



Town of Elizabeth

Board of Trustees Regular Meeting - Updated 10/27/25

Tuesday, October 28, 2025 at 7:00 PM

Town Hall, 151 S. Banner Street

Conferencing Access Information: This is viewing-only access.

[Zoom link to view meeting](#)

Join via phone: 1 669 900 9128 **Meeting ID:** 829 5319 5353

Meeting Passcode: 614795

Call to Order

Roll Call

Pledge of Allegiance

Public Comment

This is a meeting of the Board of Trustees held in public. We welcome you here and thank you for your time and concerns. When you are recognized, please stand and state your name and address to the Board. Your comments will be limited to 5 minutes. If many speakers are anticipated, the Mayor may (a) shorten the time limit; (b) ask speakers to limit themselves to new information and points of view not already covered by previous speakers; and/or (c) limit the total time of public comment to allow the Board to proceed to consider items set on the regular meeting agenda. The Board of Trustees may not respond to your comments during this meeting, but rather take your comments and suggestions under advisement and your questions will be directed to the appropriate person or department for follow-up. Personal attacks against Board Members, Administrative Staff, or Employees will not be recognized. If a response from Staff is requested, the Mayor will direct Staff to have a response at the next regularly scheduled Board meeting.

Agenda Changes

Consent Agenda

1. Minutes of the Regular Meeting of October 14, 2025

New Business

2. Discussion on request for an Ordinance change — Town Resident Brooke Jacobson
3. Discussion and Direction on Compensation Study – Patrick Davidson
4. Discussion and possible action on Ordinance 25-12, an Ordinance amending the following Sections of

Action may be taken on any and all items listed on the agenda.

Accommodations for disabilities may be made upon request.

the Elizabeth Municipal Code: Sections 2-2-90; 2-4-80; 2-6-20; 2-6-30; 2-9-40; 7-1-10; 7-1-110; 7-1-120; 7-3-10; 7-3-120; 7-4-10; 7-5-10 through 7-5-50; 7-6-40; 7-6-50; 8-1-10; 8-3-20; 10-5-130; 11-4-50 through 11-4-80; 11-6-10 through 11-6-30; 13-2-120; 13-2-125; 13-2-170; 13-4-100; 13-6-20; and 13-6-60 - Patrick Davidson

Management Monitoring Reports

5. Management Monitoring Reports

Board of Trustees Report

6. Board Reports

Minutes

7. Minutes of the Main Street Board of Directors Meeting of July 14, 2025

Executive Session

- 8.** To consider personnel matters, pursuant to C.R.S. § 24-6-402 (4)(f) regarding the Town Administrator Review, and to hold a conference with the Town's attorney to receive legal advice regarding issues arising from the Town Administrator's review pursuant to C.R.S. § 24-6-402(4)(b).

Adjournment

Meeting Protocol and Standards of Conduct

Public Participation

Public comment is encouraged and will be listed as an agenda item at every regular Board meeting.

Each individual wishing to be heard during the public comment period will be given up to three (3) minutes to make a comment.

The public comment period will not be used to make political endorsements or for political campaign purposes.

Questions from the Board will be for clarification purposes only. Public comment will not be used as a time for problem solving or reacting to comments made but, rather, for listening to the comments of citizens without taking any formal action.

The Board may direct the Town Administrator to provide information requested by a speaker during the public comment period.

Speakers are not allowed to make belligerent, accusatory, impertinent, slanderous, threatening, abusive, or disparaging comments.

The Mayor may elect to defer public comment on a specific issue that appears on the regular agenda until that specific item is addressed.

The Mayor may call for order when sidebar conversations occur in the audience. Those conversations are distracting from the Board addressing the topics at hand.

Members of the public who do not follow proper conduct after a warning in a public meeting may be barred from further participation at that meeting or removed from the Board Chambers pursuant to the Elizabeth Municipal Code and Colorado Revised Statutes.

Action may be taken on any and all items listed on the agenda.
Accommodations for disabilities may be made upon request.



Town of Elizabeth

Board of Trustees Regular Meeting - Record of Proceedings

Tuesday, October 14, 2025 at 7:00 PM

Town Hall, 151 S. Banner Street

Call to Order

The Regular Meeting of the Board of Trustees for the Town of Elizabeth was called to order on Tuesday, October 14, 2025, at 7:00 PM by Mayor Angela Ternus.

Roll Call

Present:

Mayor Angela Ternus
Mayor Pro Tem Tracy Hutchins
Trustee Loren Einspahr
Trustee Dave Conley
Trustee Michael Schroder
Trustee Steve Gaither
Trustee Cynthia Thye

Absent:

None

There was a quorum to do business.

Also in Attendance:

Town Administrator Patrick Davidson
Deputy Town Clerk Harmony Malakowski
Planner/Project Manager Alexandra Cramer
Public Works Director Mike DeVol
Assistant Public Works Director James McErnie
Police Chief Jeff Engel
Town Attorney Corey Hoffmann

Pledge of Allegiance

Mayor Ternus led the Board in the Pledge of Allegiance.

Public Comment

This is a meeting of the Board of Trustees held in public. We welcome you here and thank you for your time and concerns. When you are recognized, please stand and state your name and address to the Board. Your comments will be limited to 5 minutes. If many speakers are anticipated, the Mayor may (a) shorten the time limit; (b) ask speakers to limit themselves to new information and points of view not already covered by previous speakers; and/or (c) limit the total time of public comment to allow the Board to proceed to consider items set on the regular meeting agenda. The Board of Trustees may not respond to your comments during

this meeting, but rather take your comments and suggestions under advisement and your questions will be directed to the appropriate person or department for follow-up. Personal attacks against Board Members, Administrative Staff, or Employees will not be recognized. If a response from Staff is requested, the Mayor will direct Staff to have a response at the next regularly scheduled Board meeting.

Sean Bigler - Douglas County Resident and Town Employee

Tyler Rabideau - Town Resident and Town Reserve Officer

Daisy Tucker - El Paso County Resident and Town Employee

Steven Herbel - Arapahoe County Resident and Town Employee

Jenny Case - Town Resident and Town Employee

Agenda Changes

No changes from Administration.

No changes from the Board.

Agenda set.

Consent Agenda

1. Minutes of the Regular Meeting of September 23, 2025

Motion by Trustee Einspahr, seconded by Trustee Schroder, to approve the Consent Agenda.

Voting Yes: Mayor Ternus, Trustee Einspahr, Trustee Conley, Trustee Schroder, Trustee Gaither, Trustee Thye

Voting No: None

Voting Abstain: Mayor Pro Tem Hutchins

Motion Passed (6-0)

Proclamations

2. Law Enforcement Records Personnel Week Proclamation – Mayor Ternus

Mayor Ternus read the Law Enforcement Records Personnel Week Proclamation.

Presentations

3. Swear in Commander Brett Cutler – Chief Engel and Harmony Malakowski

Deputy Town Clerk Malakowski swore in Commander Brett Cutler.

Mayor Ternus closed the Regular Meeting and opened the Public Hearing at 7:29 PM.

Public Hearing

4. 350 South Elbert Street Use by Special Review and Minor Development - Alexandra Cramer

Ms. Cramer provided a Staff Report.

Michael Patterson, the applicant, was available for questions.

There was no Public Comment.

Mayor Ternus closed the Public Hearing and reopened the Regular Meeting at 7:40 PM.

New Business

5. Discussion and possible action on Resolution 25R25, a Resolution making findings of fact memorializing the Board of Trustees' decision to grant a Use by Special Review for the property located at 350 South Elbert Street – Alexandra Cramer

Motion by Mayor Pro Tem Hutchins, seconded by Trustee Einspahr, to approve Resolution 25R25, a Resolution making findings of fact memorializing the Board of Trustees' decision to grant a Use by Special Review for the property located at 350 South Elbert Street.

Voting Yes: Mayor Ternus, Mayor Pro Tem Hutchins, Trustee Einspahr, Trustee Conley, Trustee Schroder, Trustee Gaither, Trustee Thye

Voting No: None

Motion Passed Unanimously (7-0)

Mayor Ternus closed the Regular Meeting and opened the Public Hearing at 7:40 PM.

Public Hearing

6. Minor Development for 350 South Elbert Street – Alexandra Cramer

Ms. Cramer provided a Staff report.

There was no Public Comment.

Mayor Ternus closed the Public Hearing and reopened the Regular Meeting at 7:41 PM.

New Business

7. Discussion and possible action on Resolution 25R26, a Resolution approving a Minor Development Subdivision for Property located at 350 South Elbert Street - Alexandra Cramer

Motion by Mayor Pro Tem Hutchins, seconded by Trustee Conley, to approve Resolution 25R26, a Resolution approving a Minor Development Subdivision for Property located at 350 South Elbert Street.

Voting Yes: Mayor Ternus, Mayor Pro Tem Hutchins, Trustee Einspahr, Trustee Conley, Trustee Schroder, Trustee Gaither, Trustee Thye

Voting No: None

Motion Passed Unanimously (7-0)

Mayor Ternus called for a 5-minute recess.

Mayor Pro Tem Hutchins left the meeting at 7:45 PM.

Mayor Ternus closed the Regular Meeting and opened the Public Hearing at 7:47 PM.

Public Hearing

8. Vacation of Dale Court and the Walnut Grove Final Plat – Alexandra Cramer

Ms. Cramer provided a Staff report.

Otto Burden spoke as the representative of the applicant.

Richard Millsapps - Town of Elizabeth Resident
Roger Grimes - Elbert County Resident

Mayor Ternus closed the Public Hearing and reopened the Regular Meeting at 8:41 PM.

New Business

9. Discussion and possible action on Ordinance 25-11, an Ordinance Vacating Dale Court, a Town Roadway, as well as the Walnut Grove Final Plat as set forth in Section 16-3-60 of the Elizabeth Municipal Code – Alexandra Cramer

Motion by Trustee Conley, seconded by Trustee Einspahr, to approve Ordinance 25-11, an Ordinance Vacating Dale Court, a Town Roadway, with the condition that the Walnut Grove property shall be obligated to regular maintenance of the fence located on the utility easement and to replace the fence in the event that it is damaged or destroyed as a result of the easement holder's need to access their easements and such reconstruction or repair must occur within one month.

Voting Yes: Trustee Einspahr, Trustee Conley, Trustee Schroder, Trustee Gaither

Voting No: Mayor Ternus, Trustee Thye

Motion Passed (4-2)

11. Discussion and possible action on Resolution 25R33, a Resolution approving the Final Plat for Walnut Grove located at East Maple and South Elbert Street – Alexandra Cramer

Motion by Trustee Conley, seconded by Trustee Gaither, to approve Resolution 25R33, a Resolution approving the Walnut Grove Final Plat as set forth in Section 16-3-60 of the Elizabeth Municipal Code with the condition that the Walnut Grove property shall be obligated to regular maintenance of the fence located on the utility easement and to replace the fence in the event that it is damaged or destroyed as a result of the easement holder's need to access their easements and such reconstruction or repair must occur within one month.

Voting Yes: Trustee Einspahr, Trustee Conley, Trustee Schroder, Trustee Gaither

Voting No: Mayor Ternus, Trustee Thye

Motion Passed (4-2)

Mayor Ternus closed the Regular Meeting and opened the Public Hearing at 8:53 PM.

Public Hearing

10. Walnut Grove Site Plan – Alexandra Cramer

Dave Ahmadabad - Owner

No Public Comment

Mayor Ternus closed the Public Hearing and reopened the Regular Meeting at 8:58 PM.

New Business

12. Discussion and possible action on Resolution 25R34, a Resolution approving the Site Development Plan for Walnut Grove located at East Maple Street and South Elbert Street – Alexandra Cramer

Motion by Trustee Conley, seconded by Trustee Einspahr, to approve Resolution 25R34, a Resolution approving the Site Development Plan for Walnut Grove located at East Maple Street and South Elbert Street with the condition that the Walnut Grove property shall be obligated to regular maintenance of the

fence located on the utility easement and to replace the fence in the event that it is damaged or destroyed as a result of the easement holder's need to access their easements and such reconstruction or repair must occur within one month.

Voting Yes: Trustee Einspahr, Trustee Conley, Trustee Schroder, Trustee Gaither

Voting No: Mayor Ternus, Trustee Thye

Motion Passed (4-2)

Management Monitoring Reports

13. Management Monitoring Reports

- Town Administrator Patrick Davidson:
 - Trustee Thye had a question regarding the street lights on Main Street.
- Police Chief Jeff Engel:
 - Mayor Ternus asked Chief for clarification on the part-time ICAC investigator position.
 - Trustee Thye asked Chief for clarification on Community Policing.
 - Chief Engel provided updates on construction projects at the station.
- Planner/Project Manager Alexandra Cramer:
 - Mayor Ternus requested clarification regarding the 5K expenses.
- Public Works Director Mike DeVol:
 - Mayor Ternus had a question about the newly installed moose at the Depot Parking Lot.
 - Trustee Schroder asked about next year's budget and if it included funds for replacement of street signs.
- Deputy Town Clerk Harmony Malakowski:
 - Received clarification from the Board regarding Boo Bash tent schedule.
- Town Attorney Corey Hoffmann:
 - Attended the CML Municipal Law Conference.

Board of Trustees Report

14. Board Reports

- Mayor Angela Ternus:
 - Attended the Senior Citizen event held at the Elbert County Fairgrounds.
- Trustee Dave Conley:
 - Attended the Homecoming Parade.
 - Requested an update regarding the Student Liaison position.
- Trustee Steve Gaither:
 - Participated in the Homecoming Parade.
- Trustee Cynthia Thye:
 - Elbert County Artist's Guild is dissolving. They will be merging with Parker's Artist Guild.

Minutes

15. Minutes of the Planning Commission of August 5, 2025

Executive Session

16. An Executive Session to determine positions relative to matters that may be subject to negotiations,

develop a strategy for negotiations, and/or Instruct negotiators, pursuant to C.R.S. 24-6-402(4)(e), regarding the potential annexation of 889 South Elizabeth Street; a potential annexation of 33874 County Road 21; and a potential annexation of a portion of Section 18-8S-64W into the Town of Elizabeth.

Motion by Mayor Ternus, seconded by Trustee Einspahr, to close the Regular Meeting at 9:29 and open an Executive Session to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or Instruct negotiators, pursuant to C.R.S. 24-6-402(4)(e), regarding the potential annexation of 889 South Elizabeth Street; a potential annexation of 33874 County Road 21; and a potential annexation of a portion of Section 18-8S-64W into the Town of Elizabeth.

Voting Yes: Mayor Ternus, Trustee Einspahr, Trustee Conley, Trustee Schroder, Trustee Gaither, Trustee Thye
Voting No: None

Motion Passed Unanimously (6-0)

Motion by Mayor Ternus, seconded by Trustee Schroder, to adjourn the Executive Session and return to the Regular Meeting at 10:37 PM.

Voting Yes: Mayor Ternus, Trustee Einspahr, Trustee Conley, Trustee Schroder, Trustee Gaither, Trustee Thye
Voting No: None

Motion Passed Unanimously (6-0)

Adjournment

Motion by Trustee Gaither, seconded by Trustee Conley, to adjourn the meeting at 10:38 PM.

Voting Yes: Mayor Ternus, Trustee Einspahr, Trustee Conley, Trustee Schroder, Trustee Gaither, Trustee Thye
Voting No: None

Motion Passed Unanimously (6-0)

Town Clerk Michelle Oeser

Mayor Angela Ternus

The document labeled pig letter is basically what I have to say.

The 3 letters from others are the same ones that I gave them last time.

In the codes I am using:

Westminster Page 15 letter F

Castle Rock Page 21 6.02.252

Longmont Page 1 7.04.020

Parker Page 9 9.05.050

I have included Article VII of the Elizabeth code just to compare what is already there, and zoning Section 16-1-205 for the same purpose.

The 2 documents that begin Providing a Home ... and Domestic Pigs... are articles about the temperament and care of potbellied pigs. I'm thinking that is everything I have to send, but I am also reaching out to the vet that recently saw Bolt to ask her for a general statement of health and certification that he is in fact a potbellied pig and has been vaccinated.

Brooke Jacobson

October 21, 2025

To the Honorable Mayor and Members of the Town Board,

I am presenting this proposed addendum in response to the Animal Control Officer concern regarding my pet pot-bellied pig, who has lived on my property as a beloved companion animal and member of our family since July 2022. I appreciate the opportunity to address the matter directly and respectfully request the Board's understanding and support in allowing him to remain in my care.

While he is technically a pig by species, my pet is **not livestock**, nor would he be considered "**swine**" as outlined in the city ordinance. He is a **pot-bellied pig**, a breed commonly recognized and kept across the country as a domestic pet, distinct from agricultural hogs or production animals.

He is **not raised for food or breeding**, nor is he used for any commercial or farming purpose. Instead, he is a **fully domesticated outdoor pet**, who lives in a clean, secure, and well-maintained area of our yard. He is **quiet, non-destructive**, and has never caused a disturbance or hazard to neighbors, property, or the community.

Over the past three years, he has proven to be calm, friendly, and safe around people of all ages. Neighbors who have interacted with him can attest to his gentle nature. He receives regular veterinary care, is well-fed, and is kept in conditions that meet or exceed animal welfare expectations for household pets.

I understand and respect that the town must enforce zoning and animal ordinances to maintain community standards. This is why I am proposing a change to the code to regulate responsible ownership of this type of pet.

Pot-bellied pigs should be allowed as pets because they are intelligent, social animals that can be excellent companions. Many cities have successfully re-evaluated and changed bans to permit responsible pot-bellied pig ownership. Various USDA agencies state that pot-bellied pigs are considered pets not livestock and the Colorado Revised Statutes says "Livestock" means cattle, swine, sheep, goats, and such horses, mules, asses, and other animals used in the farm or ranch production of food, fiber, or other products defined by the commissioner as agricultural products."

I respectfully request that the Town Board adopt this proposed addendum or something similar:

Potbellied pigs

It shall be unlawful for any person to possess, harbor, keep, maintain or permit at his or her dwelling within the Town any potbellied pig or any pig purporting to be a potbellied pig, unless the owner complies with the requirements of this Section. It shall be unlawful for any owner to fail to comply with these requirements.

- (1) The pig must be registered through a bona fide potbellied pig registry or certified as a potbellied pig by a licensed veterinarian familiar with this breed of pig.
- (2) The owner of any potbellied pig four (4) months of age or older shall procure a license for the pig. Upon proof of registration and neutering and payment for the license, the Town shall issue a dated and numbered receipt and corresponding tag. In the event of loss or destruction of the original license tag, the owner shall obtain another tag from the Town. The license fee, including the fee for replacement licenses, shall be in an amount as set by the Town manager or designee. Pig licenses are not transferable. It shall be unlawful for any person to use or attempt to use a tag for any pig other than the pig for which the tag was originally issued.
- (3) The license tag shall be worn by the pig at all times and shall be renewed at intervals determined by the Town manager or designee.
- (4) Owners must have the pig seen by a licensed veterinarian for vaccinations at intervals recommended by the veterinarian.
- (5) A male potbellied pig shall be neutered prior to four (4) months of age and a female potbellied pig shall be neutered prior to six (6) months of age.
- (6) A potbellied pig shall not exceed one hundred fifty (150) pounds in weight.
- (7) No more than one (1) potbellied pig shall be permitted on any residential property.
- (8) A potbellied pig kept on residential property shall be kept as a pet for personal enjoyment, and not kept or raised for breeding, sale or human consumption.

No preemption

Nothing in the above section shall impair the enforcement of prohibitions or more restrictive regulations adopted by a homeowners associations or through restrictive covenants.

I am fully committed to being a responsible and cooperative member of the community and am open to any solutions that allow my pet to remain with us in a manner consistent with town values and public standards.

Thank you for your time, consideration, and understanding.

Respectfully,
Brooke Jacobson
385 W Elm St, Elizabeth, CO 80107
970-497-9577
Bjacobson@esdk12.org

ARTICLE VII Animals

Division 1 General Provisions¹

Sec. 7-7-10. General Provisions; Definitions.

- (1) Purpose. The Town establishes this Article to protect the public health and safety of its citizens and to promote the general welfare of the citizens and dogs residing within the Town. Dog ownership is encouraged and welcomed within the Town; however, strong emphasis is placed on responsible ownership of dogs. Dog owners are encouraged to respect the rights of their fellow citizens and those of their animals. Primary responsibility is placed upon dog owners to properly train or secure their dogs to prevent them from causing injuries or creating nuisances.
- (2) Interpretation.
 - (a) In interpreting and applying this Article, the requirements set forth herein are the minimum requirements for the protection of the public health, safety, and welfare. The provisions of this Article shall be liberally construed to accomplish its purposes.
 - (b) This Article shall not be deemed to interfere with, abrogate, annul, or otherwise affect in any manner whatsoever any ordinances, rules, regulations, permits or agreements between parties; provided, however, that where this Article imposes stricter requirements upon the care, maintenance and control of dogs than are imposed or required by other ordinances, rules, regulations, permits or agreements, the provisions of this Article shall prevail.
- (3) Definitions. For all purposes under this Article, the following words and phrases shall be construed as follows:

Animal control officer means any person employed by the Town to enforce the provisions of this Article, and any and all police officers of the Town.

