

ORDINANCE NO. 733

AN ORDINANCE AMENDING THE HAYDEN MUNICIPAL CODE BY AMENDING TITLE 4 CONCERNING ANIMALS AND ESTABLISHING ADDITIONAL ANIMAL REGULATIONS

WHEREAS, the Town of Hayden, Colorado (the “Town”), is a Colorado home rule municipality, duly organized and existing under its home rule charter; and

WHEREAS, pursuant to Section 1-2 of the home rule charter and C.R.S. § 31-15-401, the Town, acting through its Town Council (the “Council”), is authorized to adopt ordinances regulating the keeping of animals, including the prohibition and punishment for cruelty to animals; and

WHEREAS, pursuant to such authority, the Council previously various animal regulations, codified as Title 4 of the Hayden Municipal Code (“Code”); and

WHEREAS, Staff recommends amendments and additions to the Code to better regulate animal uses within the Town; and

WHEREAS, the Council finds that it is desirable to update the animal code to better reflect the Town’s current animal uses.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, THAT:

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

Section 2. Section 4.20.020 of the Code, concerning vaccination certificates, is hereby repealed and designated as “Reserved” as follows:

Sec. 4.20.020. – Certificate, contents. RESERVED

~~Upon vaccination, the veterinarian administering the vaccine shall execute and furnish to the owner of a dog, cat or rabies susceptible animal as evidence thereof, a certificate upon a form furnished by the town. Such owner shall retain a duplicate copy, and one copy thereof shall be filed with the town clerk. Such certificate shall contain the following information:~~

- ~~(1) Name, address and telephone number of the owner or harborer of the inoculated animal;~~
- ~~(2) Date of inoculation;~~
- ~~(3) Type of vaccine used;~~
- ~~(4) Year and series number of the rabies tag; and~~

~~(5) Breed, age, color and sex of the inoculated animal.~~

Section 3. Section 4.44.020 of the Code, concerning inhumane treatment of animals, is amended as follows:

Sec. 4.44.020. - Inhumane treatment; abandonment of animals.

(A) No owner shall fail to provide his animal with sufficient, good and wholesome food, water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment. No person will beat, cruelly treat, torment, overload, overwork or otherwise abuse any animal, or cause or permit any dogfight, cockfight, bullfight or other conflict between animals and humans.

(B) NO PERSON SHALL LEAVE ANY ANIMAL UNATTENDED WITHIN A PARKED VEHICLE SO AS TO PLACE THE ANIMAL IN DANGER OF SUFFERING HEAT EXHAUSTION, HEATSTROKE OR DEATH. AUTHORIZED PERSONNEL MAY MAKE A PRIMA FACIE DETERMINATION AS TO WHETHER THE ANIMAL IS IN DANGER OF SUFFERING HEAT EXHAUSTION, HEATSTROKE OR DEATH, WHICH DETERMINATION MAY BE BASED UPON, BUT NOT LIMITED TO, A CONSIDERATION OF THE FOLLOWING FACTORS:

(1) EXTERNAL AMBIENT TEMPERATURE IS EIGHTY (80) DEGREES FAHRENHEIT OR GREATER;

(2) TEMPERATURE INSIDE THE CAR IS ONE HUNDRED (100) DEGREES FAHRENHEIT OR GREATER;

(3) THE TIME OF DAY;

(4) POSITION OF WINDOWS ALLOWS FOR SUFFICIENT CROSS-VENTILATION;

(5) THE AMOUNT OF SHADE COVERING THE VEHICLE;

(6) THE AGE OF THE ANIMAL;

(7) THE BREED OF THE ANIMAL;

(8) THE OVERALL CONDITION OF THE ANIMAL; AND

(9) ANY OTHER FACTORS TENDING TO SHOW THE SEVERITY OF THE SITUATION.

(C) NO PERSON SHALL RESTRAIN OR PERMIT AN ANIMAL TO BE IMPROPERLY TETHERED. FOR PURPOSES OF THIS SECTION, IMPROPER TETHERING SHALL MEAN USE OF A FIXED POINT CHAIN OR TETHER IN A MANNER THAT IS LIKELY TO CAUSE BODILY INJURY TO THE ANIMAL OR

ENDANGER THE HEALTH OR SAFETY OF OTHER ANIMALS OR PEOPLE. AN ANIMAL CONTROL OFFICER IS EMPOWERED TO MAKE A PRIMA FACIE DETERMINATION AS TO WHETHER TETHERING IS IMPROPER, WHICH DETERMINATION MAY BE BASED UPON, BUT IS NOT LIMITED TO, THE CONSIDERATION OF THE FOLLOWING FACTORS:

(1) USING A CHAIN OR TETHER MADE OF ROPE, TWINE, CORD OR SIMILAR MATERIAL THAT IS INSUFFICIENT TO RESTRAIN THE ANIMAL;

(2) USING A CHAIN OR TETHER THAT:

A. IS LESS THAN TEN (10) FEET IN LENGTH;

B. DOES NOT HAVE SWIVELS ON BOTH ENDS;

C. IS NOT ATTACHED TO THE ANIMAL BY MEANS OF A PROPERLY FITTING HARNESS OR COLLAR OF AT LEAST ONE (1) INCH IN WIDTH; AND/OR

D. IS WRAPPED AROUND THE ANIMAL'S NECK;

(3) USING A CHAIN OR TETHER THAT IS TOO HEAVY OR TOO BIG FOR THE SIZE AND WEIGHT OF THE ANIMAL SO THAT THE ANIMAL IS PROHIBITED FROM MOVING ABOUT FREELY;

(4) ALLOWING AN ANIMAL TO BE CHAINED OR TETHERED IN SUCH A MANNER THAT THE ANIMAL IS NOT CONFINED TO THE OWNER'S PROPERTY OR SO THAT THE CHAIN OR TETHER CAN BECOME ENTANGLED AND PREVENT THE ANIMAL FROM MOVING ABOUT FREELY, LYING DOWN COMFORTABLY OR HAVING ACCESS TO ADEQUATE FOOD, WATER AND SHELTER; OR

(5) USING A CHAIN AS A PRIMARY COLLAR RATHER THAN A COLLAR MADE OF NYLON, COTTON, LEATHER OR SIMILAR MATERIAL.

(D) IF ANY OWNER IS CHARGED WITH A VIOLATION OF THIS SECTION, THE ANIMAL MAY BE TAKEN AND IMPOUNDED PURSUANT TO CHAPTER 4.40 AND THE OWNER OR POSSESSOR OF THE ANIMAL MAY BE FINED AS PROVIDED IN SECTION 4.16.010.

Section 4. Section 4.24.010 of the Code, concerning the registration of animals, is amended as follows:

Sec. 4.24.010. – Animal License; Required fee.

Any person having custody of any dog, CAT, or potbellied pig three months of age or older for a minimum of 30 days shall procure a license. COMMUNITY CATS SHALL NOT BE SUBJECT TO THE REQUIREMENTS OF THIS SECTION. License fees shall be paid annually to the town. License fees shall be in an amount to be determined by the Town Council from time to time. All licenses issued under this chapter shall expire on May 31 of each year, and the full amount shall be paid for any fraction of the licensing year. Upon collection of the license fee by the town, a dated receipt shall be issued stating the name and address of the owner, tag number and description, together with a town license tag stamped with a serial number, year and county and state of issuance. Such license shall not be issued for any dog without proof of vaccination of that animal.

Section 5. Section 4.24.020 of the Code, concerning the exhibition of animal registration tags, is amended with the addition of a new subsection (c) as follows:

Sec. 4.24.020. - Tag; exhibition of receipt and certificate.

(a) Every owner of a dog shall attach the tag evidencing the licensing and inoculation with anti-rabies vaccine to the collar or harness of the inoculated and licensed dog. Such collar or harness shall be worn by the dog at all times. The original license receipt and rabies vaccination certificate shall be retained by the owner or harbinger of the animal. It is unlawful for any person who owns or harbors any dog to fail or refuse to exhibit his copy of the license receipt and certificate of vaccination upon demand to any person charged with the enforcement of this chapter.

(b) Every owner of a potbellied pig shall attach the tag evidencing the licensing by the town to the harness of the licensed potbellied pig. Such license shall be clearly visible, and no owner, possessor or keeper of a potbellied pig shall refuse to exhibit his copy of the license receipt upon demand to any person charged with the enforcement of this chapter.

(C) EVERY OWNER OF A CAT SHALL ATTACH THE TAG EVIDENCING THE LICENSING BY THE TOWN TO THE COLLAR OR HARNESS OF THE LICENSED CAT. SUCH LICENSE SHALL BE CLEARLY VISIBLE, AND NO OWNER, POSSESSOR OR KEEPER OF A CAT SHALL REFUSE TO EXHIBIT HIS COPY OF THE LICENSE RECEIPT UPON DEMAND TO ANY PERSON CHARGED WITH THE ENFORCEMENT OF THIS CHAPTER.

Section 6. Section 12.20.080 of the Code, concerning nuisances, is amended with the addition of a new subsection (a)(16) to read as follows:

Sec. 12.20.080. - Specific nuisances declared.

(a) The following are specifically declared to be nuisances and are prohibited:

(1) Abandoned containers, open wells, cisterns or excavations...

(16) ANY PERSON OR AGENT KEEPING AT HIS OR HER PREMISES MORE PET ANIMALS THAN CAN BE PROPERLY MAINTAINED IN A HEALTHY CONDITION OR AN AMOUNT OF ANIMALS WHICH PRESENTS A HEALTH OR SAFETY HAZARD TO THE OWNER, KEEPER, NEIGHBORS, OR OTHERS SHALL CONSTITUTE A NUISANCE.

