	8	9	10	11	12	13	14
11	12	13	14	15	16	17	15	16	17	18	19	20	21
18	19	20	21	22	23	24	22	23	24	25	26	27	28
25	26	27	28	29	30	31	29	30					

Monday, August 19

1:00pm - 3:00pm Aims Flight Training Center Grand Opening
(Northern Colorado Regional Airport, 6350 Aviation Circle, Loveland CO)

Tuesday, August 20

6:30pm - 7:30pm City Council Meeting (1001 11th Avenue)

Wednesday, August 21

7:30am - 8:30am Visit Greeley (Fitzsimmons)

2:00pm - 5:00pm Water & Sewer Board (Gates)

Thursday, August 22

Friday, August 23

8:00am - 5:00pm 2019 Water & Sewer Board & Council Summer Tour (TBD - details to come) - Council Master Calendar

Saturday, August 24

Sunday, August 25

August 26, 2019 - September 1, 2019

August 2019							September 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2	1	2	3	4	5	6	7
4	5	6	7	8	9	10	8	9	10	11	12	13	14
11	12	13	14	15	16	17	15	16	17	18	19	20	21
18	19	20	21	22	23	24	22	23	24	25	26	27	28
25	26	27	28	29	30	31	29	30					

Monday, August 26

11:30am - 12:30pm Greeley Chamber of Commerce (Gates)

6:00pm - 7:00pm Youth Commission (Smail)

Tuesday, August 27

5:00pm - 6:00pm City Council Worksession (1001 11th Avenue)

Wednesday, August 28

7:00am - 8:00am Upstate Colorado Economic Development
(Gates/Hall) (Upstate Colorado Conference Room) - Council Master
Calendar

Thursday, August 29

Friday, August 30

Saturday, August 31

Sunday, September 1

September 2, 2019 - September 8, 2019

September 2019						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October 2019						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Monday, September 2

Tuesday, September 3

6:30pm - 7:30pm City Council Meeting (1001 11th Avenue) 

Wednesday, September 4

Thursday, September 5

7:00am - Poudre River Trail (Hall) 

3:30pm - IG Adv. Board (Smail) 

6:00pm - MPO (Gates/Casseday) 

Friday, September 6

Saturday, September 7

Sunday, September 8

Council Agenda Summary

August 6, 2019

Agenda Item Number 15

Title

Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and at any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements and ordinances.

Council's Recommended Action

A motion to approve the above authorizations.

Council Agenda Summary

August 6, 2019

Agenda Item Number 16

Title

Adjournment