Control shall mean that the dog is on a leash, cord, or chain not more than ten (10) feet in length held by a person of sufficient age, size, and physical ability to restrain the dog. Electric leashes are specifically prohibited.

Dangerous dog means any dog, except a dog assisting a law enforcement officer, engaged in law enforcement duties that:

1. Causes serious bodily injury to any person or domesticated animal or behaves in a manner that would have resulted in such serious bodily injury except for the fact that there was intervention by a person to stop the behavior.
2. Has been previously adjudged as a potentially dangerous dog under this Article and the owner has failed to obtain and/or maintain the required potentially dangerous dog permit; or the dog has engaged in subsequent behavior that poses a threat to public safety or for which any of the

¹Ord. No. 22-03, § 1, adopted January 25, 2022, repealed the former Division 1, §§ 7-7-10—7-7-30, and enacted a new Division 1 as set out herein. The former Division 1 pertained to similar subject matter and derived from Prior code 3-1-1.1, 3-1-9.1; Ord. 01-20; Ord. 13-11 §12; Ord. 99-11 §1, 1999.

potentially dangerous dog permit conditions set forth for the keeping of potentially dangerous dogs have been violated (unless the dog owner has been relieved of the obligation to maintain such permit as set forth in this Article).

3. Engages in or has been trained for dog fighting as described and prohibited in C.R.S. § 18-9-204.

Dog means any dog, whether male or female, regardless of age, except that for purposes of licensing, registration and vaccinations, "dog" shall mean a male or female dog that is at least four (4) months old.

Harbor means to occupy any premises on which a dog is kept or to which a dog customarily returns for food and care.

Impound means to physically confine a dog at a licensed boarding facility or licensed kennel at the direction of an animal control officer.

Keeper means any person, or the parent, guardian or custodian of any minor, who is in possession of, or is keeping, harboring or caring for any dog

Owner means and includes any person or entity that owns, keeps, harbors, possesses, or has permanent control or custody of a dog, claims responsibility for a dog, or is declared by court decree to be the responsible party for a dog or the authorized agent of any such person. The parent or guardian of any minor claiming ownership of a dog shall be deemed to be the owner of the dog for purposes of this Article.

Persistent means continuously without substantial interruption for a period of thirty (30) minutes or longer.

Potentially dangerous dog means any dog, except a dog assisting a law enforcement officer engaged in law enforcement duties, that may be a threat to public safety as may be demonstrated by any of the following behaviors:

1. Acts in a highly aggressive manner within a fenced yard or enclosure and appears to a reasonable person to be able to jump over or escape such fenced yard or enclosure.
2. Without provocation, approaches any person in a menacing or terrorizing manner, or in an apparent attitude of attack, whether such person is in motion or standing still, and whether such person is on foot or on or in a vehicle or device which allows such person to be in motion.
3. Any dog that without provocation menaces, chases, displays threatening or aggressive behavior, or otherwise threatens or endangers the safety of any person or domesticated animal.
4. Attacks any person or domesticated animal that is lawfully on the owner's property.
5. Without provocation causes any injury, less than serious bodily injury, to any person or domesticated animal at any place within the Town.
6. Any dog declared to be potentially dangerous, or potentially vicious, or a like definition, by any jurisdiction.

Serious bodily injury means bodily injury directly inflicted by the dog which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of permanent disfigurement, or a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or results in break, fractures, or burns of the second or third degree.

(Ord. No. 22-03, § 1, 1-25-2022)

Sec. 7-7-20. Power and duties of animal control officer; interference.

- (1) Animal control officers shall have the power and duty to enforce all sections of this Article and any other ordinances or laws of the state pertaining to dogs. In the furtherance of such duties, such officers may issue, sign, and serve penalty assessments or summons and complaints to enforce the provisions of this Article.
- (2) Animal control officers shall keep accurate and detailed records of the impoundment and disposition of all dogs coming into custody, and of all reports of any dog bites reported to such officers.
- (3) It shall be lawful for any animal control officer to go upon private property to capture any dog to be impounded for, or to investigate any report of a violation of this Article, if:
 - (a) The officer has obtained consent of the person in possession of the property.
 - (b) The officer has obtained a search warrant pursuant to Rule 241 of the Colorado Municipal Court Rules.
 - (c) The officer is in pursuit of a dog which is, or has been, running at large.
 - (d) The officer is in pursuit of a dog which the officer has probable cause to believe has bitten a person or other domesticated animal.
 - (e) The officer is attempting to abate a continuing violation when the owner of the property is not available.
 - (f) Nothing in subsections (3)(c), (3)(d), or (3)(e) of this section shall be deemed to authorize entry into any enclosed building on private property.
- (4) If an affidavit has been submitted to the Municipal Court Judge which satisfies the Judge that a dog which is the subject of a violation of this Article, is located within the Town and that the dog either poses a clear and present danger to the health, general welfare or safety of other persons or animals or is suffering extreme neglect or cruelty, the Municipal Court Judge may order the dog seized by the animal control officer pursuant to Rule 241 of the Colorado Municipal Court Rules. The owner of the dog may request a hearing concerning any such order for seizure entered pursuant to this subsection by filing an appropriate motion pursuant to applicable rules in the Colorado Municipal Court Rules. Whenever a dog is seized by order of the Municipal Court or other court, the kennel shall not adopt out, donate, or euthanize the dog unless such action is permitted by a subsequent order of the same court which ordered the initial seizure.
- (5) Notwithstanding paragraphs (3)(b) or (3)(f), above, if an animal control officer has reasonable cause to believe that the keeping or harboring of any dog is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the dog or the public health or safety, the animal control officer shall have the right to immediately enter and inspect the property or vehicle in or upon which the dog is kept, and may use any reasonable means required to effect such entry and make such inspection, whether the property or vehicle is occupied or unoccupied and whether permission to inspect has been obtained or not. If the property or vehicle is occupied, the animal control officer shall first present proper credentials to the owner or occupant of the property or vehicle and demand entry, explaining his or her reasons therefore and the purpose of the inspection. Such entry shall be solely for the purpose of abating the violation, and no evidence obtained during or as a result of such entry shall be admissible for purposes of prosecution.
- (6) It is unlawful for any person to interfere with, molest, hinder, or prevent any police officer or animal control officer or his or her authorized representative in the discharge of their duties as prescribed herein, or to violate any of the provisions of this Article.

(Ord. No. 22-03, § 1, 1-25-2022)

Sec. 7-7-30. Violations and penalties.

It is unlawful for any person to violate any of the provisions of this Article, and except as otherwise specifically provided elsewhere in this Article, any such violation shall be punished as provided below:

- (1) In the discretion of the Municipal Court, every person convicted of, or who pleads guilty or no contest to, a violation of any provision of this Article, shall be punished by a fine of not less than twenty-five dollars (\$25.00), but not exceeding one thousand dollars (\$1,000.00) per violation or count, by imprisonment not exceeding ninety (90) days or by useful community service or any combination of the above. Each day of any violation of this Article shall constitute a separate offense.
- (2) Authority is hereby expressly granted to the judges of the Municipal Court to enter any order enjoining an activity or authorizing its restraint, removal, termination or abatement by the owner, any agent, occupant, or other person who has caused the violation or allowed it to continue. If the owner, agent, occupant or other person fails to comply with the order of the Court, the Court may order abatement or removal of the violation and assess such costs incurred by the Town in removing or abating the violation against the person found by the Court to have caused, allowed to be caused, or allowed the violation to continue and such amount shall become a lien upon any real property on which abatement was performed if such amount is not paid to the Court within the time established by the Court for such amount to be paid.
- (3) Restitution. The court shall order any owner who is convicted of, or enters into a deferred judgment for any violation that includes injury or death of another animal, regardless of the charge to which any owner is convicted of or pleads guilty, to make restitution as follows:
 - (a) If the owner's dog injures any animal, restitution shall be equal to any reasonable and necessary medical expenses in treating such animal and in rehabilitating such animal.
 - (b) If the owner's dog destroys any animal, restitution shall be the greater of the fair market value or the replacement value of such animal on the date, but before the time, the animal was destroyed, plus any reasonable and necessary medical expenses incurred in treating the animal and the expense to dispose of such animal.

(Ord. No. 22-03, § 1, 1-25-2022)

Division 2 Rabies Control

Sec. 7-7-50. Inoculations.

Every person owning or harboring a dog, cat or other animal within the Town shall have such animal inoculated against rabies as frequently as recommended by the *Compendium of Animal Rabies Control* as promulgated by the National Association of State Public Health Veterinarians. Animals purchased, obtained or otherwise acquired or brought into the Town shall comply with this Section within thirty (30) days after such acquisition or being brought into the Town.

Sec. 7-7-60. Certificate of vaccination.

Upon vaccination, the veterinarian administering the vaccine shall execute and furnish to the owner of the animal a certificate of rabies vaccination. Such certificate shall contain the following information:

- (1) The name, address and telephone number of the owner or harborer of the inoculated animal.

-
- (2) The date of inoculation.
 - (3) The type of vaccine used.
 - (4) The year and series number of the rabies tag; and the breed, age, color and sex of the inoculated animal.

Sec. 7-7-70. Rabies tags.

Concurrent with the issuance and delivery of the certificate of vaccination referred to in Section 7-7-60 above, the owner of the animal shall receive a metal tag, serial numbered and bearing the year of issuance.

Sec. 7-7-80. Duplicate tags.

In the event of loss or destruction of the original tag provided in Section 7-7-70 above, the owner of the animal may obtain a duplicate tag from the veterinarian who vaccinated the animal.

Sec. 7-7-90. Designation of qualified persons.

All veterinarians who are duly registered and licensed as such by the State are hereby designated as authorized to vaccinate animals against rabies and to execute certificates of vaccination as provided by law.

Sec. 7-7-100. Proof of vaccination.

It is unlawful for any person who owns or harbors any dog, cat or other animal to fail or refuse to exhibit his or her copy of the certificate of vaccination upon demand to any person charged with the enforcement of this Article.

Division 3 Animal Bites

Sec. 7-7-150. Duty to report.

Any person having knowledge of an animal bite to a human shall immediately report the incident to the Police Department, animal control officer or to the Public Health Veterinary Section of the Colorado Department of Public Health and Environment.

Sec. 7-7-160. Rabies—Quarantine.

- (1) The owner of any dog that bites any person or other animal shall deliver the dog to the Town and shall provide such information as may be requested by an animal control officer.
- (2) Any dog which is found within the Town and which is suspected to be carrying rabies shall immediately be turned over to an animal control officer. An animal control officer shall, at the owner's expense, quarantine and impound such dog for a period of ten (10) days; and if during such period such dog displays symptoms of illness; its disposition, including without limitation, destruction, shall be determined by the Town in consultation with a licensed veterinarian.
- (3) A dog which is known to have been exposed to an animal infected with rabies shall be quarantined and shall be closely confined by its owner in a sufficiently fenced, locked area, or a kennel, all at the expense of the owner for a period of ten (10) days and take such other steps as may be necessary to prevent the spread of rabies.

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- (4) If it is known who the owner or keeper of a dog that is quarantined or impounded pursuant to this section, the owner or keeper shall be held responsible for any costs incurred by the Town related to the impoundment, care, and disposition of said dog regardless of whether the owner or keeper reclaims the dog.
 - (5) No person shall kill any suspected or confirmed rabid dog except upon the written consent of an animal control officer. A person shall be authorized to kill any suspected or confirmed rabid dog in defense of a person or other animal or to prevent the escape of such suspected or confirmed rabid dog.

(Prior code 3-1-3.2)

(Ord. No. 22-03, § 2, 1-25-2022)

Sec. 7-7-170. Removal of animals from quarantine.

It is unlawful for any person to remove from any place of isolation or quarantine any animal which has been isolated or quarantined as authorized without the consent of the impounding agency.

Division 4 Dog License

Sec. 7-7-200. Dog license required.

Any person having custody of any dog three (3) months of age or older for seven (7) days shall procure a dog license. License fees shall be paid annually to the Town Clerk. License fees shall be five dollars (\$5.00) for each neutered male or spayed female dog, and ten dollars (\$10.00) for each unsterilized dog. All dog licenses issued hereunder shall be valid for one (1) calendar year. Upon collection of the dog license fee by the Town Clerk, a dated receipt shall be issued stating the name and address of the owner, dog tag number, description of dog, together with an Elizabeth dog license tag stamped with a serial number. The dog's license tag shall be affixed to its collar or chain.

(Ord. No. 22-03, § 3, 1-25-2022)

Sec. 7-7-210. License retained.

The license tag shall be retained by the owner or harborer along with the original dog license receipt and rabies vaccination certificate. Such documents shall be available for inspection by any person charged with the enforcement of this Article.

Sec. 7-7-220. Rabies vaccination.

No dog shall be licensed without proof of rabies vaccination as provided in this Article.

Sec. 7-7-230. False and stolen license documents.

It is unlawful for any person to make use of, or have in his or her possession or under his or her control, a stolen, counterfeit or forged dog license receipt, dog license tag, rabies vaccination certificate or other form issued in accordance with this Article.

Sec. 7-7-240. Transferability.

Dog licenses are not transferable and it is unlawful for any person to attach any license or rabies tag to any animal other than the animal for which such tag was originally issued.

Sec. 7-7-250. Kennel permit.

- (a) A kennel permit is required for a private kennel that consists of more than three (3) and less than eight (8) dogs of more than four (4) months of age, harbored on any premises, building or structure. Dogs are required to be licensed within the Town.
- (b) A permit shall be issued by the Town upon completion of an application containing the following information:
 - (1) Name and phone number of the applicant;
 - (2) Address of the kennel site;
 - (3) Copy of verification of Town dog licenses for all dogs;
 - (4) Veterinary information; and
 - (5) Emergency contact number.
- (c) Kennel permits may be revoked for cause by the Town Administrator; cause may include, but is not limited to, excessive nuisance complaints, a charge and conviction of cruelty to animals, excessive number of dogs or dogs being unlicensed.

(Ord. 10-07 §15)

Division 5 Running at Large

Sec. 7-7-300. Restraining.

It is unlawful for any person owning or having charge of any dog or other animal, except a domestic house cat, to permit such animal to run at large, unless such animal is restrained by a substantial leash not to exceed six (6) feet in length and is in the charge of a person competent to restrain such animal. It is further unlawful to leave a dog unattended on any street, alley or other public place regardless of whether or not said dog is attached to a leash or a rope.

Sec. 7-7-310. Animals in public parks.

- (a) Except as set forth in subsection (b) of this Section 7-7-310, it is unlawful for any owner or keeper of any dog or other animal, except domestic house cats, to allow or permit their animal to enter or remain within any public park within the Town whether at large or restrained.
- (b) The Town Administrator is authorized to allow dogs restrained by a leash, cord, or chain of not more than ten (10) feet in length held by a person of sufficient age, size, and physical ability to restrain the dog for those certain events at Running Creek Park as determined appropriate by the Town Administrator.

(Prior code 3-1-5.2)

(Ord. No. 23-03, § 1, 2-28-2023)

Sec. 7-7-320. Nuisance.

It is unlawful for any animal owner or keeper to harbor, maintain or permit on any lot, parcel of land or premises under his or her control any dog or other animal which by any sound, cry or offensive odor shall disturb the peace and comfort of the inhabitants of the neighborhood or interfere with any person in the reasonable and comfortable enjoyment of life or property.

Sec. 7-7-330. Injured animals.

Animals injured on public property shall be impounded pending notification of the owner, if known.

Sec. 7-7-340. Running on owner's premises.

The provisions of this Article do not prohibit animals from running at large on the premises of the owner or person having charge of such animal, provided that said owner or person shall prevent said animal from leaving such premises by enclosing, fencing or chaining such animal.

Sec. 7-7-350. Problem animals; animal packs.

In the event of elusive, hard to capture, animal packs or problem animals, a police officer or animal control officer is hereby authorized to use a tranquilizer drug, humane trap or other humane means to effect the capture of said animal. The use of deadly force may be used by a police officer when it is necessary to protect the life or health of a human.

Division 6 Wild or Vicious Animals²

Sec. 7-7-400. Potentially dangerous dogs.

- (1) It is unlawful to keep or maintain any potentially dangerous dog within the Town without compliance with this section.
- (2) Whenever any dog engages in behavior that meets the definition of a potentially dangerous dog, the owner of such dog shall be charged with a violation of this section, and the dog may be seized and impounded as set forth in this Article. If the dog is impounded, such owner shall also be required to meet the financial bonding requirements set forth in this Article. If the identity of the owner of a dog, which the animal control officer reasonably believes to be potentially dangerous cannot be reasonably determined, the dog shall be immediately confiscated. If the owner or keeper then claims such dog, the dog may in the discretion of an animal control officer be released to its owner or keeper, together with a copy of the summons and complaint charging a violation of this section. Any dog impounded which is not claimed within a five-day period may be subject to orders from the Municipal Court for disposal by the kennel. Disposal may be by adoption, donation, or humane destruction at the sole discretion of the kennel.
- (3) After any dog has been adjudged potentially dangerous through conviction or entry of a plea in the Municipal Court, the dog may be permitted to remain in the Town if and only if the owner applies for and

²Ord. No. 22-03, § 4, adopted January 25, 2022, repealed the former Division 6, §§ 7-7-400, 7-7-410, and enacted a new Division 6 as set out herein. The former Division 6 pertained to similar subject matter and derived from Prior code 3-1-6.1; Prior code 3-2-5.7.

receives a potentially dangerous dog permit from the Town, and the Municipal Court shall order any such owner of a potentially dangerous dog to apply for such permit within five (5) days of the date of conviction, and to maintain such permit for such dog at all times unless the dog is later determined by an animal control officer to no longer be potentially dangerous in accordance with subsection (7) of this Section 7-7-400. The owner or keeper of a potentially dangerous dog shall at all times comply with all conditions of such permit.

- (4) Applications for potentially dangerous dog permits shall include:
- (a) The name and address of the applicant and of the owner of the dog and the names and addresses of two (2) persons who may be contacted in the case of an emergency.
 - (b) An accurate description of the dog for which the permit is requested.
 - (c) The address or place where the dog will be located.
 - (d) In addition to the license fees provided by this Article, the owner of a potentially dangerous dog shall pay an annual permit fee as set by the Town's fee schedule, to register and maintain registration of such owner or keeper as a potentially dangerous dog.
 - (e) The dog's microchip information, if applicable.
 - (f) Proof that the dog has a current rabies vaccination.
 - (g) Such other information as the Town may require.
- (5) Conditions of a potentially dangerous dog permit may include:
- (a) Any owner or keeper of a potentially dangerous dog shall be jointly and severally responsible with all other owners of such dog for compliance with the requirements of this subsection and the permit issued hereunder.
 - (b) The owner or keeper of any potentially dangerous dog shall be allowed only one (1) permitted potentially dangerous dog and no household within the Town shall be allowed to harbor more than one (1) permitted potentially dangerous dog at any time.
 - (c) The owner or keeper of a potentially dangerous dog shall be a responsible adult eighteen (18) years of age or older.
 - (d) The location where the potentially dangerous dog is possessed or maintained must be kept clean and sanitary and the dog must be provided proper and adequate food, water, ventilation, shelter, and care at all times.
 - (e) Animal control officers must be permitted at any reasonable time to inspect the dog and premises for compliance with this section.
 - (f) The owner of the potentially dangerous dog shall provide and pay for the implantation of a microchip within such dog, and shall provide proof of compliance with this requirement at the time of making the permit application.
 - (g) The owner of a potentially dangerous dog shall notify an animal control officer, in person or by telephone, of any of the following occurrences within the scheduled time frames as set forth in this subsection:
 - (i) Within eight (8) hours after the dog has escaped or has otherwise ceased to be in custody of the owner for any reason, unless the owner knows such dog to be physically secured, restrained, or confined and to be in the custody of another adult who is competent.
 - (ii) Within eight (8) hours after the dog has attacked a person or another domestic animal.