A. IT SHALL BE A NUISANCE FOR ANY OWNER OR KEEPER OF AN ANIMAL TO PERMIT SUCH ANIMAL TO MAKE UNREASONABLE NOISE OR DISTURB THE PEACE AND QUIET OF ANY PERSON BY BARKING, WHINING, HOWLING, YOWLING, SQUAWKING OR MAKING ANY OTHER NOISE IN AN EXCESSIVE, CONTINUOUS OR UNTIMELY FASHION, WHETHER THE ANIMAL IS ON OR OFF THE OWNER'S PREMISES.

Section 7. Title 4, Chapter 4.28 of the Code, concerning prohibited animals, is amended by the addition of new Section 4.28.040 to read in its entirety as follows:

Section. 4.28.040. – Limitations concerning wild or exotic animals.

(a) No person shall own, feed or possess any animal for which a state license is required unless such person possesses the appropriate license from the Colorado Division of Parks and Wildlife.

(b) No person shall keep any wild or exotic animal unless such possession is authorized by federal or state law. Notwithstanding the foregoing, in no event shall any person keep or feed the following:

(1) Bears;

(2) Any species of feline, including exotic cat/domesticated cat crossbreeds, other than ordinary domesticated house cats;

(3) Skunks;

(4) Poisonous or venomous amphibians or reptiles;

(5) Raccoons, porcupines, badgers or other similar species, except ferrets or minks, unless authorized under a state wildlife rehabilitation license;

(6) Deer;

(7) Any wolf, coyote or fox;

(8) Any species of nonhuman primate, but excluding animals imported under authority of state or federal law; and

(9) Wild geese or ducks, except as permitted under a state wildlife rehabilitation license.

Section 8. Section 4.08.010 of the Code, concerning the definition of terms, is amended as follows:

Sec. 4.08.010. - Definitions.

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

Animal means all reptiles and warm-blooded mammals, except Homo sapiens, both domesticated and undomesticated, male or female, spayed, neutered or unspayed or unneutered...

COMMUNITY CAT MEANS A CAT WHICH IS FERAL, WILD, UNTAMED OR UNSOCIALIZED...

Dog means any animal of the canine species.

Section 9. Title 4, Chapter 4.40 of the Code, concerning animal impoundment, is amended by the addition of new Section 4.40.060 to read in its entirety as follows:

Sec. 4.40.060 – Community Cat Impoundment.

- (a) Any cat impounded pursuant to Section 4.40.020, which after an unsuccessful attempt to release the impounded cat pursuant to Section 4.40.030, may be considered a community cat in lieu of the procedure provided by Section 4.40.040.
- (b) Following the waiting period provided by Section 4.40.040, a cat which is reasonably believed to be a community cat may be transferred at any time to the Routt County Humane Society’s Trap-Neuter-Return program with the purpose of immediate identification, sterilization and release. A cat which lacks owner identifying information, a microchip and/or rabies tags shall be presumed to be a Community Cat.

Section 10. Codification Amendments. The codifier of the Town’s Municipal Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Hayden Municipal Code. The Town Clerk is authorized to correct, or approve the correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not substantively change any provision of the regulations adopted in this Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

Section 11. Severability. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town

Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

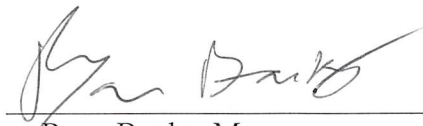
Section 12. Repealer. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 13. No Existing Violation Affected. The repeal or modification of any provision of the Municipal Code of the Town of Hayden by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 14. Effective Date. This Ordinance shall be in full force and effect immediately on final passing and adoption, and shall be published in accordance with Section 3-3h of the Home Rule Charter and recorded in the Town Book of Ordinances kept for that purpose, authenticated by the signatures of the Mayor and Town Clerk.

Section 15. Public Hearing on Ordinance No. _____. A public hearing on this Ordinance will be held on June 6, 2024 at the regular meeting of the Hayden Town Council beginning at 7:30 p.m. at the Hayden Town Hall, 178 West Jefferson Avenue, Hayden, Colorado.

INTRODUCED, READ AND ORDERED PUBLISHED PURSUANT TO SECTION 3-3(D) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ON February 15, 2024, AND SETTING A PUBLIC HEARING FOR June 6, 2024 AT THE COUNCIL CHAMBERS OF THE HAYDEN TOWN HALL, LOCATED AT 178 WEST JEFFERSON AVENUE, HAYDEN, COLORADO.

BY: 

Ryan Banks, Mayor

ATTEST: 

Sharon Johnson, Town Clerk

FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3-3(h) OF THE HAYDEN HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF HAYDEN, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF HAYDEN, ON THE 6th DAY OF June, 2024.

BY: 
Ryan Banks, Mayor

ATTEST: 
Sharon Johnson, Town Clerk