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- (iii) If the dog has died or if ownership or possession of the potentially dangerous dog or the location of the potentially dangerous dog's primary habitat is changed to a person or location outside of the Town, the owner listed on the permit shall notify an animal control officer within twenty-four (24) hours of such change, including the name, address, and telephone number of the new owner, if relevant. If ownership or possession of the dog or the location of the dog's primary habitat is changed to a person or location at a different address within the Town, the owner listed on the permit shall notify an animal control officer within twenty-four (24) hours of the change, including the name, address and telephone number of the new owner, if relevant, and the new owner may be permitted to modify the permit to reflect the new owner's name in the discretion of an animal control officer, but such modification must be obtained within five (5) days of the change. The fee for a permit modification shall be as set by Town's fee schedule.
- (5) At the discretion of the Municipal Court a potentially dangerous dog permit may contain any or all of the following conditions:
- (a) Spaying or neutering of potentially dangerous dog.
 - (b) Except under the circumstances otherwise specifically permitted by this section, a potentially dangerous dog shall at all times be maintained inside a proper enclosure.
 - (c) The potentially dangerous dog shall not be present, kept or maintained at any location other than as specified in the permit.
 - (d) A sign which is clearly visible to the general public shall be posted on the premises where a potentially dangerous dog is kept, warning that there is a dog on the premises which presents a potential danger to persons or other domestic animals. Such sign shall have the dimensions, colors, graphics, and lettering that comply with the standards as established by the Town Administrator or designee. Such sign shall also include a symbol sufficient to convey, without the use of words, the message that there is a dog on the premises which presents a potential danger to persons or other domestic animals.
 - (e) The potentially dangerous dog shall not be permitted to be outside a proper enclosure on the premises named in the permit except for the purpose of obtaining supervised and attended exercise, veterinary care, being sold or given away, or to comply with any provision of law or directive of an animal control officer. When outside the proper enclosure for such permitted purposes, the dog must be properly muzzled and restrained by a substantial chain or leash not to exceed ten (10) feet in length, under the control of a responsible adult at all times who has the physical ability to restrain the movement of such dog. Notwithstanding, potentially dangerous dogs may be confined humanely within a vehicle, provided that the dog cannot escape or inflict injury upon any person or other domestic animal.
- (6) Except as provided in Subsection (7) of this Section 7-7-400 below, the permit as provided in this section shall be renewed annually with the Town.
- (7) In the discretion of the Municipal Court, upon written request from the owner, if there are no additional documented findings by an animal control officer of any behavior of the potentially dangerous dog which indicates that the dog remains a threat to the public safety for the (36) thirty-six-month period from the effective date of the initial potentially dangerous dog permit, the owner may be relieved of the obligation to continue to maintain a potentially dangerous dog permit.
- (8) The Municipal Court shall consider the following affirmative defenses if evidence thereof is presented in determining whether a dog is dangerous or potentially dangerous:
- (a) The underlying evidence leading to the charge against the dog as dangerous or potentially dangerous.
 - (b) Whether any injury or damage to a person by the dog was caused or contributed to by the actions of that person, including acts of physical abuse, tormenting, teasing, or assaulting the dog.

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- (c) Whether a person injured or damaged by the dog was committing a trespass or other tort upon premises occupied by the owner or keeper of the dog, or was committing or attempting to commit a crime.
 - (d) Whether any injury or damage to a domesticated animal was caused or contributed to by the actions and behavior of the domesticated animal such as teasing or attacking the dog.
 - (e) Whether a person injured or damaged by the dog had gained uninvited and unauthorized entry into the fenced or indoor property of the owner or keeper of the dog. As used in this section, unauthorized entry does not include entry into a fenced residential front yard unless the yard is locked or posted to prohibit entry.
 - (f) Whether any injury or damage to a person by the dog was caused while the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault.

(Ord. No. 22-03, § 4, 1-25-2022)

Sec. 7-7-410. Presumption of ownership.

Any adult at whose residence a dangerous dog or potentially dangerous dog is kept or found shall be presumed to be an owner of such dog and shall have the burden of rebutting such presumption. If a dog has more than one (1) owner within the meaning of this section, any one (1) of such owners may be prosecuted for violations of this section whether or not any other owners are also prosecuted.

(Ord. No. 22-03, § 4, 1-25-2022)

Sec. 7-7-420. Dangerous dogs.

It is unlawful to own, keep, or maintain any dangerous dog within the Town. Whenever any dog engages in behavior that meets the definition of a dangerous dog, the owner of such dog shall be charged with a violation of this Article, and the dog shall be seized and impounded as set forth in this Article. Any person convicted of a violation of this section shall, in addition to all other permitted penalties under this section, be required to humanely destroy such dog or to remove and maintain the dog outside the Town.

(Ord. No. 22-03, § 4, 1-25-2022)

Division 7 Impounded Animals³

Sec. 7-7-450. Impounded and seized dogs; destruction of dogs.

- (1) Impoundment.
 - (a) Any time an animal control officer has reasonable suspicion to believe a dog has engaged in any form of prohibited behavior under this Article, or any other ordinance or any law of the State, including but not limited to, the failure of the dog to be properly collared or harnessed or identified as set forth in

³Ord. No. 22-03, § 5, adopted January 25, 2022, repealed the former Division 7, §§ 7-7-450—7-7-510, and enacted a new Division 7 as set out herein. The former Division 7 pertained to similar subject matter and derived from Prior code 3-1-7.1—3-1-7.7; Ord. 99-11 §3, 4, 1999.

this Article, such animal may, at the discretion of an animal control officer, be taken into custody by an animal control officer and impounded in a humane manner.

- (b) Unless other time frames are specifically provided for in this Article, (including but not limited to bite confinement periods), any dog impounded which is not claimed within a five-day period may be disposed of by the kennel, only upon issuance of a written Municipal Court order. Disposal may be by adoption, donation, or humane destruction at the sole discretion of the kennel. During the period of impoundment, the animal control officer shall make a reasonable effort to ascertain and notify the owner.
 - (c) Any dog held as evidence at the kennel at the request of an animal control officer shall remain impounded pending a hearing. Any dog so impounded which is not claimed, or for which financial bond is not paid as set forth in this Article, may be disposed of as set forth in this Article. In no event shall said dog be released to the owner prior to the service of a penalty assessment or summons and complaint upon the owner.
 - (d) The owner of any impounded dog shall be responsible for the payment of all charges and fees, including those for impoundment, boarding, euthanasia, disposal, veterinary and all other services as needed. Fees and charges for impoundment of dogs shall be as set by the Town's fee schedule and charges incurred by the Town. No impounded dog shall be released until the owner has paid or arranged to pay all such charges and fees. Failure of the owner of any impounded dog to claim such dog from the kennel shall not relieve the owner from payment of all applicable charges and fees as established by the kennel. It shall be unlawful for any owner to fail to pay such fees and charges.
 - (e) In the sole discretion of the animal control officer, any dog found running at large, which is not otherwise a potentially dangerous or dangerous dog under the provisions of this Article, may be returned to its owner.
- (2) Seizure and immediate destruction.
- (a) Any dog that has caused injury to any person or domesticated animal, or which has without provocation attacked any person or domesticated animal, or which otherwise meets the definition of a dangerous or potentially dangerous dog as set forth in this Article, and is found running at large, may be seized and impounded at the owner's expense by an animal control officer without notice to the owner. The animal control officer shall make reasonable effort to notify such owner after seizing and impounding the dog pursuant to this section. If after making every reasonable attempt to seize such dog the animal control officer determines the dog cannot be captured without exposing the animal control officer or other persons to danger of personal injury from the dog, and the animal presents a present danger to any person or other dog, it shall be lawful for the animal control officer to humanely destroy the dog without notice to the owner.
 - (b) When a veterinarian, kennel, animal control officer, or law enforcement officer has determined that a dog is critically ill or injured, is suffering extreme pain, or has a poor prognosis for recovery, nothing in this Article shall be construed to prevent the immediate humane destruction of such domesticated or wild animal.

(Ord. No. 22-03, § 5, 1-25-2022)

Sec. 7-7-460. Hearing on disposition of seized dogs; financial bonding requirements; destruction, seizure, or release.

- (1) Whenever a dog is seized or impounded pursuant to this Article and a summons and complaint has been served, depending on the nature of the charge pending, the owner may be summoned before the Municipal Court on the next available court date following the seizure or impoundment to address only the issue of

disposition of the seized and impounded dog. The Town, through its animal control officers, shall make reasonable efforts to notify the owner in writing by personal service or by posting notice on the front door of the owner's residence at the address shown on the dog license records. Unless the dog owner waives the time frame for advance service of such notice in order to expedite a hearing, this notice shall be served at least five (5) days prior to the hearing and shall state the time, date, location and purpose of the hearing. Such hearings resulting from dog seizures or impoundments shall be given priority on the Municipal Court docket in order to minimize the expense to the owners for impoundment of seized dogs.

- (2) If a dog is seized and impounded on an evidence hold and the owner cannot be ascertained or served with either a penalty assessment or summons and complaint, disposition of the dog may proceed in accordance with the time frames and requirements of this Section.
- (3) If, on the date of the hearing, notice to the owner was provided as required under Section 7-7-460(1) above, the Municipal Court may proceed with the hearing as to the disposition of the dog, whether or not the owner appears.
- (4) Formal rules of evidence shall not apply at such dog disposition hearings, and any statements made at such hearings shall not be used as evidence at any subsequent hearing in the prosecution of the underlying charges. If the Town establishes by a preponderance of the evidence that there is a reasonable likelihood of future injury to persons, property or animals, the Municipal Court shall order the dog to remain impounded at the owner's expense until final disposition of the pending municipal charges. If the Municipal Court determines that it is inappropriate to order the dog impounded, the Municipal Court may order the dog returned to the owner and kept under such circumstances as will ensure the safety of persons, property, or other animals, as the case may be.
- (5) Financial bonding for cost of holding impounded dogs.
 - (a) The owner of a dog that has been ordered impounded after the hearing may be required to post a bond with the Municipal Court in an amount sufficient to provide for the care and keeping of the dog from the date of impound, to the extent any such charges remain outstanding as of the date of the hearing, until the date set for trial on the pending municipal charges. Notice of such bond shall be given at the conclusion of the hearing to the owner, allowing five (5) days for the posting of such bond.
 - (b) If the owner does not appear at the disposition hearing, the Town shall, if ascertainable, send notice of the bond amount to the owner allowing the owner five (5) days from the date of the notice to post such bond.
 - (c) If the owner fails to post the bond or cannot be ascertained by the Town following reasonable efforts, the dog shall be deemed abandoned, and the kennel, upon issuance of a Municipal Court order, may dispose of the dog at any time after five (5) days from the date of notice, of the bond requirement. The date of notice shall be the later of the date the owner is provided notice or the date that the dog control officer or kennel makes reasonable efforts to ascertain and provide the owner with such notice. The Town shall be provided copies of all notices issued under this Section.
 - (d) At the end of the time for which expenses are covered by the bond, the Municipal Court may determine disposition of the dog. The owner shall be liable for the cost of the care, keeping or disposal of the dog.

(Ord. No. 22-03, § 5, 1-25-2022)

Division 8 Cruelty to Animals

Sec. 7-7-550. Cruelty unlawful.

No owner or any other person in possession of or harboring an animal shall fail to provide his or her animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and with humane care and treatment. No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse any animal, or cause or permit any dog fight, cockfight, bullfight or other combat between animals or between animals and humans. No owner or any other person in possession of or harboring an animal shall abandon such animal.

Sec. 7-7-560. Unlawful to poison animals.

It is unlawful for any person to poison any domesticated animal or to distribute poison in any manner whatsoever with the intent or purpose of poisoning any domesticated animal within the Town, and any person violating this Article shall be punished in accordance with this Article.

Division 9 Feeding of Deer and Other Big Game Animals

Sec. 7-7-600. Feeding of deer and other big game animals prohibited.

- (a) Except as otherwise permitted by law, it shall be unlawful for any person to intentionally place, deposit, distribute or scatter grain, hay, minerals or salt or other foods, or to provide water for the consumption by deer or other big game animals not lawfully held in captivity. For purposes of this Section, *big game animals* means any member of the deer, elk, moose or antelope families.
- (b) Crops and crop aftermath, including hay, alfalfa and grains, produced, harvested, stored or fed to domestic livestock in accordance with normal agricultural practices shall not be subject to this Section, and this Section shall not restrict the use of salt or mineral, in any form, in normal agricultural practices in those areas zoned for agricultural use.
- (c) In the discretion of the Municipal Court, every person convicted of, or who pleads guilty or no contest to, a violation of this Section shall be punished by a fine of not less than twenty-five dollars (\$25.00) but not exceeding the amount set forth in Section 1-4-20 of this Code per violation or count, by imprisonment not exceeding ninety (90) days, by useful community service or by any combination of the above; provided, however, that the Board of Trustees may by resolution promulgate a specific fine schedule for violations of this Section.
- (d) Each day a violation of this Section continues shall be considered a separate offense pursuant to Section 1-4-20 of this Code.

(Ord. 11-01 §1; Ord. 13-11 §13)

Sec. 16-1-205. Domesticated animals permitted.

- (a) Domesticated animals are permitted within Town limits as long as the property can accommodate the animals; does not constitute a nuisance; and is in compliance with Section 7-7-200 of this Code.
- (b) The keeping, care of, ownership or possession of more than three (3) dogs over four (4) months of age in the Town without a kennel permit, as defined in Section 16-1-20 of this Article, is prohibited.
- (c) The keeping of swine of any species, including any species of pigs, is not permitted within the corporate limits of the Town unless otherwise provided by this Code.

(Ord. 10-07 §12)

TITLE 9 Animals

CHAPTER 9.01 In General

9.01.005 Definitions.

As used in this Title, unless the context clearly indicates otherwise:

Abandon means the leaving of an animal without adequate provisions for the animal's proper care by its owner, the person responsible for the animal's care or custody or any other person having possession of such animal.

Animal means a living organism other than a plant or bacterium. *Animal* in this Title includes arthropods, amphibians, reptiles, birds and mammals. As used in this Title, the term *animal* excludes humans.

Animal Welfare Officer means any person empowered by the Town of Parker to enforce the provisions of this Title, including personnel of Parker Neighborhood Services, the Parker Police Department, the Tri-County Health Department and peace officers as defined in Sections 18-3-201(2) and 30-15-105, C.R.S.

Apiary means a place where one or more beehives are kept.

Bee means the adult stage of the common domestic honeybee, *Apis mellifera* species.

Beekeeper means any person who owns or maintains a bee colony.

Bodily injury means any physical injury directly inflicted by the animal that results in severe bruising, muscle tears or skin lacerations requiring professional medical treatment or any physical injury that requires corrective or cosmetic surgery.

Cat means any domesticated animal of the *Felidae* family, here excluding any wild member of the *Felidae* family.

Colony means a hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood.

Comb means all materials which are normally deposited into hives by bees. It does not include extracted honey or the royal jelly, trapped pollen, and processed beeswax.

Dog means any domesticated animal of the *Canis familiaris* species, here excluding any wild member of the *Canis* family.

Fowl means chickens, ducks, geese, turkeys, guineas, pigeons and other like fowl or birds.

Habitual means three (3) or more occurrences that meet the definition of *persistent* in any six-month period.

Harbor means to occupy any premises on which an animal is kept or to which an animal customarily returns for food and care.

Hive means a structure intended for the housing of one bee colony.

Honey super means the part of a hive used to collect honey and may consist of a box in which frames or combs are hung to collect the honey.

Household pet means and includes nonendangered species of the following: dogs, cats, ferrets, nonpredatory birds bred in captivity, fish, hermit crabs, snails, tarantulas, captivity-bred domestic rabbits, domestic guinea pigs, domestic rats, domestic mice, gerbils, hamsters, chinchillas, African pygmy hedgehogs and nonvenomous snakes, amphibians and reptiles, except as otherwise provided in Section 9.05.030 of the Code.

Impound means to physically confine an animal at a licensed boarding facility or licensed animal shelter at the direction of an Animal Welfare Officer.

Keeper means any person, or the parent, guardian or custodian of any minor, who does not have permanent ownership of an animal but is responsible for the care, keeping and/or control of an animal at a given time.

Kennel or boarding facility means any building, structure or open space, or portion thereof, used for the breeding, raising, boarding or selling of dogs that are more than six (6) months old, or for more than one (1) litter.

Livestock means cattle, swine, sheep, goats and such horses, mules, asses and other animals used in the farm or ranch production of agricultural products.

Lot means a tract, plot or portion of a subdivision or other parcel of land held in single ownership and not divided by a public street.

Mistreat means every act or omission which causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering.

Neglect means failure to provide food, water, protection from the elements or other care generally considered to be normal, usual and accepted for an animal's health and well-being consistent with the species, breed and type of animal.

Owner means any person, or the parent, guardian or custodian of any minor, who owns, controls, keeps, harbors or has custody of an animal.

Persistent means continuously without substantial interruption for a period of thirty (30) minutes or longer.

Potbellied pig means a pig registered with a bona fide potbellied pig registry and weighing less than one hundred fifty (150) pounds.

Serious bodily injury means bodily injury directly inflicted by the animal which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of permanent disfigurement or a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or results in breaks, fractures or burns of the second or third degree.

9.01.010 Cruelty to animals.

It is unlawful for any person to knowingly, recklessly or negligently overdrive, overload, overwork, torment, torture, needlessly mutilate, needlessly kill, deprive of necessary sustenance, unnecessarily or cruelly beat, allow to be housed in a manner that results in or may reasonably result in physical harm, carry or confine in or upon any vehicles in a cruel or reckless manner or otherwise mistreat or neglect any animal, or causes or procures it to be done or, having the charge or custody of any animal, fail to provide it with proper food, drink or protection from the weather consistent with the species, breed and type of animal involved, or abandon an animal within the Town.

9.01.020 Excessive animal waste prohibited.

It is unlawful to allow animal waste or discharges to accumulate in any animal enclosure or other place in the Town to the extent that the area emits an offensive odor, or to the extent that the animals contained therein cannot stand, sit or lie down without contact with the animal waste or discharges.

9.01.030 Removal of excrement.

It shall be unlawful for the owner or keeper of any dog or other animal not to immediately remove excrement deposited by such animal upon a common thoroughfare, street, sidewalk, play area, park or upon any other public property or upon private property when permission of the owner or tenant of the property has not been obtained. The excrement must immediately be removed and disposed of in a sanitary manner.

CHAPTER 9.02 Livestock

9.02.010 Livestock or fowl running at large prohibited.

It is unlawful for any livestock or fowl owner or keeper to allow or permit his or her livestock or fowl to run at large within the Town.

9.02.020 Livestock impoundment.

In addition to any other remedy provided by the Town to prohibit the violation of the provisions of this Chapter, an Animal Welfare Officer may enforce this Chapter by taking up and impounding any livestock or fowl found in violation of this Chapter. Such officer shall thereupon proceed as prescribed by this Chapter or as otherwise prescribed by law; provided, however, that the Animal Welfare Officer shall not impound a horse unless such impoundment is necessary to protect the horse or to protect the safety or health of the public.

9.02.030 Prohibited livestock and fowl.

No livestock or fowl, including male fowl capable of crowing shall be kept by any person within the Town unless such person complies with the provisions of this Title and the zoning and use requirements of the Town. Fowl that is allowed under the zoning and use requirements of the Town shall be contained in an enclosed pen, which shall not be closer than two hundred (200) feet to any off-site residence or business on an adjoining property.

CHAPTER 9.03 Dogs and Cats

9.03.010 Shelter for dogs.

All persons who own, keep or maintain any dog within the Town shall at all times provide the dog with access to adequate shelter, including at least one (1) of the following:

- (1) Access to a structurally sound building, such as a dwelling or garage.
- (2) Access to a doghouse sized appropriately for the dog, consisting of a roof, at least three (3) walls and a dry floor, providing adequate protection from weather and able to maintain the dog's body heat.
- (3) Any other structure deemed adequate by an Animal Welfare Officer.

9.03.015 Containment of animals.

- (a) No dog's primary means of containment shall be restraint by means of a tether attached to a stationary object. A person may tether a dog to a stationary object only when adhering to the following conditions, except as provided in Subsection (c) below:
 - (1) The tether is at least three (3) times the length of the dog from the tip of its nose to the base of its tail.
 - (2) The dog is tethered for a period no longer than three (3) consecutive hours without a respite from tethering of at least one (1) hour. Total tethering time must not exceed eight (8) hours per twenty-four-hour period.
 - (3) The dog shall be tethered in such a manner as to prevent injury, strangulation or entanglement on fences, trees or other obstacles.
- (b) Any owner or keeper using tethering as a primary means of containment, provided no other violation exists and no harm or threat of harm to the dog exists, shall be given thirty (30) days from the date on which they are contacted by an Animal Welfare Officer to develop and implement a new means of containment.
- (c) No animal shall be transported outside of the passenger compartment of a motor vehicle, except under the following conditions:
 - (1) The animal is contained within a fully enclosed shell that is securely attached to the motor vehicle.
 - (2) The animal is contained within a crate designed to hold the type of animal being transported, which is securely attached to the motor vehicle; or
 - (3) The animal is securely tethered to the motor vehicle by collar or harness, and the length of the tether does not allow any portion of the animal to protrude beyond any portion of the exterior of the motor vehicle.

(Ord. 5.06.33.1 §1, 2005; Ord. 5.06.33 §1, 2005)

9.03.020 Rabies control.

- (a) It is unlawful for the owner of any dog, ferret or cat to keep or maintain such dog, ferret or cat within the Town unless it has been inoculated against rabies by a licensed veterinarian as frequently as is recommended by the *Compendium of Animal Rabies Control* as promulgated by the National Association of State Public Health Veterinarians.
- (b) Every owner of a dog, ferret or cat kept or maintained within the Town shall at all times have proof of a current rabies inoculation for each of their dogs, ferrets or cats, either in the form of a rabies certificate from a licensed veterinarian or a numbered, dated tag as provided by the Colorado Department of Public Health and Environment or a subdivision or legal representative of such department.

(Ord. 5.06.33 §1, 2005)

9.03.030 Dogs at large prohibited.

No person owning or keeping any dog shall fail to keep said dog on the premises of the owner or keeper unless the dog is:

- (1) On a leash, cord or chain no longer than thirty (30) feet in length, held by a person who is physically able to control the dog and maintaining physical control of the dog.

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- (2) Within a vehicle, or similarly physically confined to ensure that the dog will not escape, and without access to passers-by.
 - (3) Within the physical confines of an area designated by the Town as a "dog leash optional" area and posted as such.

9.03.035 Intact or unidentified cats at large prohibited.

- (a) No person owning or keeping any cat which is not spayed or neutered shall allow said cat to roam at large within the Town.
- (b) Cats roaming at large within the Town that are not bearing identification in the form of a microchip, Town identification tag or other form of identification tag which allows the Animal Welfare Officer to determine the name, address and telephone number of the owner may be impounded by an Animal Welfare Officer.

(Ord. 5.06.33 §1, 2005)

9.03.040 Noisy animals prohibited.

- (a) It is unlawful for any owner or keeper of any animal to permit such animal, by loud and persistent or habitual barking, howling or yelping, to disturb any person or neighborhood, and the same is declared to be a public nuisance. It shall not be necessary, for the purposes of this Section, to identify and describe the particular animal which is barking, howling or yelping, provided only that it shall be shown who has possession, care, custody or control of the animal.
- (b) In any prosecution for a violation of this Section, the fact that any animal barking, howling or yelping which disturbed any person or neighborhood occurred either:
 - (1) Between the hours of 10:30 p.m. and 7:30 a.m.; or
 - (2) When none of the residents who reside at the place where the noisy animal is being kept are at home

Shall create a rebuttable presumption that the animal noise was unlawful.

9.03.050 Poisoning prohibited.

It is unlawful for any person to poison any dog or cat or to distribute poison in any manner whatsoever with the intent of poisoning any dog or cat.

9.03.060 Dangerous dog, cat, domestic animal or other animal and at-risk dogs.

- (a) It shall be unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport or sell within the Town any dangerous dog, dangerous cat, dangerous domestic animal or other dangerous animal.
 - (1) For purposes of this Subsection, a *dangerous cat* is defined as any cat that bites or attacks a person or another domestic animal at any place within the Town, whether on public property or on private property.
 - (2) For purposes of this Subsection, a *dangerous dog* is defined as a dog which, at any place in the Town, whether on public property or private property:
 - a. Inflicts bodily or serious bodily injury upon or causes the death of a person or domestic animal;

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- b. Is possessed in violation of a court order imposed by a court of record in which conditions for keeping said dangerous animal have been imposed in accordance with state statute, or a local ordinance; or
 - c. Engages in or is trained for animal fighting as described and prohibited in Section 18-9-204, C.R.S.
- (3) For purposes of this Subsection, a *dangerous domestic animal* is defined as any animal defined in Section 9.05.040 of this Title that bites or attacks a person or another domestic animal at any place within the Town, whether on public property or on private property.
- (4) For purposes of this Subsection, a *dangerous animal* not otherwise defined herein shall be any species of animal identified in Section 9.05.030 of this Title that is at large.
- (b) It shall be unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport or sell within the Town any at-risk dog. For the purposes of this Subsection, an *at-risk dog* is defined as a dog which at any place within the Town, whether on public property or private property, demonstrates tendencies that would cause a reasonable person to believe that the dog may inflict bodily or serious bodily injury upon or cause the death of any person or domestic animal, including, by way of example:
- (1) Repeatedly charging against a fence in an attempt to attack or charging to the end of its lead in an attempt to attack;
 - (2) Biting or attempting to bite; or
 - (3) Aggressively threatening by charging, baring its teeth, growling and snapping, or otherwise demonstrating dangerous behavior toward a human being or a domestic animal.
- (c) However, for purposes of this Section, no animal shall be deemed dangerous or dog deemed at-risk solely by reason of having attacked, threatened, attempted to bite or bitten under the following circumstances:
- (1) When a person attacked such animal or engaged in such conduct reasonably calculated to provoke such animal to attack, threaten or bite such person or another person;
 - (2) When a person is engaged in provoking or stopping an animal fight or any altercation between such animal and another animal;
 - (3) When any person is engaged in attacking or molesting another person;
 - (4) When any person is engaged in unlawfully entering into or upon any vehicle in which such animal is kept or confined;
 - (5) When any other animal is engaged in the unauthorized entry into or upon the premises upon which such animal is kept;
 - (6) When a lawfully restrained animal attacks a domestic animal that approaches the restrained animal while said domestic animal is at large;
 - (7) When a dog is used by an authorized peace officer while the officer is engaged in the performance of peace officer duties;
 - (8) When any person other than an authorized police officer or code enforcement officer is engaged in capturing or attempting to capture such animal in the absence of the owner, excepting any person attempting to capture such animal on such person's own property;
 - (9) When such animal is involved with another animal while both animals are at large;
 - (10) Any affirmative defenses contained in Section 18-9-204.5(3)(h)(I) and (II), C.R.S., as amended; or
 - (11) Any exclusions contained in Section 18-9-204.5(6), C.R.S., as amended.

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- (d) It shall be unlawful for any person to intentionally, willfully or negligently cause any animal to attack or bite any person, animal, cat or domestic animal.

(Ord. 5.06.33.4 §1, 2008)

CHAPTER 9.04 Impoundment

9.04.010 Authorized.

It shall be the option of an Animal Welfare Officer to apprehend any animal found in violation of Sections 9.01.010, 9.02.010, 9.02.030, 9.03.030, 9.03.035, 9.03.060, 9.05.010 or 9.05.030 of this Title and to impound such animal in an approved shelter or other suitable place.

9.04.020 Vicious animals.

If any dangerous, fierce or vicious animal is found at large within the Town and cannot be safely taken up and impounded, such animal may be slain by any police officer.

9.04.030 Injured animals.

Any Animal Welfare Officer or animal shelter supervisor or designee may lawfully destroy or cause to be destroyed any animal in his or her charge when, in the judgment of such person, such animal appears to be seriously injured, medically unstable, disabled or diseased past recovery.

9.04.040 Emergency treatment of impounded animals.

If an animal impounded under this Title requires immediate emergency medical treatment by a licensed veterinarian while under the care of the Town, the owner or keeper of the animal may be held responsible for costs of treatment.

9.04.050 Redemption.

The owner of any animal impounded under this Chapter may reclaim such animal upon payment of all costs and charges incurred by the Town for such impoundment and keeping of such animal, provided that the owner shall also forthwith obtain a current rabies tag and identification tag as applicable, if such dog or cat does not have such tag. If the animal was impounded as a result of pending charges under Section 9.01.010, 9.02.030, 9.03.060, 9.05.010 or 9.05.030 of this Title or any state statute, the animal will not be returned to the owner or keeper until any conditions made by the Animal Welfare Officer or the court have been met by the owner or keeper. The court also has the option to order that the animal not be returned to the owner or keeper, and instead order the animal to be disposed of in whatever humane manner the court or Town sees fit.

9.04.060 Disposition of unredeemed animals.

It shall be the duty of the Animal Welfare Officer to keep all animals impounded under the provisions of this Chapter for a period of six (6) days. If at the expiration of six (6) days from the date of impoundment such animal has not been redeemed, it may be destroyed or disposed of in whatever humane manner the Town sees fit. This Section does not apply to animals being held for trial.

9.04.070 Costs related to unredeemed animals.

If it is known who the owner or keeper of an unredeemed animal is, the owner or keeper will be held responsible for any costs incurred by the Town related to the impoundment and care and disposition of said animal regardless of whether the owner or keeper reclaims the animal.

9.04.080 Bonding requirements for holding impounded animals.

The owner or custodian of an animal that has been impounded by the Animal Welfare Officer because of an alleged neglect or abuse, or because of investigation of charges of cruelty to animals, animal fighting, unlawful ownership of a dangerous dog, vicious dog or cat, and keeping wild, exotic or dangerous animals may prevent disposition of the animal by the Town by posting a bond with the court in an amount sufficient to provide for the animal's care and keeping at the Town 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 ten (10) days after the animal is impounded. 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 ten (10) days after 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 Town 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 care, keeping or disposal of the animal.

CHAPTER 9.05 Animal-Keeping Restrictions

9.05.010 Maximum number of household animals.

Household pets, inclusive of but not limited to dogs and cats, shall be permitted in all residential districts, provided that not more than four (4) animals of more than six (6) months of age are kept or harbored by the property owner/occupant of any residential unit (no kennels, boarding facilities or commercial activities allowed).

9.05.020 Dog litter maintenance.

- (a) No dog owner or keeper shall permanently remove any healthy pup under the age of eight (8) weeks from its mother. Pups under eight (8) weeks of age shall only be separated from their mother temporarily for feeding or other care, or if they show symptoms of serious illness or injury and require veterinary treatment.
- (b) No dog kept in a residential area shall be permitted to give birth to more than one (1) litter of pups per year.

(Ord. 5.06.41 §1, 2018; Ord. 5.06.33 §1, 2005)

9.05.030 Keeping wild, exotic or dangerous animals.

- (a) It shall be unlawful for any person to own, possess, harbor or sell or in any other manner traffic in the following species or hybrid species of animals:
 - (1) All venomous animals, with the exception of tarantulas, poison dart frogs and the scorpions listed below, Burmese python and reticulated python snakes with a length greater than six (6) feet measured from the tip of the nose to the tip of the tail, and bees, as provided by Chapter 9.05 of this Code.
 - (2) Any nonhuman primate.

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- (3) Any species of feline not falling within the category of ordinary domesticated house cat.
 - (4) Any species of bear.
 - (5) Marsupials, squirrels, raccoons, porcupines, skunks, badgers or other like species, except ferrets (*mustela furo*), sugar gliders and short-tailed opossums.
 - (6) Foxes, wolves, coyotes or other species of canines other than the domesticated dog.
 - (7) Crocodilians, except the dwarf caiman.
 - (8) The following constrictors: African rock pythons and anacondas.
 - (9) The following monitors: Komodo dragon and crocodile monitor.
 - (10) Scorpions, except the desert hairy, flat rock and emperor.
- (b) Exceptions:
- (1) Subsection (a) above shall not apply to licensed wildlife rehabilitators or other persons or organizations given written permission by the Animal Welfare Officer to harbor said animals.
 - (2) Individuals in possession of such animals who provide an Animal Welfare Officer with a record showing ownership of such animals prior to the effective date of this revised Title shall have until one (1) year from the effective date of this Section to relocate their animals outside the limits of the Town.

(Ord. 5.06.33.7 §4, 2015; Ord. 5.06.33.6 §2, 2011; Ord. 5.06.33 §1, 2005)

9.05.040 Animals at large.

It shall be unlawful for the owner of any animal not specifically defined as a dog or cat to permit the same to run at large within the Town. For purposes of Sections 9.03.040, 9.03.060, 9.05.040, 9.07.010 and 9.07.020 of this Title, *animal* means an animal other than a dog or cat as defined herein brought into domestic use so as to live and breed in a tame condition, including, but not limited to, animals kept as household pets, horses, livestock and animals generally regarded as farm or ranch animals, and shall also specifically include those animals described in Subsection 9.05.030(a) above.

9.05.050 Potbellied pigs.

It shall be unlawful for any person to possess, harbor, keep, maintain or permit at his or her dwelling within the Town any potbellied pig or any pig purporting to be a potbellied pig, unless the owner complies with the requirements of this Section. It shall be unlawful for any owner to fail to comply with these requirements.

- (1) The pig must be registered through a bona fide potbellied pig registry or certified as a potbellied pig by a licensed veterinarian familiar with this breed of pig.
- (2) The owner of any potbellied pig four (4) months of age or older shall procure a license for the pig. Upon proof of registration and neutering and payment of a twenty-dollar license fee, the Town shall issue a dated and numbered receipt and corresponding tag. In the event of loss or destruction of the original license tag, the owner shall obtain another tag from the Town. Pig licenses are not transferable. It shall be unlawful for any person to use or attempt to use a tag for any pig other than the pig for which the tag was originally issued.
- (3) The license tag shall be worn by the pig at all times.
- (4) A male potbellied pig shall be neutered prior to four (4) months of age and a female potbellied pig shall be neutered prior to six (6) months of age.

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- (5) A potbellied pig shall not exceed one hundred fifty (150) pounds in weight.
 - (6) No more than one (1) potbellied pig shall be permitted on any residential property, except as otherwise provided by Section 13.04.190 of this Code.
 - (7) A potbellied pig kept on residential property shall be kept as a pet for personal enjoyment, and not kept or raised for breeding, sale or human consumption.

9.05.060 Bees.

- (a) It shall be unlawful for any person to possess, harbor, keep, maintain or permit a colony within the Town, except as provided by this Section.
- (b) Maximum colonies permitted per residential or commercial lot.
 - (1) Greater than 5,000-square-foot lot, but less than one-quarter-acre lot in size: Two (2) colonies;
 - (2) One-quarter-acre lot, but less than one-half-acre lot in size: Four (4) colonies;
 - (3) One-half-acre lot, but less than one-acre lot in size: Six (6) colonies;
 - (4) One-acre lot, but less than five-acre lot in size: Twelve (12) colonies;
 - (5) Five-acre lot, but less than 35-acre lot in size where all hives are situated at least two hundred (200) feet in any direction from all property lines of the lot on which the apiary is situated: Twenty-four (24) colonies; and
 - (6) Thirty-five acre lot or greater where all hives are situated at least two hundred fifty (250) feet in any direction from all property lines of the lot on which the apiary is situated, there shall be no limit to the number of colonies.
- (c) Minimum setback. A hive shall be set back a minimum of five (5) feet from any property line and shall not be located in the front yard as established by the zone district where the lot is located.
- (d) Hives. All colonies shall be kept in hives with moveable combs or frames, which shall be kept in sound and usable condition.
- (e) Rooftop Hives. Hives are permitted on flat rooftops on properties zoned for commercial uses where they meet setback requirements established in Subsection (c) above.
- (f) Water. The beekeeper authorized by the property owner, property owner, or occupant of the lot that contains a hive shall provide a convenient source of water on the lot that is available at all times for the bees to prevent the bees from congregating at swimming pools, outdoor faucets, pet water bowls, birdbaths or other water sources where bees may come into contact with humans, birds or domestic pets.
- (g) Queens. In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper authorized by the property owner, property owner, or occupant of the lot that contains the colony to re-queen the colony. Queens shall be selected from stock bred for gentleness and nonswarming characteristics.
- (h) Community gardens, parks and open spaces. When a hive is located within a community garden, park, or open space, the beekeeper authorized by the property owner, the property owner, or occupant of the lot shall fully enclose the hive with a 6-foot fence to secure the hive from access by persons other than the beekeeper authorized by the property owner, property owner, or occupant of the lot. Exhibition and educational hives may be exempted from this requirement by the Animal Welfare Officer.
- (i) It shall be unlawful for any person to possess, harbor, keep, maintain or permit Africanized bees in the Town.

CHAPTER 9.06 Dog and Cat Licensing and Permits

9.06.010 Required.

It is unlawful for the owner, possessor or keeper of any domestic dog (*Canis familiaris*) or any domestic cat (*Felis catus*) to keep, maintain, house or have in possession within the Town a dog or cat, without bearing identification in the form of a microchip, Town identification tag or other form of identification tag which allows the Animal Welfare Officer to determine the name, address and telephone number of the owner. Dog and cat owners shall either display the identification tag by means of a collar or harness, or equip the dog or cat with identification in the form of a microchip. Every dog and cat within the Town shall bear some form of identification at all times.

9.06.020—9.06.060 Reserved.

9.06.070 False and stolen license documents.

It is unlawful for any person to make use of a stolen, counterfeit or forged rabies vaccination certificate, rabies vaccination tag or other form.

9.06.080 Reserved.

9.06.090 Spay or neuter required.

- (a) It is unlawful to own, keep or possess in the Town any dog or cat over the age of six (6) months which has not been spayed or neutered by a licensed veterinarian, except as provided in Subsection (b) below. Every dog or cat owner not exempt from this requirement shall have proof of the animal's spay or neuter in the form of documentation from a licensed veterinarian.
- (b) The following are exceptions to Subsection (a) above:
 - (1) Long-term medical exemption: A licensed veterinarian has determined that the animal is medically unsuited to undergo the surgical procedure. The owner or keeper of the animal shall present a signed statement from a licensed veterinarian which states specifically the medical grounds for the exemption.
 - (2) Temporary medical exemption: An animal has a temporary medical condition preventing performance of spay or neuter surgery. The animal's owner or keeper must present a signed statement from a licensed veterinarian which states specifically the medical grounds for the temporary exemption and provides a date after which the surgery may be performed. After that date the temporary exemption expires and spay or neuter shall be required.
 - (3) Transitory status exemption: An intact animal over six (6) months of age may temporarily be kept in the Town for no longer than thirty (30) days for purposes of breeding or while the owner or keeper is visiting temporarily. The owner or keeper must be able to present a certificate of health for the animal signed by a licensed veterinarian.

(Ord. 5.06.41 §2, 2018; Ord. 5.06.33 §1, 2005)

CHAPTER 9.07 Penalties

9.07.010 Penalties for violation.

(a) Any person who is convicted of, or pleads guilty or no contest to, a violation of Section 9.01.010 - Cruelty to Animals, Section 9.03.050 - Poisoning Prohibited, or Section 9.03.060 - Dangerous dog, cat, domestic animal or other animal and at-risk dogs shall be punished by a fine of not more than nine hundred ninety-nine dollars (\$999.00), or imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment. For violations of any other provision of this Title, any person who is convicted of, or pleads guilty or no contest to, such a violation shall be punished by civil penalties of not more than four hundred ninety-nine dollars (\$499.00) to be determined and assessed at the discretion of the Municipal Judge. A jail sentence shall not be available as a possible penalty for such violations, unless otherwise specifically provided in this Section. The court may also order an offender to complete an anger management treatment program or any other appropriate treatment program.

(b) The penalty assessment procedure provided in Section 3.03.200 of this Code may be used by the Animal Welfare Officer while adhering to the fine schedules below, which are based on number of violations within a twelve-month period, for any of the following violations:

(1) Excessive animal waste prohibited in violation of Section 9.01.020 of this Title:

First violation: \$50.00
Second violation: \$100.00

(2) Removal of excrement in violation of Section 9.01.030 of this Title:

First violation: \$30.00
Second violation: \$60.00

(3) Livestock or fowl running at large prohibited in violation of Section 9.02.010 of this Title:

First violation: \$30.00
Second violation: \$60.00

(4) Shelter for dogs required in violation of Section 9.03.010 of this Title:

First violation: \$100.00
Second violation: \$200.00

(5) Containment of dogs in violation of Section 9.03.015 of this Title:

First violation: \$100.00

Second \$200.00
violation:

(6) Rabies control in violation of Section 9.03.020 of this Title:

First violation: \$100.00
Second \$200.00
violation:

(7) Dogs at large prohibited in violation of Section 9.03.030 of this Title:

First violation: \$50.00
Second violation: Summons and
 Complaint must be
 issued

(8) Intact cats at large prohibited in violation of Section 9.03.035 of this Title:

First violation: \$50.00
Second violation: Summons and
 Complaint must be
 issued

(9) Animal at large prohibited in violation of Section 9.05.040 of this Title:

First violation: \$50.00
Second violation: Summons and
 Complaint must be
 issued

(10) Dog and cat identification required in violation of Section 9.06.010 of this Title:

First violation: \$100.00
Second \$200.00
violation:

(11) False and stolen license documents in violation of Section 9.06.070 of this Title:

First violation: \$30.00
Second \$60.00
violation:

(12) Spay or neuter required in violation of Section 9.06.090 of this Title:

First violation: \$100.00
Second \$200.00
violation:

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- (c) The penalty assessment procedure provided in Section 3.03.200 of this Code may not be used by the Animal Welfare Officer, and the alleged violator shall be required to appear in the court for any of the following violations:

- (1) Prohibited livestock and fowl in violation of Section 9.02.030 of this Title.
- (2) Noisy animals prohibited in violation of Section 9.03.040 of this Title.
- (3) Poisoning prohibited in violation of Section 9.03.050 of this Title.
- (4) Dangerous dog, cat, domestic animal or other animal and at-risk dog in violation of Section 9.03.060 of this Title.
- (5) Emergency treatment of impounded animals in violation of Section 9.04.040 of this Title.
- (6) Costs related to unredeemed animals in violation of Section 9.04.070 of this Title.
- (7) Maximum number of household animals in violation of Section 9.05.010 of this Title.
- (8) Dog litter maintenance in violation of Section 9.05.020 of this Title.
- (9) Keeping wild, exotic or dangerous animals in violation of Section 9.05.030 of this Title.
- (10) Trapping unlawful in violation of Section 9.08.010 of this Title.
- (11) Keeping bees in violation of Section 9.05.060 of this Code.

(Ord. 5.06.33.7 §6, 2015; Ord. 5.76 §4, 2015; Ord. 5.06.33.4 §4, 2008)

9.07.020 Disposition of dangerous dog, cat, domestic animal or other animal and at-risk dogs.

- (a) The court shall order any owner who is convicted of a violation of Subsection 9.03.060(a) of this Title or any owner who enters into a deferred judgment, to make restitution as follows:
- (1) If the owner's animal injures any animal, restitution shall be equal to any reasonable and necessary medical expenses in treating such animal and in rehabilitating such animal.
 - (2) If the owner's animal destroys any animal, restitution shall be the greater of the fair market value or the replacement value of such animal on the date, but before the time, the animal was destroyed, plus any reasonable and necessary medical expenses incurred in treating the animal and the expense to dispose of such animal.
- (b) The court shall order any owner who is convicted of a violation of Subsection 9.03.060(a) of this Title or any owner who enters into a deferred judgment, whose animal inflicted bodily injury or serious bodily injury upon any person, to make restitution pursuant to the provisions governing restitution.
- (c) The court shall order that the owner obtain a license for the animal that is deemed dangerous, which includes dangerous dogs, cats, domestic animals and other dangerous animals for a violation of Subsection 9.03.060(a) of this Title for two (2) years following any conviction. Said license shall be issued only following a determination by the Animal Welfare Officer that any other conditions imposed by the court pursuant to this Section have been met, and the court's order shall authorize the Animal Welfare Officer to continue to make inspections to assure compliance with any such conditions.
- (d) The court may order any owner of a dangerous dog, cat, domestic animal or other dangerous animal who has been convicted of a violation of Subsection 9.03.060(a) of this Title or any owner of an at-risk dog who has been convicted of a second or subsequent violation of Subsection 9.03.060(b) of this Title, for the same dog within a thirty-six-month period, to comply with the following:

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- (1) That such animal shall be contained in a building or enclosure designed to be escape-proof and, whenever such animal is outside of such building or enclosure, keep the animal under such owner's control by use of a leash no longer than six (6) feet in length held by someone twenty-one (21) years of age or older who is capable of effectively controlling the animal. Any such order may exceed any term of probation imposed by the court, and may extend through and include the life of the dangerous dog, cat, domestic animal or other dangerous animal. If the animal was impounded to be held for trial, the escape-proof containment must be inspected and approved by an Animal Welfare Officer before the animal may be returned to the owner. If the animal was not impounded to be held for trial, an Animal Welfare Officer must inspect and approve the containment within thirty (30) days of the court order;
 - (2) That the owner of such animal be required to present to the Town Administrator or the Town Administrator's designee proof that the owner has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), covering any damage or injury which may be caused by such animal during the twelve-month period following the conviction, except where liability coverage is not available after exhausting all reasonable possibilities as determined by the court;
 - (3) That the owner of such animal have the animal spayed or neutered by a licensed veterinarian and that said owner shall provide to the court proof of the animal's spay or neuter in the form of documentation from a licensed veterinarian;
 - (4) That the owner of such animal shall, at the owner's own expense, have a microchip containing an identification number implanted into the animal or such other means of identification that is approved by the court. The Town Administrator or the Town Administrator's designee shall maintain a file containing the registration numbers and names of the animals convicted of being dangerous or at-risk by the court, and the names and addresses of the owners. The owner shall notify the Town Administrator or the Town Administrator's designee of any change of address;
 - (5) That at all times when such animal is away from the property of the owner, the owner shall keep such animal either in a secure temporary enclosure or under such owner's physical control by use of a leash no longer than six (6) feet in length held by someone twenty-one (21) years of age or older who is capable of effectively controlling the animal. Any such order may exceed any term of probation imposed by the court, and may extend through and include the life of the dangerous animal. Extension style leashes may not be used. Leashes may not be attached to inanimate objects;
 - (6) That the court may require that the owner have posted at the front door entrance to the owner's property where such animal is kept a conspicuous and clearly legible sign obtained from the Animal Welfare Officer warning that an animal previously deemed dangerous or at-risk by the court is present on the property;
 - (7) That the owner of such animal enroll in a training program as determined appropriate by the Animal Welfare Officer, and submit a certificate of completion to the court at such time as determined by the court.
- (e) In addition to the penalties set forth above and set forth in Section 9.07.010 above, any owner who is convicted of a violation of Subsection 9.03.060(a) of this Title or who enters into a deferred judgment for a violation that results in bodily injury to a person or death of a domestic animal or a second or subsequent violation of Subsection 9.03.060(a) resulting in a conviction or a deferred judgment involving the same animal, the court may order that the dangerous dog, cat, domestic animal or other dangerous animal be destroyed by lethal injection upon exhaustion of any right an owner has to appeal a conviction based on a violation of Subsection 9.03.060(a), at the cost of the owner.

(Ord. 5.06.33.4 §4, 2008)

CHAPTER 9.08 Trapping Animals Prohibited

9.08.010 Trapping unlawful.

Except as expressly provided in this Section, it is prohibited and it is unlawful for any person to set or cause to be set within the Town any trap, snare or mechanical device for the purpose of holding, capturing or killing an animal or animals.

9.08.020 Rodents excepted.

The prohibition of this Section shall not apply to any person who sets traps with the intent to trap rodents by means of a trap, snare or mechanical device specifically designed to trap such animals and who has obtained the express consent of the owner or adult occupant of the property on which the trap is set.

9.08.030 Rodent defined.

Rodent means a mouse, rat, prairie dog, gopher, mole or other animal commonly known as a rodent, but shall not include a hamster, guinea pig, gerbil, rabbit or squirrel.

9.08.040 Other animals excepted.

Any animal causing damage, injury or destruction to private property may be trapped or restrained by the owner or occupant of such property, by the agent of such owner or occupant or by an authorized representative of the Police Department, by means of a snare or mechanical device designed not to injure or harm the animal.

9.08.050 Authorized persons.

The prohibition of this Section shall not apply to any public officer or official of a police, fire or animal control agency, the State or the United States, when such person is acting within the scope of his or her official duties.

Title 7 ANIMALS

CHAPTER 7.04. ANIMALS

Sec. 7.04.010. Purpose.

The purpose of this chapter is to protect the health, safety, and welfare of the general population of the city from irresponsible pet ownership.

(Code 1993, § 7.04.010; Code 2009, § 7.04.010; Ord. No. O-88-65, § 1; Ord. No. O-2024-35, § 1, 5-28-2024)

Sec. 7.04.020. License required.

- A. It is unlawful for any person to own, keep, harbor or possess any dog, miniature pot-bellied pig or cat over the age of six months which has not been licensed.
- B. *License identification.* The city clerk, or designee, shall issue a license to any person keeping a dog, or cat upon payment, in advance, of the license fee. The license fee shall be established by resolution from time to time by the city council. A metal tag shall be furnished as license identification with each license, which metal tag the owner shall have attached to the collar or harness to be worn by the animal so licensed.
- C. *License services by contract.* The city clerk may fulfill the requirements for licensing services, outlined in this chapter, by contracting for the provision of such services with any public agency, or private society or association in the business of humane care and treatment of animals. Such contract for services shall first be approved by city council.
- D. *License expiration.* All licenses required by this section expire on December 31 of each year. Licenses must be renewed on or before February 1 of each year.
- E. *License transferability.* Licenses and symbols of license identification under this section are not transferable.
- F. Owners of miniature pot-bellied pigs must provide proof when requested:
 - 1. That the animal is registered as a miniature pot-bellied pig with the Goldstar Registry or the Pot-bellied Pig Registry, Inc., or that a veterinarian, licensed in the state, certifies it is a miniature pot-bellied pig;
 - 2. That the animal has been spayed or neutered, unless the owner provides the clerk a letter from a veterinarian, licensed in the state, that such spaying or neutering would be detrimental to the health of the animal; and
 - 3. Of the inspection required in section 7.04.040.B.

(Code 1993, § 7.04.020; Code 2009, § 7.04.020; Ord. No. O-88-65, § 1; Ord. No. O-93-29, § 1; Ord. No. O-94-58, § 1; Ord. No. O-98-18, § 1; Ord. No. O-98-61, § 1; Ord. No. O-2024-35, § 1, 5-28-2024)

Sec. 7.04.030. Importation period; time limit.

Any owner of a dog, miniature pot-bellied pig or cat brought into the city or adopted under the provisions of section 7.04.090 shall comply with sections 7.04.020 and 7.04.040 within 30 days of importation or adoption.

(Code 1993, § 7.04.030; Code 2009, § 7.04.030; Ord. No. O-88-65, § 1; Ord. No. O-93-29, § 2; Ord. No. O-2024-35, § 1, 5-28-2024)

Sec. 7.04.040. Rabies vaccination; inspection; required.

- A. It is unlawful to own, keep, harbor, or possess any dog or cat over the age of four months that has not been vaccinated against rabies. The owner shall have the animal vaccinated by a licensed veterinarian, and shall keep the vaccinations current. The vaccines must be ones licensed by the U.S. Department of Agriculture, approved by the state department of health and provide for at least a two-year duration of immunity.
- B. It is unlawful to bring, own, keep, harbor or possess any miniature pot-bellied pig in the city unless the pig has been inspected and issued a state certificate of veterinary inspection by a veterinarian, who is licensed and accredited by the state. The owner shall maintain proof of the inspection.

(Code 1993, § 7.04.040; Code 2009, § 7.04.040; Ord. No. O-88-65, § 1; Ord. No. O-93-29, § 3; Ord. No. O-94-58, § 2; Ord. No. O-99-36, § 1; Ord. No. O-2024-35, § 1, 5-28-2024)

Sec. 7.04.050. Impoundment; general provisions.

Animals impounded under the provisions of this chapter shall be placed in a designated animal shelter. The city may provide by contract with any public agency, private society or association or animal hospital which is interested in the humane care and treatment of animals, for the establishment, maintenance and operation of such shelter.

(Code 1993, § 7.04.050; Code 2009, § 7.04.050; Ord. No. O-88-65, § 1; Ord. No. O-93-29, § 4; Ord. No. O-2024-35, § 1, 5-28-2024)

Sec. 7.04.060. Impounding animals.

The police department is authorized to impound any animal as follows:

- A. When any animal, except a miniature pot-bellied pig, is suspected of injuring any person, the animal may be impounded for observation for a period of ten days or until released by the police chief or authorized representative. Animals except miniature pot-bellied pigs, with current rabies vaccinations may be quarantined at the owner's residence, at the officer's discretion, if the animal can be securely contained and the animal will be available for observation during and after the quarantine period. It is unlawful for any owner or any other person, having custody of a quarantined animal, to allow the quarantined animal to run loose during the quarantine period. The owner shall be responsible for all impoundment fees and other charges as set forth in section 7.04.070;
- B. Any miniature pot-bellied pig suspected of injuring any person must be quarantined for an observation period of 30 days. The pig must be quarantined at a designated animal shelter or, at the officer's discretion, at the owner's residence, if the pig can be securely contained and it will be available for observation during and after the observation period;
- C. Where there is reasonable cause to believe that an animal is being mistreated or neglected and the owner or responsible person is unavailable, the police department may impound such animal for treatment, subject to the requirements of section 7.04.100. If an animal is removed from private property pursuant to this section, the owner or keeper of such animal shall be notified by leaving at the private property written notification of where and by whom the animal was taken and of the authority for removal;

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- D. When any dog or pig is found running at large;
 - E. When any animal whose owner or person responsible for its care is incapacitated or otherwise not available to provide for the animal's welfare, or the owner or responsible person's absence is of sufficient duration to jeopardize the animal's well-being;
 - F. When any animal is on the property of another, and defecating upon, urinating upon, damaging or destroying the property of another;
 - G. When the animal is seized as evidence of a violation of this Code or of any other crime, with or without a search warrant.

(Code 1993, § 7.04.060; Code 2009, § 7.04.060; Ord. No. O-88-65, § 1; Ord. No. O-91-24, § 1; Ord. No. O-93-29, § 5; Ord. No. O-2024-35, § 1, 5-28-2024)

Sec. 7.04.070. Impoundment; required fees.

It shall be the obligation of any person owning or having charge, care, custody or control of any animal impounded under authority of this chapter to pay for all impoundment fees and other charges assessed, including charges for the destruction of any animal ordered destroyed by the court. It is unlawful for such person to refuse to pay the fees and charges, and abandonment shall not relieve that person of the duty to make such payment. A person charged with violating this chapter, acquitted of all charges, shall be relieved of paying the costs of impoundment if the animal was held as evidence pending trial.

(Code 1993, § 7.04.070; Code 2009, § 7.04.070; Ord. No. O-88-65, § 1; Ord. No. O-91-24, § 2; Ord. No. O-93-29, § 6; Ord. No. O-2024-35, § 1, 5-28-2024)

Sec. 7.04.080. Redemption.

The owner shall redeem any animal impounded under section 7.04.060, pay the applicable impoundment fee and other charges, and pay for a current license if the animal is required to be licensed by this chapter.

(Code 1993, § 7.04.080; Code 2009, § 7.04.080; Ord. No. O-88-65, § 1; Ord. No. O-91-24, § 3; Ord. No. O-2024-35, § 1, 5-28-2024)

Sec. 7.04.090. Disposition of unclaimed animals.

Impounded animals shall be held for five days to determine ownership. Animals whose ownership is not determined after five days shall be deemed abandoned. Animals held or seized as evidence shall be released only upon the order of a court of proper jurisdiction or at the direction of the prosecuting attorney. Animals ordered released by a court of proper jurisdiction or at the direction of the prosecuting attorney shall be deemed abandoned if not claimed within five days. Animals impounded under section 7.04.060.E, and not claimed by the owner or a person designated by the owner within ten days shall be deemed abandoned. Abandoned animals may be made available for adoption or humanely destroyed, except that no aggressive or prohibited animal shall be made available for adoption.

(Code 1993, § 7.04.090; Code 2009, § 7.04.090; Ord. No. O-88-65, § 1; Ord. No. O-91-24, § 4; Ord. No. O-2024-35, § 1, 5-28-2024)

Sec. 7.04.100. Inspection powers.

Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the police chief or authorized representative has probable cause to believe that there exists in any building or upon any premises any animal which is afflicted with rabies, or is being mistreated or neglected, or is unlicensed, the police chief or authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the police chief by this chapter, provided that if such building or premises is occupied, the police chief shall first present proper credentials and request entry; and if such building or premises is unoccupied, the police chief shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, or the owner or person having control cannot be located, the police chief or authorized representative shall have recourse to every remedy provided by law to secure entry. No owner or occupant or any other persons having charge, care or control of any animal shall fail or neglect to promptly permit entry therein by the police chief or authorized representative for the purpose of inspection and examination pursuant to a warrant regularly issued. The term "authorized representative" shall include police or animal control officers employed by the city.

(Code 1993, § 7.04.100; Code 2009, § 7.04.100; Ord. No. O-88-65, § 1; Ord. No. O-2024-35, § 1, 5-28-2024)

Sec. 7.04.110. Cruelty to animals.

- A. Except as authorized by law, a person commits cruelty to animals if such person knowingly or with criminal negligence overdrives, overloads, overworks, tortures, torments, deprives of necessary subsistence, unnecessarily or cruelly beats, needlessly mutilates, needlessly kills, carries in or upon any vehicle in a cruel manner or otherwise mistreats or neglects any animal, or causes or procures it to be done.

(Code 1993, § 7.04.110; Code 2009, § 7.04.110; Ord. No. O-88-65, § 1; Ord. No. O-91-24, § 5; Ord. No. O-2024-35, § 1, 5-28-2024)

Sec. 7.04.115. Improper care and treatment of animals.

- A. A person commits improper care and treatment of an animal if, having the charge and custody of any animal, such person fails to provide it with proper food, drink or protection from the weather or abandons it.
- 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. Police or animal control officers employed by the city may make a prima facie determination as to whether an animal is in danger of suffering heat exhaustion, heatstroke or death, based upon, but not limited to, the following factors:
1. External ambient temperature of 80 degrees Fahrenheit or greater;
 2. Temperature inside the vehicle of 100 degrees Fahrenheit or greater;
 3. The time of day;
 4. Position of the vehicles windows and whether they allow sufficient cross-ventilation;
 5. The amount of shade covering the vehicle;
 6. The age of the animal;
 7. The overall condition of the animal; and
 8. Any other factors tending to show the situation is severe.

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- C. No person shall improperly tether or permit an animal to be improperly tethered. For the purposes of this subsection, improper tethering shall mean using 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. Police or animal control officers are empowered to make a prima facie determination as to whether tethering is improper based upon, but not limited to, 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:
 - i. Is less than ten feet in length;
 - ii. Does not have swivels at both ends;
 - iii. Is not attached to the animal by means of a properly fitting harness or collar of at least one inch in width; and/or
 - iv. 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 such that it prevents the animal 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;
 5. Allowing an animal to be tethered in such a manner 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 or shelter; or
 6. Using a chain as a primary collar instead of a collar made of nylon, cotton, leather or similar material.
- (Ord. No. O-2024-35, § 1, 5-28-2024)

Sec. 7.04.120. Harassment of animals.

It is unlawful to knowingly tease, tantalize or provoke any animal in a manner which causes fear or anger in the animal except as authorized by sections 7.04.200 and 7.04.230.

(Code 1993, § 7.04.120; Code 2009, § 7.04.120; Ord. No. O-88-65, § 1; Ord. No. O-2002-15, § 1; Ord. No. O-2024-35, § 1, 5-28-2024)

Sec. 7.04.130. Prohibited keeping of animals.

- A. It is unlawful to keep, harbor, care for or possess any animal within the city except:
1. Household pets;
 2. Large animals and livestock, as applicable zoning ordinances permit;
 3. Birds of prey in the possession of handlers licensed by the state or federal government;
 4. State wildlife receiving care and treatment by a wildlife rehabilitator currently licensed by the state division of wildlife; or
 5. Backyard chicken hens.

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- a. Other poultry or fowl prohibited. No person may own or keep any other fowl, including ducks, quail, geese, turkeys, or pigeons, in districts not zoned agricultural.
 - b. No more than four chicken hens are permitted per parcel.
 - c. *Roosters prohibited.* Except as provided in section 15.04.040, no person may own or keep a rooster in any district not zoned agricultural.
 - d. Backyard chicken hens are restricted to the rear or backyard of any lot in a residential zoning district or the rear or backyard of a residential use in all other zoning districts.
 - e. Backyard chicken hens may not free range and are restricted to the coop and run. The restriction on free-ranging may be waived with written permission from all abutting property owners.
 - f. Any animal that attacks, injures or kills a chicken not on the chicken keeper's property shall not be deemed an aggressive animal nor shall the owner of such animal be charged with aggressive animal pursuant to section 7.04.190. It is the sole responsibility of chicken keepers to ensure their chickens do not leave their property.
 - g. All backyard chicken hen coops shall meet the following requirements:
 - i. Be predator-proof with a solid top.
 - ii. Provide water at all times.
 - iii. Are limited to a maximum of 120 square feet (includes coop space and chicken run).
 - iv. Provide at least four square feet of space per chicken for the coop and run.
 - v. Be no taller than seven feet at the highest point of the roof.
 - vi. Not be located between the rear of the structure and the front yard lot line.
 - vii. Be at least six feet from any other structure and at least six feet from any side or rear property line, except that any coop in existence as of February 1, 2009, shall be exempt from this setback requirement, provided such coop meets the requirements of this subsection and provided, further, that the owner of such existing coop obtains the agreement of any neighbor whose property abuts such existing coop.
 - h. All coops shall be regularly cleaned to control dust, odor, and waste and not constitute a nuisance, safety hazard, or health problem to surrounding properties.
 - i. No slaughtering allowed.
 - j. Chicken feed must be stored in a re-sealable, airtight, metal, rat-proof container, as required by C.R.S. § 9-16-130, to discourage attracting mice, rats, and other vermin.
 - k. A city permit is required for all chicken hen coops, and no more than one permit per household shall be issued.
 - l. The fee for a backyard chicken permit is \$30.00.
 - m. A permit may be revoked upon the conviction of the permit holder of a violation of this section.
- B. To convict in a prosecution under this section or under title 19, the city must rebut, beyond a reasonable doubt, any evidence the defendant introduces into evidence (as an affirmative defense) that the defendant kept, harbored or cared for a prohibited animal:
- 1. In a facility specifically constructed for keeping animals, in conformance with all land use and zoning laws of the city, as follows:

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- a. Temporary boarding of such animal for treatment in a veterinary hospital or clinic under the supervision of a doctor of veterinary medicine licensed by the state;
 - b. Temporary boarding, pending animal disposition, in a facility open to the public for stray and abandoned animals, such as a Humane Society animal shelter;
 - c. Permanent public display in a municipal zoological facility; or
2. For personal companionship, under the written recommendation of a physician licensed to practice medicine in the state, issued within 12 months before the offense, as necessary for the physical or emotional health of the animal owner or a person residing with the owner, if the animal, at maturity, weighs or will weigh less than 25 pounds.
- C. Nothing in this chapter shall permit keeping an animal, as the laws and regulations of the state or the United States otherwise prohibit or restrict.
- D. No person shall keep more than two miniature pot-bellied pigs on any residential property. No person shall keep more than one miniature pot-bellied pig that is not spayed or neutered.
- (Code 1993, § 7.04.130; Code 2009, § 7.04.130; Ord. No. O-88-65, § 1; Ord. No. O-93-29, § 7; Ord. No. O-96-33, § 3; Ord. No. O-98-18, § 2; Ord. No. O-2004-22, § 1; Ord. No. O-2009-05, § 1; Ord. No. O-2009-27, § 1, 6-9-2009; Ord. No. O-2011-02, § 2, 1-11-2011; Ord. No. O-2018-31, § 9, 8-14-2018; Ord. No. O-2024-35, § 1, 5-28-2024)

Sec. 7.04.135. Dead animals.

Except as this Code otherwise expressly permits, it is unlawful for any person to dispose of a dead animal within the city limits. Such animals shall be taken to a licensed veterinarian and cremated or taken beyond the city limits and disposed of at a rendering plant or at some other suitable facility.

(Code 1981, § 5-5-12; Code 1993, § 9.04.030; Code 2009, § 7.04.135; Ord. No. O-2007-86, § 3; Ord. No. O-2024-35, § 1, 5-28-2024)

Sec. 7.04.140. Civil action.

The city council declares that the keeping of animals in the city, other than those specifically permitted by this chapter, is a public nuisance. The municipal court or any other court of competent jurisdiction shall, upon proper complaint of the city attorney, enjoin or abate the unlawful keeping of any animal prohibited by this chapter, and any person found to have violated the provisions hereof shall additionally be liable for impoundment and boarding costs, loss incurred, direct and incidental, in the enforcement of this chapter, if any, along with costs of action, including reasonable attorneys' fees, incurred.

(Code 1993, § 7.04.140; Code 2009, § 7.04.140; Ord. No. O-88-65, § 1; Ord. No. O-2024-35, § 1, 5-28-2024)

Sec. 7.04.150. Damaging property.

It is unlawful for any owner, possessor, or person who keeps any animal to permit such to destroy or damage the real or personal property of one or more other persons, or any public property. Animals damaging property and on the property of another may be trapped in a humane manner and held for the animal control officers, or taken to a humane shelter.

(Code 1993, § 7.04.150; Code 2009, § 7.04.150; Ord. No. O-88-65, § 1; Ord. No. O-93-29, § 8; Ord. No. O-2024-35, § 1, 5-28-2024)

Sec. 7.04.160. Littering; actions constituting.

- A. It is unlawful for any owner, possessor, or person who keeps any animal to permit it to deposit any fecal matter on any public or private property of another, or in any waters.
- B. It is an affirmative defense to this section if a person in immediate control immediately removes and deposits in an appropriate trash container fecal matter deposited by a domesticated animal.

(Code 1993, § 7.04.160; Code 2009, § 7.04.160; Ord. No. O-88-65, § 1; Ord. No. O-93-29, § 9; Ord. No. O-2024-35, § 1, 5-28-2024)

Sec. 7.04.170. Offensive premises.

The accumulation of animal feces compromises public health and constitutes a threat to public safety and welfare. It is unlawful for the owner or keeper of an animal to allow animal feces to accumulate so as to be a health hazard or so that the odor is noticeable on adjoining property.

(Code 1993, § 7.04.170; Code 2009, § 7.04.170; Ord. No. O-88-65, § 1; Ord. No. O-2024-35, § 1, 5-28-2024)

Sec. 7.04.180. Animal fighting; unlawful.

It is unlawful for any person to cause, instigate or encourage an animal fight in any public or private place in this city.

(Code 1993, § 7.04.180; Code 2009, § 7.04.180; Ord. No. O-88-65, § 1; Ord. No. O-2024-35, § 1, 5-28-2024)

Sec. 7.04.190. Aggressive animals.

- A. It is unlawful for any person to own, harbor or keep an aggressive animal within the city. Any aggressive animal shall be deemed a public nuisance, and may be seized by any police officer or animal control officer of the city, and upon appropriate complaint and order of the municipal court or any other court of competent jurisdiction, may be humanely destroyed or otherwise disposed of, as the court may determine in abatement of the nuisance and protection of the public safety. It shall be an affirmative defense to prosecution under this section that a dog is under the control of a law enforcement agency or a trained guard dog is kept for the protection of property, and restrained by cage, fence or other adequate means from contact with the public or with persons who enter the premises with the actual or implied permission of the owner or occupant, provided the premises are posted in a manner sufficient to give reasonable notice to the public and visitors of the presence of the guard dog. Nothing in this section shall be construed to prevent the immediate killing of an aggressive animal if, under the circumstances, such action is required to protect the public safety.
- B. The term "aggressive animal" means an animal that bites or attacks a human or another animal, or approaches a human in an apparent attitude of attack, whether or not an attack actually occurs. It is an affirmative defense that the victim specifically intended to provoke the animal. It is an affirmative defense that the victim was trespassing on the animal owner's property with intent to commit a crime other than trespass.

(Code 1993, § 7.04.190; Code 2009, § 7.04.190; Ord. No. O-88-65, § 1; Ord. No. O-91-24, § 6; Ord. No. O-94-75, § 1; Ord. No. O-2024-35, § 1, 5-28-2024)

Sec. 7.04.195. Hearing on the destruction of an aggressive animal.

- A. Upon the filing of a motion for destruction of an aggressive animal, the court shall set a hearing as soon as practical. The court or city attorney shall promptly serve the owner, if known or reasonably discoverable, with written notice of the hearing and a copy of the motion at least five days before the hearing. Service shall be pursuant to C.M.C.R. 204(e), 249(b) and C.R.C.P. 5(b).
- B. The hearing shall be for the purpose of deciding if the animal is a public nuisance. The city shall bear the burden of proof at the hearing, by a preponderance of the evidence. If the owner, without good cause, fails to appear at the hearing, at arraignment or at trial, the dog shall be deemed abandoned and, upon proper proof of the public nuisance, may be destroyed or otherwise disposed of consistent with this chapter.
- C. A continuance of the hearing on the motion for destruction, or a stay of the destruction order, may be granted only if the owner posts a bond sufficient to cover the total costs of the impoundment and destruction.

(Code 1993, § 7.04.190; Code 2009, § 7.04.195; Ord. No. O-90-36, § 1; Ord. No. O-91-24, § 7; Ord. No. O-2024-35, § 1, 5-28-2024)

Sec. 7.04.200. Restraint and control.

- A. Every person owning or having charge, care, custody or control of any dog, of any age, shall keep such dog exclusively upon his or her own premises, provided that the dog may be off-premises if it is under the control of a competent person and restrained by a substantial chain or leash not exceeding 25 feet in length. Control, as used in this section, means that the chain or leash which is attached to the dog must be held or be securely tied to the person accompanying the dog. A dog may be off leash in a designated dog park if it is under voice command of a competent adult. A dog may also be off leash if it is under voice command of a competent adult at a privately owned dog park as described in subsection C of this section. A dog may also be off leash while on a city or privately owned golf course or in Loomiller, Dawson or Kensington city parks between August 1 and March 31 inclusive, between sunrise and sunset, when:
 - 1. The dog is under control of an authorized city employee or agent or an authorized employee or agent of a private golf course;
 - 2. The dog is engaged in hazing, chasing, or frightening geese from a golf course or one of the above-identified city parks for the purpose of preventing or alleviating damage;
 - 3. The dog does not kill or injure any geese; and
 - 4. The dog is wearing a vest or other indicator sufficient to identify it as authorized to be hazing, chasing or frightening geese.

An authorized city employee or agent is a city employee or independent contractor having the approval of the city's parks and open space director. An authorized employee or agent of a private golf course is an employee or independent contractor having the approval of the person responsible for operation of the private golf course. The city's parks and open space director is authorized to adopt regulations consistent with this Code for the purpose of implementing this section.

- B. Every person owning or having charge, care, custody or control of a miniature pot-bellied pig, of any age, shall keep such pig exclusively upon his or her own premises, provided that the pig may be off-premises if it is under the control of a competent person and restrained by a substantial chain or leash not exceeding 25 feet in length. A miniature pot-bellied pig shall wear a harness with the license attached any time it is not securely contained within the residence of the person owning or having charge, care, custody or control of the pig.

C. *Private dog parks.*

1. The term "privately owned dog park" means a designated dog park on private property, designated as common open space that is owned and maintained by a homeowners' association, which has been issued a license for such use pursuant to this section. A homeowners' association may submit an application for a private dog park on a form provided by the city to the city's parks, open space and public facilities director. Upon receipt of an application the director may refer the application to those city department directors or their designees which may be impacted by approval, including, but not limited to, animal control and code enforcement, for their input. The park, open space and public facilities director shall issue the license if the director finds that the application meets the following criteria:
 - a. The private dog park shall not be located in a detention basin that was approved as a best management practice for the purpose of protecting water quality as part of the city's stormwater management system pursuant to chapter 14.26. Other stormwater detention basins may be used as private dog parks if they meet the following criteria:
 - i. The detention basin is maintained by the homeowners' association to prevent any erosion of soil or any discharge of sediment into the storm sewer system or surface waters. Vegetation that stabilizes the banks and bottom of the basin shall be maintained and replaced as needed to meet this requirement.
 - ii. All drains, pipes, and structures associated with the detention basin are not damaged and are maintained as necessary to ensure that they function properly.
 - iii. Dog waste, trash and debris are regularly removed from the basin so that they will not discharge into the storm sewer system or any receiving waters.
 - b. The private dog park shall be located in a manner which mitigates any adverse effects on neighboring properties. Locational considerations should include adequate buffer areas to mitigate impacts, including, but not limited to, noise and odor.
 - c. The application must include written documentation on the public participation process utilized demonstrating that members of the homeowners' association generally support the private dog park.
 - d. The private dog park shall meet the general construction and maintenance specifications set forth below relating to surfacing, fencing, signage and rules, gates, trash receptacles and dog bag dispensers. A planned maintenance schedule shall be included with the application.
 - i. *Surfacing.* With the exception of dog parks in stormwater detention basins, surfacing should be a minimum of eight inches of crusher fines over graded soil. Crusher fines shall be compacted to provide a finished surface that will drain readily.
 - ii. *Fencing.* All parks will require security fencing, at least four feet in height, to adequately prevent dogs off leash from escaping from the park enclosure.
 - iii. *Signage.* A minimum of one sign stating the rules for the use of the facility, including, but not limited to, the hours of operation and a requirement to pick up and properly dispose of dog waste, shall be posted at the entrance gate of the facility.
 - iv. *Gates.* A minimum of one entry gate and one vehicle gate shall be installed. The user entry gate shall be a double gate with an eight-foot by eight-foot concrete pad to provide a transition area for dogs to enter and exit the facility.
 - v. *Trash receptacles and dog bag dispensers.* A minimum of two trash receptacles, one inside the gate, one outside the gate, shall be required. A minimum of two dog bag dispensers

shall be required. Trash receptacles shall have a plastic or metal dome to prevent rainwater from entering the receptacle.

2. A license issued pursuant to this section shall expire one year from the date of issuance.
3. The director may approve, approve with conditions, or deny the private dog park application. The director's determination shall be final, subject only to judicial review pursuant to C.R.C.P. 106.
4. The director may issue regulations governing private dog parks that enhance the general public welfare and are not inconsistent with these provisions. Such regulations shall be posted by the licensee at the private dog park.
5. A private dog park license is subject to suspension or revocation by the director if it fails to comply with the regulation set forth above at any time or for any of the grounds set forth at section 6.04.130.

(Code 1993, § 7.04.200; Code 2009, § 7.04.200; Ord. No. O-88-65, § 1; Ord. No. O-93-29, § 10; Ord. No. O-99-36, § 2; Ord. No. O-2000-33, § 1; Ord. No. O-2002-15, § 12; Ord. No. O-2003-05, § 5; Ord. No. O-2009-06, § 1, 2-24-2009; Ord. No. O-2024-35, § 1, 5-28-2024)

Sec. 7.04.210. Disturbing the peace.

It is unlawful for any person owning, possessing or keeping custodial or supervisory authority or control over any animal, to permit such animal to habitually squeal, snort, grunt, bark, howl, yelp, squawk, screech, caterwaul, wail, crow or make any other animal sound in such manner as to significantly disrupt the peace and quiet of the neighborhood, or in such manner as to materially and persistently disturb the peace of another in the neighborhood under conditions that would disturb a person of reasonable and ordinary sensibilities. Such animals are declared to be public nuisances.

(Code 1993, § 7.04.210; Code 2009, § 7.04.210; Ord. No. O-88-65, § 1; Ord. No. O-93-29, § 11; Ord. No. O-2000-33, § 2; Ord. No. O-2024-35, § 1, 5-28-2024)

Sec. 7.04.220. Birds.

The entire area embraced within the corporate limits of the city is designated as a bird sanctuary.

(Code 1993, § 7.04.220; Code 2009, § 7.04.220; Ord. No. O-88-65, § 1; Ord. No. O-2024-35, § 1, 5-28-2024)

Sec. 7.04.230. Interference with birds or fowl unlawful; destruction of nuisance or menace birds.

- A. It is unlawful to trap, hunt, shoot or attempt to shoot or molest, in any manner, any bird or wild fowl, or to rob bird nests or wild fowl nests; provided, however, that if starlings or similar birds are found to be congregating in such numbers as to constitute a nuisance or menace to health or property, then such birds may be removed or destroyed in such numbers as is deemed advisable, under the supervision of the police chief.
- B. It shall be an affirmative defense to a prosecution under this section for molesting any bird or wild fowl that dogs were used in a manner consistent with this Code and the rules and regulations of the state division of wildlife and are being used for the purpose of hazing, chasing or otherwise frightening geese congregating on a golf course or in one of the city parks identified in section 7.04.200 in such numbers as to constitute a nuisance or menace either to health, to a golf course or to one of the city parks identified in section 7.04.200.

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- C. This section shall not apply to any person regulated by the state department of agriculture under the Pesticide Applicators' Act (C.R.S. § 35-10-101 et seq.) and engaged in activities regulated by the Act. However, all persons using or contracting for the services of such regulated persons shall dispose of any birds injured, killed or incapacitated by those activities in compliance with good sanitation practices, applicable provisions of this Code and county and state laws, ordinances and rules and regulations having the force of law.

(Code 1993, § 7.04.230; Code 2009, § 7.04.230; Ord. No. O-88-65, § 1; Ord. No. O-2002-15, § 3; Ord. No. O-2003-40, § 1; Ord. No. O-2024-35, § 1, 5-28-2024)

Sec. 7.04.240. Violation; penalty.

- A. Violation of any section of this chapter is a strict liability offense punishable according to chapter 1.12 except that violation of section 7.04.190 is punishable by a fine up to \$999.00 or by imprisonment up to 180 days or by both such fine and imprisonment.
- B. Upon conviction of any person for violation of sections 7.04.150 or 7.04.190, the municipal judge may, with consent of the prosecutor, suspend all or part of any sentence imposed only upon the condition that the defendant make restitution to the victim for any net pecuniary loss caused by the violation. In addition, the municipal court judge may impose other terms or conditions as appropriate.

(Code 1993, § 7.04.240; Code 2009, § 7.04.240; Ord. No. O-88-65, § 1; Ord. No. O-94-61, § 9; Ord. No. O-2024-35, § 1, 5-28-2024)

CHAPTER 7.06. PRAIRIE DOG CONTROL

Sec. 7.06.010. Purpose and legislative intent.

- A. The city council intends to protect prairie dogs when appropriate, and encourage more humane means of management when necessary to manage conflict with human land uses.
- B. The city intends to exercise its legislative authority to require action in compliance with this chapter by landowners, residents, visitors, applicants, developers, employers, and employees pursuant to its local home rule authority.
- C. The city council finds that the regulation of local wildlife, wildlife habitat, and any conflicts between human land uses and local wildlife constitutes an area of valid local concern and regulation and is therefore subject to the valid exercise of the city's police power.
- D. The city council finds that the use of poison to control prairie dogs may have an adverse and cumulative effect upon the local environment, and upon the health and safety of human beings and local wildlife, and should be avoided when feasible. The city supports the use of other methods instead of poisons as a mechanism for prairie dog control, especially when other less ecologically damaging control strategies are available.
- E. The requirements of this section are in addition to, and do not supersede, any state or federal limitations on the destruction or relocation of prairie dogs.

(Code 2009, § 7.06.010; Ord. No. O-2019-01, § 2, 1-8-2019)

Sec. 7.06.020. 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. Terms not defined here shall have any meaning attributed to them in chapter 15.10.

Active prairie dog habitat means the smallest possible area of a polygon encompassing all active prairie dog burrows on a property.

Director means the director of planning and development services, or such director's designee.

Prairie dog means any individual of the *Cynomys* genus.

Urban level development means:

1. Property of any size that has received a land use approval and a certificate of occupancy for the existing use on the property;
2. Developed outlots in both residential and commercial subdivisions that were approved for open space, recreation or drainage purposes; or
3. City-owned and managed golf courses and developed parks.

(Code 2009, § 7.06.020; Ord. No. O-2019-01, § 2, 1-8-2019; Ord. No. O-2019-51, § 2, 9-10-2019)

Sec. 7.06.030. Prohibitions.

- A. No person shall kill a prairie dog, or use lethal means with the intent to kill a prairie dog, except as allowed by this chapter.
- B. No person shall trap or remove a prairie dog from the ground except as allowed by this chapter.
- C. No person shall damage or fill a prairie dog burrow except as allowed by this chapter.
- D. No person shall transport a prairie dog from within the city onto public or private property except under an approved relocation plan as described in section 7.06.050.B.

(Code 2009, § 7.06.030; Ord. No. O-2019-01, § 2, 1-8-2019; Ord. No. O-2019-51, § 3, 9-10-2019)

Sec. 7.06.040. Exemptions.

Public law enforcement personnel, including animal control officers, are exempt from the provisions of this chapter for the purposes of carrying out their official duties assisting the community with prairie dogs outside the burrow and colony setting. The following are exempt from the need to obtain a major or minor prairie dog management permit, as those terms are described in section 7.06.050, regardless of the number of prairie dogs to be destroyed:

- A. Acts by a person who owns or operates an airport facility, or by a person acting at the direction of the owner or operator of an airport facility, necessary to promote human safety or to comply with Federal Aviation Administration standards or regulations; and
- B. Acts by a person who owns or operates a dam or irrigation ditch where the structural integrity or the safety thereof is threatened by prairie dog burrows or burrowing.

(Code 2009, § 7.06.040; Ord. No. O-2019-01, § 2, 1-8-2019; Ord. No. O-2019-51, § 4, 9-10-2019)

Sec. 7.06.050. Prairie dog management permits.

A person may use lethal means to kill prairie dogs, destroy their burrows, remove them from the ground, trap them or relocate them, if permitted to do so under this section.

A. *Minor prairie dog management permits.*

1. A person seeking to destroy prairie dogs on property that is less than 1.5 acres in size, or that has active prairie dog habitat less than 1.5 acres in size, or that has existing urban level development, shall be eligible to receive a minor prairie dog management permit. The applicant must agree that the city or its consultants may inspect the property to determine the location and size of the active prairie dog habitat.
2. An applicant eligible for this process shall be entitled to a prairie dog management permit issued by the director, subject to all applicable fees, and any conditions the director determines necessary to protect human health, safety, and welfare, wildlife, and the natural environment, such as those described in subsection B.6 of this section.
3. As an alternative to destroying the prairie dogs under the permit, the applicant may donate them to a facility which uses them to rehabilitate the black-footed ferret, or may relocate the prairie dogs in the same manner as described in subsection B of this section.
4. Restriction on serial use of minor prairie dog management permits. Minor prairie dog management permits are not intended to be used in batch or in series to control prairie dogs within a single or connected population, regardless of whether the population exists within a single property or crosses property lines.
5. No person may use, or collaborate with others to use, a batch or series of minor prairie dog management permits to avoid the requirements of a major prairie dog management permit.

B. *Major prairie dog management permits.*

1. *Attempt to relocate.* A person seeking to destroy prairie dogs on property that has an active prairie dog habitat greater than 1.5 acres, or that does not have existing urban level development must first attempt in good faith to relocate the prairie dogs, as described below.
2. *Notice.* The applicant shall notify the public, in the form and manner prescribed by the director, and with the information the director determines necessary, that prairie dogs will become available for relocation. If the property for which a permit is sought is the subject of a development application, the notice shall be given at the time the application is made or as soon as the city determines that the property has active prairie dog habitat greater than 1.5 acres.
3. *Acceptance by receiving site.* Any landowner may agree to accept the prairie dogs by notifying the applicant and the city, in the form and manner prescribed by the director. Acceptance must include the relocation plan, all information the director determines necessary, and all other necessary approvals. Deadlines for acceptance shall be as follows:
 - a. If the property for which a permit is sought is the subject of a development application, acceptance must be made before any stormwater construction activity permit (SCAP) is issued for the property.
 - b. If the property for which a permit is sought is not the subject of a development application, acceptance must be made within 90 days of the notice.
4. *Relocation responsibility.* Should any landowner timely agree to accept the prairie dogs, as determined by the director, the applicant shall relocate the prairie dogs to the receiving site at its

own expense. The applicant shall notify the director whether the applicant intends to complete the relocation itself, or whether it intends to allow the receiving site to manage the relocation and reimburse the receiving site for its costs.

- a. An applicant undertaking responsibility to relocate the prairie dogs shall submit a relocation plan to the city, including all information the director determines necessary, and including any other approvals and permits necessary to facilitate the relocation.
 - b. If an applicant instead chooses to allow the receiving site to manage the relocation, the receiving site shall have 90 days after such choice is made to relocate the prairie dogs. The receiving site shall provide an itemized estimate of all reasonable costs of relocation to the applicant and the city. In this circumstance, the applicant would agree with the receiving site to pay such costs. Only reasonable relocation costs shall qualify for reimbursement. Any further non-nominal charges to accept prairie dogs are ipso facto unreasonable.
5. *Relocation.* Prairie dogs may be removed and relocated as described in the applicable relocation plan.
 6. *Donation.* Should no landowner accept the prairie dogs that are the subject of the major prairie dog management permit application, or should any prairie dogs remain on the property after an attempt to relocate the prairie dogs targeted in the permit application, the director shall issue the permit, subject to all applicable fees. As an alternative to destroying the prairie dogs under the permit, the applicant may, but is not required to, donate them to a facility which uses them to rehabilitate the black-footed ferret.
 7. *Fencing.* The director may condition the approval of a relocation plan or a major prairie dog management permit on the construction of a fence built to specifications necessary to restrict prairie dog entry, where the property that is the subject of the application has applied successively for major prairie dog management permits so as to indicate a neglect to actively manage prairie dogs on the property.
- C. *Duration and extension.* A prairie dog management permit shall be valid for a period of one year. An applicant may request an extension of up to one year, and the director shall grant the request if the applicant has diligently pursued the management during the initial term but has been unable to complete the management due to unforeseen circumstances.
 - D. *Birthing period restriction.* No relocation of prairie dogs shall occur between April 1 and June 1.

(Code 2009, § 7.06.050; Ord. No. O-2019-01, § 2, 1-8-2019; Ord. No. O-2019-51, § 5, 9-10-2019)

Sec. 7.06.060. Staff approval of relocators.

No person shall relocate a prairie dog unless the director, in conjunction with the natural resources manager, qualifies the relocater as meeting all the following criteria:

- A. The relocater has at least three years of experience relocating prairie dogs.
- B. The relocater provides references for, and documentation of, two successful prairie dog relocation projects.
- C. The relocater's team must include, at least as an on-call consultant, a natural resources professional who has experience in wildlife biology and plant ecology.
- D. The relocater must provide a list of all methods used during relocation, including, but not limited to:
 1. Number of traps;

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2. Days of pre-baiting;
 3. How often traps are monitored;
 4. Days of trapping;
 5. Method of transportation of prairie dogs to receiving site; and
 6. Facility for holding live prairie dogs.

(Code 2009, § 7.06.060; Ord. No. O-2019-01, § 2, 1-8-2019)

Sec. 7.06.070. Notice by landowner of prairie dog management.

No landowner shall allow the extermination of prairie dogs without posting notice on the property, in a form approved by the director, for at least 14 days prior to such management. If the property owner uses only humane methods to exterminate prairie dogs, as approved by the director and natural resources manager, no notice is required.

(Code 2009, § 7.06.070; Ord. No. O-2019-01, § 2, 1-8-2019; Ord. No. O-2019-51, § 6, 9-10-2019)

Sec. 7.06.080. Fees.

- A. *Application fee.* At time of application, an applicant for a major prairie dog management permit shall pay an application processing fee of \$500.00, to offset administrative costs associated with issuing and monitoring these permits. This application fee shall be in addition to any other mitigation cost or payment required in conjunction with approved prairie dog management practices. There is no application fee for a minor prairie dog management permit.
- B. *Habitat restoration fee.* At time of issuance of a permit for extermination, an applicant for a major prairie dog management permit shall be invoiced for a fee of \$1,200.00 per acre of active prairie dog habitat lost, prorated for any partial acres of lost habitat. The revenues from this fee shall be used for acquiring additional public land to serve as prairie dog habitat, conducting relocation of prairie dogs to suitable habitat, creating new habitat or improving existing habitat for prairie dogs, monitoring the success of these activities, protection of existing prairie dog colonies, educating the public regarding prairie dogs, or funding prairie dog-related research, and may be used to offset the administrative costs of the foregoing. All revenues accruing to the city under this subsection shall be placed in the prairie dog habitat restoration fund established in chapter 4.71. There is no habitat restoration fee for a minor prairie dog management permit.
- C. The director shall waive the habitat restoration fee in situations where a landowner establishes to the satisfaction of the director and the natural resources manager that the landowner would be entitled to destroy prairie dogs inhumanely but instead has used only humane methods to destroy the prairie dogs targeted under an extermination permit. This waiver includes those landowners who have used a combination of relocation and humane methods in lieu of inhumane methods.
- D. Unless the fee is waived as described in subsection C of this section, the applicant shall pay the fee to the city upon taking an action authorized by the permit. Failure to timely pay such fee shall be a violation of this chapter.

(Code 2009, § 7.06.080; Ord. No. O-2019-01, § 2, 1-8-2019; Ord. No. O-2019-51, § 7, 9-10-2019)

Sec. 7.06.090. Rules and regulations.

The director may propose such reasonable rules and regulations as may be necessary for the purpose of administering, interpreting, or enforcing the provisions of this section. The rules and regulations shall be reviewed by the city attorney's office and then adopted by the city manager. Notice of adopted rules shall be published in a newspaper of general circulation in the city.

(Code 2009, § 7.06.090; Ord. No. O-2019-01, § 2, 1-8-2019)

Sec. 7.06.100. Forms.

The director may designate the required form of any application, request, plan, or other submittal under this chapter. All such submittals must be complete to be considered by the city.

(Code 2009, § 7.06.100; Ord. No. O-2019-01, § 2, 1-8-2019)

Sec. 7.06.110. Appeal.

Appeals shall be permitted as follows:

A. *Appeal of decisions of the director and natural resources manager.*

1. *To the city manager.* The applicant may appeal to the city manager, under the procedures listed in chapter 2.98, any action, decision, refusal, denial, or order by the director or natural resources manager that finally disposes of a request or application under this section. The city manager shall reverse the decision upon finding that the decision misapplied or misinterpreted this section.
2. *To the city council.* An applicant who receives an unfavorable written decision from the city manager on appeal may then appeal the matter to the city council by filing a notice of appeal as described in section 15.02.040.K.6, within seven days from the date of the city manager's decision. The council shall hear and decide on the appeal generally under the procedures detailed in sections 15.02.040.K.10, 11.a—c, and 12. The council shall reverse the decision of the city manager upon finding that the decision misapplied or misinterpreted this section.

B. *Appeal of adoption of rules and regulations.* Any rule or regulation promulgated under section 7.06.090 may be appealed to the city council within 28 days of publication of adoption, by filing a notice of appeal as described in section 15.02.040.K.6. The council shall hear and decide on the appeal generally under the procedures detailed in sections 15.02.040.K.10, 11.a through c, and 12. The council shall reverse any rule or any part of any rule upon finding that the decision misapplied or misinterpreted this section, and may then remand any matters to the city staff for further rulemaking. Any rules or parts of rules not specifically reversed shall be final.

(Code 2009, § 7.06.110; Ord. No. O-2019-01, § 2, 1-8-2019)

Sec. 7.06.120. Violation; penalty.

Violation of any section of this chapter is a strict liability offense punishable according to chapter 1.12. Additionally, any violation of this chapter shall be a violation of the development code and enforceable by all means described in chapter 15.09.

(Code 2009, § 7.06.120; Ord. No. O-2019-01, § 2, 1-8-2019)

Sec. 7.06.130. Responsible enforcement entities.

The code enforcement and animal control divisions shall be primarily responsible for enforcing the provisions of this chapter.

(Code 2009, § 7.06.130; Ord. No. O-2019-01, § 2, 1-8-2019)

CHAPTER 7. ANIMALS

6-7-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the following meaning, unless the context clearly indicates otherwise:

Abandon shall mean leaving of an animal for more than 24 hours by its owner or custodian without making effective provisions for its proper care. This shall include, but is not limited to, depositing or dropping off an animal on public property or on property other than that of the owner or custodian without prior permission of the property owner.

Animal shall mean any living dumb creature, domestic or wild.

Animal management officer shall mean an employee or agent of the City authorized by the chief of police to enforce the provisions of this chapter.

Animal shelter shall mean any premise designated by the City for the purpose of boarding or the caring of any animal impounded under the provisions of this chapter or any other ordinance of the City or law of the state.

Bee shall mean the hymenopterous insects in the genus *Apis*, especially *Apis mellifera*, primarily distinguished by honey and wax production in colonial, perennial, docile hives, when the hives are intentionally initiated and maintained on residential property for honey production. Bee shall not refer to naturally occurring bee colonies, mason bees, or other bee species that are not intentionally kept for honey production.

Cat shall mean a domestic cat (*felis catus*) regardless of gender that can be vaccinated against rabies.

Chicken shall mean a domestic fowl kept for its eggs or meat, excluding ducks, geese, pigeons, turkeys, pea fowl, and guinea hens.

Common area shall mean and include areas such as but not limited to the yards, grounds, garden areas, play areas, clubhouses, swimming pools, walkways, common garage areas, entryways, hallways, and driveways of condominiums, townhouses, apartment complexes, motels, hotels and mobile home parks.

Custodian shall mean any person who has responsibility for or looks after an animal. An individual does not become the custodian of a feral cat by providing care necessary to facilitate the trap-neuter-return process, as defined herein, so long as that individual acts in compliance with the other requirements of this Code.

Dog shall mean a domestic dog (*canus lupus familiaris*) regardless of gender that can be vaccinated against rabies.

Domestic animal shall mean domesticated or household dogs, cats, rabbits, guinea pigs, hamsters, rats, mice, ferrets, birds, reptiles, amphibians, and invertebrates, commonly found in a pet store and intended to live and breed in a tame condition. It shall also include pot-bellied pigs and expressly does not include bees or chickens.

Eartipping shall mean the removal of the distal one-quarter of a cat's left ear, which is approximately 3/8 inch, or one centimeter, in an adult cat and proportionally smaller in a kitten and which service is performed by a licensed veterinary facility.

Endangered species shall mean any species of animal, bird or reptile that is currently listed as endangered by the United States Department of Interior or the Colorado Department of Natural Resources.

Exotic animals shall mean a rare or unusual animal or pet kept within human households and not commonly thought of as a pet.

Feral shall mean an animal that has escaped from domestication and returned, partly or wholly, to a wild state.

Fowl shall mean ducks, geese, pigeons, turkeys, pea fowl, guinea hens, and the like. For purposes of this title, fowl expressly does not mean chickens.

Guard dog shall mean any dog disciplined through special training to protect persons or property by attacking or threatening to attack any person found within the enclosed area patrolled by such dog.

Harboring shall mean the act of keeping and caring for an animal or of providing a premises to which the animal returns for food, shelter or care.

Household shall mean those people living together in the same dwelling.

Humane trap shall mean a box-type trap that does not cause bodily harm to the animal intended to be captured or to any other animal or person coming in contact with such trap.

Identification tag shall mean a collar tag which clearly displays the owner's initial and surname, as well as their up-to-date address and the animal's name. Phone numbers are recommended for inclusion on Identification tags, but are not mandatory.

Kennel shall mean premises where more than five non-livestock animals, excluding offspring not exceeding four months of age belonging to one of the adult animals, are kept for any purpose, including boarding, foster care or training. The term "kennel" does not include pet shop.

Livestock shall mean any animal commonly kept or harbored, as a source of food, hides, income through agricultural sale, as a pack animal or draft animal or for use as transportation. Livestock includes, but is not limited to, horses, mules, sheep, goats, cattle, swine, ducks, geese, pigeons, turkeys, pea fowl, and guinea hens. In the event of uncertainty concerning whether a particular animal is a species of livestock, the presumption shall be that such animal is a species of livestock until the owner of such animal proves by a preponderance of the evidence to the satisfaction of the municipal court that the animal is not a species of livestock.

Microchip shall mean an identifying integrated circuit placed under the skin of an animal.

Owner shall mean any person who has right of property in an animal or harbors an animal or allows an animal to remain about his premises for a period of 72 hours or longer; claims responsibility for an animal; or is declared by court decree to be the responsible party for an animal or the authorized agent of any such person. The parent or guardian of any minor claiming ownership of an animal shall be deemed to be the owner of the animal for purposes of this chapter.

Passerine shall mean a bird of a large order distinguished by feet that are adapted for perching, including all songbirds.

Person shall mean any natural person, corporation, partnership, association, or other entity.

Pet shop shall mean an establishment engaged in the business of breeding, buying or selling animals, other than livestock, in commercial, wholesale or retail trade.

Potbellied pig shall mean a pig weighing less than 95 pounds.

Prohibited animal shall mean any animal that is ordinarily found in an unconfined state and is usually not kept as a household pet, including, but not limited to, lions, tigers, cheetahs, panthers, leopards, cougars, mountain lions, ocelots, any wild members of the genus felis, lynx, bobcats, foxes, minks, skunks, raccoons, bears, nonhuman primates, wolves and coyotes; poisonous or venomous snakes and lizards; lethal toads and arachnids (spiders, scorpions, and tarantulas), crocodilians and nonpoisonous snakes over six feet in length. "Prohibited animal" shall not include domestic ferrets (*mustelia furo*), rabbits, dogs, cats, and small rodents. Alleged

domestication of any prohibited animal shall not affect its status under this definition. In the event of uncertainty whether a particular animal is a prohibited animal, it shall be presumed prohibited until proven not prohibited by a preponderance of the evidence to the satisfaction of the municipal court.

Proper enclosure shall mean secure confinement indoors or secure confinement in a locked pen, fenced yard, or structure measuring at least six feet in width, 12 feet in length, and six feet in height, capped with secure sides and constructed at the bottom so as to prevent escape by digging, which provides proper protection from the elements for the animal, is suitable to prevent the entry of young children, and is designed to prevent the animal from escaping while on the owner's property. The proper enclosure must comply with all zoning and building ordinances/regulations of the City, be kept in a clean and sanitary condition, and be approved by an animal management officer, and such approval shall not be unreasonably withheld.

Rabies vaccination shall mean inoculation of a domestic animal with an anti-rabies vaccine approved by the Colorado Department of Health and administered by a licensed veterinarian. The vaccination shall be valid for the period of time specified in writing by the veterinarian for the specific vaccine used.

Responsible person shall mean a person at least 18 years old who is familiar with the animal, and has the size, strength, and experience to be able to keep the animal under complete control at all times.

Running at large shall mean an animal off the premises of the owner and not under the physical control of the owner.

Serious injury shall mean death or any physical injury that results in severe bruising, muscle tears, or skin lacerations requiring professional medical treatment or requires corrective or cosmetic surgery.

Shelter shall mean a moisture-proof structure made of durable material that allows retention of body heat and is of suitable size to accommodate the animal.

Stray animal shall mean any animal for which there is no identifiable owner.

Trap-Neuter-Return ("TNR") shall mean the nonlethal process of trapping a feral cat in order to allow a licensed veterinarian to sterilize, vaccinate for rabies, and ear-tip the feral cat, after which the feral cat must be returned to its original location.

Wild animal shall mean all wildlife, including but not limited to, raptors, furbearers, all game animals, non-domesticated waterfowl, and all other species of animals, which exist in their natural, unconfined state and are usually not domesticated.

(1463 1890 1973 2066 2576 3062 3288 3790 3794; Ord. No. 4139, § 1, 8-8-2022; Ord. No. 4207, § 1, 7-24-2023; Ord. No. 4295, § 1, 6-9-2025)

6-7-2. Rabies Control.

- (A) *Vaccinations*: It shall be a civil infraction for any owner of a dog or cat four months of age or older to fail to have such animal vaccinated against rabies. All dogs and cats shall be vaccinated at four months of age and revaccinated thereafter at the expiration of the validity of the vaccine used, as shown on the written document prepared by a licensed veterinarian. The vaccination shall be valid for the period shown on the document. Any person moving into the City from a location outside the City shall comply with this section within 30 days after having moved into the City by having the animal vaccinated or showing proof of current, valid vaccination. If the dog or cat has inflicted a bite on any person or another animal within the last ten days, the owner of said animal shall report such fact to a veterinarian, and no rabies vaccine shall be administered until after the required observation or quarantine period.
- (B) *Proof of Vaccination*: It shall be a civil infraction for any person who owns a vaccinated animal to fail or refuse to exhibit a copy of the certificate of vaccination upon demand to any person charged with the

enforcement of this chapter. A current rabies tag, if provided by the veterinarian administering the vaccine, shall be attached to a collar, harness or other device and shall be worn by the vaccinated dog or cat at all times.

- (C) *Harboring Unvaccinated Dogs and Cats:* It shall be unlawful for any person to harbor any dog or cat that has not been vaccinated against rabies, as provided herein, or that cannot be identified as having a current vaccination certificate.
- (D) *Non-transferability:* Vaccination certificates and tags are not transferable and cannot be used for any animal other than the animal that received the vaccination and for which the certificate was originally issued.
- (E) *Exceptions:* No person charged with violating Subsections 6-7-2(A), 6-7-2(B) or 6-7-2(C), W.M.C., shall be adjudicated guilty if he produces in Court a bona fide and valid certificate of vaccination that was in full force and effect, as required by Subsection 6-7-2(A), W.M.C., at the time of the alleged violation.
- (F) Any person who violates this section shall, upon conviction, be guilty of a civil infraction and liable for a fine of up to \$500.00.

(1463 1963 2045 2576 2657 3288 3345 3790; Ord. No. 4139, § 1, 8-8-2022; Ord. No. 4207, § 2, 7-24-2023)

6-7-3. Reporting Animal Bites.

- (A) *Duty to Report:* It shall be a civil infraction for any person having knowledge that an animal has bitten a human to fail to immediately report the incident to the Westminster Police Department, the Animal Management Officer, or to the Colorado Department of Health. Every physician or other medical practitioner who treats a person for such bites shall, within 12 hours, report such treatment to the Westminster Police Department, the Animal Management Officer, or the Colorado Department of Health, giving the name and precise location of the bitten person and such other information as the officer or agency may require.
- (B) *Exclusions:* Bites to humans from rodents, rabbits, birds and reptiles are excluded from the reporting requirements of this section, unless otherwise specified by the Colorado Department of Health.
- (C) *Suspected Rabies:* It shall be unlawful for any veterinarian who clinically diagnoses rabies, or any person who suspects rabies in an animal, to fail to immediately report the incident to the Westminster Police Department, the animal management officer, or to the Colorado Department of Health, stating precisely where such animal may be found. If a known or suspected rabid animal bites or attacks another animal, such shall also be reported as required above.
- (D) *Confinement of Animals:* Any animal capable of transmitting or carrying the rabies virus that has bitten a person shall immediately be confined to be observed for symptoms of rabies unless the animal is submitted to a laboratory for analysis. An Animal Management Officer shall determine the length of time that said animal must remain in confinement based upon the guidelines and requirements of the Colorado Department of Health. The procedure and place of observation or analysis shall be designated by the investigating officer or responsible agency. If the animal is not confined on the owner's premises, confinement shall be by impoundment in the City animal shelter, a pet shop with a class B license, or at any veterinary hospital of the owner's choice within the City of Westminster. Such confinement shall be at the expense of the owner. Stray animals whose owners cannot be located shall be confined as designated by the City. The owner of any animal that has been reported to have inflicted a bite on any person shall on demand produce said animal for impoundment in compliance with Section 6-7-9, W.M.C., as prescribed in this section or for laboratory analysis. Refusal to produce said animal constitutes a violation of Section 6-7-9(E), W.M.C., and each day of such refusal shall constitute a separate and continuing violation.

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- (E) *Removal of Animals From Confinement:* It shall be unlawful for any person to kill, remove or release any animal that has been confined, impounded, or is in the custody of the City or its agents as authorized under this chapter, without the consent of the City or the impounding agency.
- (F) Any person who violates subsection A shall, upon conviction, be guilty of a civil infraction and liable for a fine of up to \$500.00. Any person who violates subsections (C) or (E) shall, upon conviction, be guilty of a criminal offense, and shall be punished by a fine or confinement as specified under Section 1-8-1.

(1463 1890 1973 2066 2576 3288 3790; Ord. No. 4139, § 1, 8-8-2022)

6-7-4. Identification Tags Required.

An identification tag and microchip is required on all dogs or cats when in any public space.

(Ord. No. 4207, § 3, 7-24-2023)

Ord. No. 4207, § 3, adopted July 24, 2023, repealed the former § 6-7-4, and enacted a new § 6-7-4 as set out herein. The former § 6-7-4 pertained to Dog Licensing and derived from: 3345 3790; Ord. No. 4139, § 1, adopted August 8, 2022.

6-7-5. Animals Running at Large.

(A) *Animals Running at Large Prohibited:*

- (1) It shall be a civil infraction for an animal's owner or custodian to fail to restrain the animal by physical means from running at large. Running at large means an animal, off the premises of the owner or custodian, not under the effective and immediate physical control of the owner or custodian by means of a leash, cord or chain of reasonable length to prevent an attack or uninvited contact by the animal upon another person or animal. Animal at large includes unattended animals chained or tied in public places or in common areas. Nothing in this section shall apply to dogs running off-leash at an off-leash dog site as established in Section 13-1-3(Z), W.M.C.
- (2) Neutering/spaying required. There is a rebuttable presumption that an animal is intact, meaning not spayed or neutered, unless competent evidence is presented to overcome this presumption. Any intact animal in violation of subsection (A)(1) above shall be subject to the elevated fines and penalties described in subsection (A)(4) below unless the owner, custodian, or competent member of the owner's family provides written documentation from a licensed veterinarian affirming that the spay or neuter procedure would be unreasonably harmful or dangerous to the health of the animal.
- (3) The Municipal Court may reduce the elevated fines for an intact animal in violation of subsection (A)(1) if the owner, custodian, or competent member of the owner's family provides written proof to the Court that the animal running at large was spayed or neutered at any time before trial.
- (4) Any violation of this subsection is punishable by a fine up to \$500.00. Any violation of this subsection shall be punished in accordance with the following minimum penalties:

Minimum Fines and Penalties for Animal at Large		
	Spayed or Neutered Animal	Intact Animal
1 st Offense within 5 years	\$75.00	\$225.00
2 nd Offense within 5 years	\$150.00	\$300.00
3 rd or Subsequent Offense within 5 years	\$250.00 + must show proof animal was microchipped	\$300.00 + must show proof animal was microchipped and spayed or neutered

The minimum monetary fines stated in this subsection may not be suspended by the Municipal Court. To determine whether a person has multiple violations within a five-year period the Municipal Court shall consider whether anyone within the person's household was charged with a violation of this subsection regardless of whether that violation involved the same animal. The five year time period shall be based on the date of violation for each offense.

- (5) Any animal found running at large by Animal Management may be impounded pursuant to W.M.C. 6-7-9. Any animal impounded by animal management for a third or subsequent violation of this section within a 12 months period, regardless of whether charges were filed, should be impounded and not released until a dispositional hearing can be held.
- (B) *Confinement During Estrus:* It shall be unlawful for any owner to fail to securely confine any unspayed female dog or cat in the state of estrus (heat), in a house, building or secure enclosure, in such a manner that such female dog or cat cannot come in contact with another animal except for planned breeding, and such that the animal does not create a nuisance by attracting other dogs or cats. When outside on the property of the owner for metabolic waste elimination, the animal must be physically restrained on a hand-held leash. Owners who do not comply may be ordered to remove the dog or cat in heat to a boarding kennel, veterinary hospital or animal shelter. All expenses incurred as a result of the confinement shall be paid by the owner of the dog or cat. Failure to comply with the removal order shall be a violation of this section and the dog or cat shall then be impounded as prescribed in this chapter.
- (C) *Sick or Injured Animals:* Sick or injured animals found on public or private property may be impounded and given adequate veterinary medical treatment pending notification of the owner. If the animal is significantly injured or sick such that recovery is improbable, the animal may be euthanized, without liability to the City, animal shelter, their employees, officers, or agents, or to any veterinarian examining, diagnosing, or treating the animal. An Animal Management Officer or Peace Officer may humanely destroy any animal the officer reasonably believes to be so sick or injured that recovery is improbably, even if veterinary care could be provided, in order to avoid further pain and suffering by the animal, without liability to the City or the officer. If the injured animal is treated or impounded, the owner of such animal shall be liable for all expenses of the treatment or impoundment.

(1463 1890 1973 2657 2811 3288 3790; Ord. No. 4139, § 1, 8-8-2022)

6-7-6. Removal of Animal Excrement; Damage to Property.

It shall be a civil infraction:

- (A) For any owner or custodian of any animal to refuse or fail to remove promptly excrement deposited by said animal upon any common thoroughfare, street, sidewalk, play area, park, other public property, or any private property when permission of the owner or tenant of said property has not been obtained, and such is hereby declared to be a public nuisance.
- (B) For any owner or custodian of any animal to permit said animal, whether or not it is running at large, to destroy, damage or injure any shrubbery, plants, flowers, grass, lawn, fence or anything whatsoever upon any public premises or private premises owned or occupied by a person other than the owner of said animal, and such is hereby declared to be a public nuisance.
- (C) To place animal excrement in storm sewers, or to dispose of excrement in any manner except by depositing it in a toilet or a receptacle ordinarily used for garbage and covered by a lid, or in an otherwise lawful and sanitary manner.

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- (D) To fail to promptly remove the accumulation of fecal wastes to the extent it creates an unsanitary or unhealthy condition or obnoxious odor from private premises, including the premises of the owner of an animal or any other person consenting to the deposit of such waste on his or her premises, or to fail to place such waste in a closed fly-tight container or to fail to remove the contents of said containers from the City as necessary to prevent such contents from becoming a nuisance.
 - (E) Any person who violates this section shall, upon conviction, be guilty of a civil infraction and liable for a fine of up to \$500.00.

(1463 1973; Ord. No. 4139, § 1, 8-8-2022)

6-7-7. Disturbance.

- (A) It shall be a civil infraction for any owner or custodian of any animal to allow the animal to disturb any person by barking, howling, yelping, or other audible sound that is unreasonably loud and persistent. In addition to being a violation of this section, the same is hereby declared to be a public nuisance that may be abated pursuant to the provisions specified in Chapter 4 of Title VIII of this Code.
- (B) (1) No person shall be charged with violating this section unless a written warning was issued by an Animal Management Officer or police officer within the 12 months preceding the first date alleged as a date of violation in the complaint. A warning is issued under this subsection if it is personally given to any owner or occupant of the property or a person with custody of the animal. A warning may also be issued by posting it upon the property of the owner or person in custody of the animal or if it is mailed first-class to such person. Such records are prima facie evidence that such warnings were given.
- (2) No summons shall be issued and no person shall be convicted at trial for violating this section unless two or more witnesses from different households testify to the unreasonably loud and persistent noise. An animal management officer or a police officer can corroborate the elements in this section, and may testify as the second witness. The elements of this section may also be established by a single witness when video evidence is presented to corroborate the unreasonably loud and persistent noise. If video evidence is being used in place of the second witness, the video must be a minimum of 5 uninterrupted minutes in length.
- (C) Any person who violates any of the provisions of Subsection (A) of this Section shall, upon conviction, be guilty of a civil infraction and punished by a fine of up to \$500.00.

(1463 1635 1973 2576 3288 3790; Ord. No. 4139, § 1, 8-8-2022)

6-7-8. Vicious Animals and Potentially Dangerous Animals.

- (A) Owner Responsibility and Liability: Any owner or custodian of a vicious animal or potentially dangerous animal shall be jointly and severally responsible with all other owners or custodians of such animal for compliance with the requirements of this section. For the purpose of prosecution for violation of this section, it shall not be necessary in order to obtain a conviction to prove notice or knowledge on the part of the owner of the vicious animal or potentially dangerous animal that said animal was violating any of the provisions of this section.
- (B) Any owner or custodian of an animal shall be criminally liable for any animal's behavior meeting the definition of potentially dangerous animal. Any animal exhibiting behavior set forth in this subsection is hereby declared to be a potentially dangerous animal.
 - (1) Causing bodily injury to any person or domestic animal;
 - (2) Chasing or menacing a person or domestic animal in an aggressive manner;

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- (3) Acting in an aggressive manner while encroaching onto public or private property, from a vehicle, or from the owner's yard through, on or over a fence.
- (C) *Requirements for Possession of a Potentially Dangerous Animal:* It shall be unlawful for any person to own, possess, keep, harbor, or have custody or control of a potentially dangerous animal, except in compliance with all of the following requirements:
- (1) The owner shall be 18 years of age or older.
 - (2) The owner shall not permit a potentially dangerous animal to be outside a proper enclosure on the owner's property unless such animal is under the physical control of a responsible person and restrained by a lead not exceeding six feet in length.
 - (3) The potentially dangerous animal and owner shall complete a training and/or behavior program approved by an Animal Management Officer, an animal evaluation may be ordered at the discretion of the Court.
 - (4) The potentially dangerous animal shall be spayed or neutered by a licensed veterinarian or a licensed shelter. This requirement may be waived at the discretion of the Court if the owner provides written documentation from a licensed veterinarian affirming that the spay or neuter procedure would be unreasonably harmful or dangerous to the health of the animal.
 - (5) The potentially dangerous animal shall be permanently identified through the implantation of a microchip containing owner identification information by a licensed veterinarian or a licensed shelter. The microchip information must be registered with the appropriate company responsible for maintaining such information for the microchip, this information must be kept up to date.
 - (6) The owner of a potentially dangerous animal shall notify the Animal Management Officer in person or by telephone as soon as practicable, but no later than one hour after owner's knowledge of the occurrence of either of the following events:
 - (a) The animal has escaped or has otherwise ceased to be in the custody of the owner for any reason, unless the owner knows such animal to be physically secured and restrained or confined in the custody of another competent adult; or
 - (b) The animal has attacked a human being or domestic animal.
 - (7) The owner of a potentially dangerous animal shall notify the Animal Management Officer in person or by telephone within 24 hours of the occurrence of any one of the following events:
 - (a) The animal has been sold, given, or otherwise transferred to the ownership or possession of another person, including the name, address, and telephone numbers of the new owner and the effective date of the transfer; or
 - (b) The animal has died.
 - (8) The Court may add additional requirements at its discretion when the Court finds such requirements are necessary to protect the safety of the dog, owner, or the community. These requirements may include the use of a muzzle when the dog is outside the owner or custodian's property or require any enclosure where the animal may be housed to be approved by an Animal Management Officer.
 - (9) The Municipal Court may make special findings declaring that the animal in question cannot reasonably complete one or more of the above requirements do to age, illness, or physical impairment.
- (D) Any owner or custodian of an animal shall be criminally liable for any animal's behavior meeting the definition of vicious animal. Any animal exhibiting behavior set forth in this subsection is hereby declared to be a vicious animal.
- (1) Causing a serious injury or death to a person or domestic animal; or

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- (2) Commits any offense meeting the definition of potentially dangerous animal under Section 6-7-8(B), W.M.C. when the animal has a previous conviction for potentially dangerous animal under Section 6-7-8(B), W.M.C.; or
- (3) Engaged in or was trained for animal fighting as described and prohibited in Section 18-9-204, C.R.S.,
- (E) *Requirements for Possession of a Vicious Animal:* In addition to satisfying the requirements for possession of a potentially dangerous animal pursuant to Section 6-7-8(C), W.M.C., it shall be unlawful for any person to own, possess, keep, harbor, or have custody or control of a vicious animal, except in compliance with all of the following requirements:
- (1) Notwithstanding Section 6-7-8(C)(2), W.M.C., the owner shall not permit a vicious animal to be outside a proper enclosure on the owner's property, unless such animal is caged or under the physical control of a responsible person, properly muzzled, and restrained by a lead not exceeding four feet in length. The muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration, but shall prevent it from biting any person or animal.
- (2) The owner of a vicious animal shall maintain at all times either a policy of insurance or a surety bond in a minimum amount of \$100,000.00 to cover claims for any personal injuries or property damage inflicted by the vicious animal. The insurer or surety, as the case may be, shall be required to provide the Animal Management Officer with 30 days prior written notice of any cancellation, termination or expiration of the policy of insurance or surety bond, respectively.
- (3) Any enclosure where the animal is housed shall be inspected an Animal Management Officer. The Animal Management Officer must approve any enclosure, and may require improvements or additions to any enclosure prior to approval.
- (F) *Exceptions:* No animal shall be found to be a vicious animal or potentially dangerous animal under this chapter if:
- (1) The animal is used by a peace officer while the officer is engaged in the performance of their duties.
- (2) At the time of the threat, behavior, or attack against another animal, the other animal entered upon an enclosed area on the real property of the owner where the subject animal was confined without restraint, and the threat, behavior, or attack began, but did not necessarily end, within the enclosed area.
- (3) At the time of the threat, behavior, or attack against another animal, the other animal was biting or otherwise attacking the subject animal or its owner.
- (4) A person unlawfully entered the owner or custodian's real property where the animal was confined.
- (5) A person unlawfully entered into or upon the animal owner or custodian's automobile or other vehicle where the animal was confined.
- (6) A person was attacking or molesting another person, however, it shall not be a defense to this section if the owner or custodian encouraged the subject animal to attack.
- (7) A person was attempting to stop an altercation between the subject animal and another animal.
- (8) A person deliberately and wantonly provoked the subject animal to bite or act in an aggressive manner toward the provoking person, another person, or an animal.
- (9) The exceptions set forth in this Subsection 6-7-8(F), W.M.C., shall not apply to any animal that has engaged in or been trained for animal fighting as described and prohibited in Section 18-9-204, C.R.S.

(1463 1635 1973 2576 2657 3062 3288; Ord. No. 4139, § 1, 8-8-2022)

6-7-9. Impounded Animals.

- (A) *Impoundment:* If it is determined by an Animal Management Officer or Peace Officer that there is probable cause to believe that an animal is owned or harbored in violation of this chapter or any other ordinance, regulation, or state statute or regulation, the animal may be taken into custody by a Peace Officer or Animal Management Officer or other designated official and impounded in the animal shelter. For purposes of this section, the filing of charges is at the discretion of the Animal Management Officer or Peace Officer. Stray animals may be similarly impounded.
- (1) A Peace Officer or Animal Management Officer may impound in the animal shelter any animal which is under the control of a person at the time of that person's incarceration or detention if it reasonably appears to the Peace Officer or Animal Management Officer that such person is unable to immediately provide a responsible alternative custodian for the animal.
 - (2) A Peace Officer or Animal Management Officer may impound any animal when there is probable cause to believe that the animal, owner, or custodian was involved in a violation of this chapter. The issuance of a summons or citation is not a prerequisite for impoundment. A Peace Officer or Animal Management Officer may impound the subject animal when a summons or citation is issued to an owner for charges under W.M.C. 6-7-8 (C) vicious animal or W.M.C. 6-7-13(A) cruelty to animal. If at the time a determination to impound the animal is made, the subject animal is not immediately available to the Peace Officer or Animal Management Officer for impoundment, then the owner shall produce the subject animal at the direction of the Animal Management Officer or Peace Officer within a time given by the Officer, if no time is specified by the Officer, then production shall occur within 24 hours of receipt of the summons or citation. Failure to produce the subject animal as directed shall constitute a violation of subsection F below.
- (B) *Quarantine:* An Animal Management Officer may seek to impound in the animal shelter or confine to a veterinary hospital, for a period of at least ten days for rabies observation, any animal that bit any person. Any animal that is inoculated against rabies may, at the discretion of the Animal Management Officer, be confined to the premises of the owner or custodian for a period of at least ten days. The Animal Management Officer may take into consideration the history of animals running at large in the owner or custodian's household when determining whether confinement on the premises of the owner or custodian is appropriate.
- (C) *Disposition of Impounded Animals:* As soon as practicable after impoundment, an Animal Management Officer, Peace Officer, or other designated official shall give notice of impoundment to the owner, if such person is known. The notification shall be given by a method calculated to reach the owner promptly, and may be made in person or by telephone, or, if more direct methods are unavailable or have failed, by facsimile, by electronic mail, or by regular or certified mail to the address last known to Animal Management Officer, Peace Officer, or other designated official. If the owner is not known an Animal Management Officer, Peace Officer, or other designated official shall make a reasonable effort to determine the owner and give notice of the impoundment.
- (1) Except those animals subject to a court hold, any impounded animal shall be released to the owner upon payment of fees assessed by the animal shelter, boarding fee, veterinary care charges, and any other costs associated with impoundment. If such animal is not redeemed within the time period contained within Section 35-80-106.3, C.R.S., it shall be considered abandoned and may be euthanized or placed for adoption at the discretion of the animal shelter. The failure of the owner to redeem an animal shall release the City and the animal shelter, and their officers, employees, and agents, from any and all liability for the animal's subsequent euthanization or adoption. The owner's failure to appear for a court date for an impound hearing, or a Municipal Court case that resulted in the impoundment of the animal, shall be deemed an act of abandonment. The animal being held will be

found abandoned after the time period contained in Section 35-80-106.3, C.R.S. unless the owner personally appears in Court before the time established in 35-80-106.3, C.R.S. Personal appearance of the owner can be waived for good cause.

- (D) *Disposition of Impounded Animal Being Held Pending Court Proceedings:* If an animal is impounded, and is being held pending Court proceedings for a violation of W.M.C. § 6-7-8(B), potentially dangerous animal, 6-7-8(C), vicious animal, 6-7-10(E) care of animals in kennel, 6-7-11(D) care of animals in pet shop, 6-7-12(C) prohibited endangered and exotic animals, or 6-7-13 (A), (C), or (F), cruelty to animal, neglect of animal, and fighting of animal, the animal may not be released except on the order of the court. The owner may prevent forfeiture of the animal to the shelter if within ten days of impoundment the owner either: (1) files a payment for impoundment, care, and provision with the Court in an amount determined by animal management or the shelter to be sufficient to provide for the animal's care for at least thirty days, including the day the animal was taken into custody; or (2) requests an impoundment hearing in writing, including whether the owner is disputing whether the cost of impoundment, care, or provision is reasonable, with the Westminster Municipal Court. At the time the request is made, the owner must provide a copy of request for impoundment hearing to the prosecuting attorney. If the owner does not indicate on their written request that they are disputing the reasonableness of the cost of impoundment, care, and provision, the owner shall be presumed to have accepted the amount as reasonable. The Court shall hold the hearing within ten days after the request for hearing. If the tenth day falls upon a day the Court is not regularly in session, then the hearing shall take place on the next day the Court is regularly in session.
- (1) At the hearing the court shall determine, as appropriate:
- (a) Whether the impoundment, care, and provision cost as determined by the Shelter is fair, reasonable, and necessary. The costs shall be specifically itemized by the Shelter before the hearing, and shall include, at minimum, an accounting of the costs of upkeep and veterinary services.
 - (b) Whether there was sufficient probable cause for the impoundment or any associated contact directly related to the subject animal's impoundment.
- (2) If the Court finds probable cause for impoundment or the associated contact existed and the owner elects not to pay the reasonable impoundment, care, and provision costs to prevent disposition, the animal shall be released into the care of the Shelter and may be disposed of pursuant to the Shelter's policies and procedures.
- (3) If the Court finds probable cause for impoundment or the associated contact existed and the owner elects to pay the reasonable impoundment, care, and provision costs the animal shall be held at the Shelter until further order of the Court.
- (a) If the owner desires to prevent forfeiture of the subject animal to the shelter he or she must file a new payment for care and provision to pay for a minimum of 30 additional days at least ten days before the previous payment expires.
 - (b) If the owner fails to timely file an additional payment as described above, the animal shall be deemed forfeited to the shelter. In compliance with subsection (C) above the owner shall be responsible for any additional costs for the care, provision, or disposal of the subject animal.
- (E) *Forfeiture of Animal After Conviction:* The court may order the forfeiture of an animal as a consequence of conviction for violation of any of the following charges in this chapter:
- (1) 6-7-8(B), "potentially dangerous animal"
 - (2) 6-7-8(C), "vicious animal"
 - (3) 6-7-10(E), "care of animals in kennel"

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- (4) 6-7-11(D), "care of animals in pet shop"
 - (5) 6-7-12(C), "Prohibited Endangered and Exotic Animals"
 - (6) 6-7-13 (A), "cruelty to animal"
 - (7) 6-7-13(C), "neglect of animal"
 - (8) 6-7-13(F), "fighting of animal"

Upon conviction for any of the charges listed above, the court shall have authority to order, as part of a sentence, the forfeiture of any animal involved in the violation or violations proven if the animal has not already been forfeited pursuant to some other provision of this chapter. If at the time the court orders forfeiture the subject animal is not immediately available to the Animal Management Officer for impoundment, then the owner shall produce the subject animal at the direction of the Animal Management Officer within 24 hours of the order. Failure to produce the subject animal as directed shall constitute a violation of subsection F below.

In determining whether an animal shall be forfeited under this section the Municipal Court shall consider the following factors in relation to the health and safety of the community and the animal involved:

- (1) Whether the animal attacked another animal, including human beings, and the nature of that attack;
- (2) The existence of any provocation or other extenuating circumstances relevant to the animal's behavior;
- (3) The apparent ability of the owner to properly care for the animal including corrective actions taken to lessen the chances of a future violation of the animal code;
- (4) Whether the animal was involved in other incidents, including incidents of animal at large;
- (5) Past allegations of improper care involving the animal, owner, or caregiver;
- (6) Any expert evaluation in regard to the animal or owners care, treatment, or disposition;
- (7) Any other factor the court determines is relevant to the health and safety of the community or animal.

If the animal is to be euthanized, it shall be euthanized in a humane manner in compliance with the policies of the shelter. The owner shall be liable for the costs of the care, keeping or disposal of the animal.

- (F) *Failure to Produce Animal:* The owner or custodian of any animal subject to impoundment under this section shall produce the subject animal at the direction of the Animal Management Officer or Peace Officer within 24 hours of receipt of the summons or citation or upon order of the Court. It shall be unlawful for the owner of any such animal to fail or refuse to produce the animal as directed. Failure to produce an animal is a criminal offense, punishable by a fine or imprisonment or both, as provided in Section 1-8-1, W.M.C.

(1463 1890 1973 2576 3288 3790; Ord. No. 4139, § 1, 8-8-2022; Ord. No. 4207, § 4, 7-24-2023)

6-7-10. Kennels.

- (A) *Operation of Kennel Requirements:* It shall be a civil infraction to maintain or operate a kennel without first obtaining a license from the City. A kennel may not be located within a residentially zoned district, or the residential area of a PUD zone district unless specifically allowed in the PUD.
- (B) *Licenses: Issuance; Renewal:* Kennel licenses shall expire on the 31st day of December each year. No kennel license shall be issued until an inspection certificate has been issued by an Animal Management Officer or designee. The license issued shall specify the maximum number of animals permitted. It shall be a civil infraction for the licensee to keep any number of animals in excess of the maximum specified on the license. All applicants for a kennel license within the City, if required to be licensed by the Colorado Department of Health or the Colorado Department of Agriculture, must have a valid license issued by said department to qualify for licensing by the City. The possession of a State license, however, shall not in itself assure that a

city license will be granted to anyone. Standards and regulations affecting kennels may be adopted by the City that are more restrictive than applicable state standards.

- (C) *Revocation or Suspension of Licenses:* The City Manager may suspend or revoke the license of any person operating a kennel licensed under this chapter that is in violation of any provision of this chapter, zoning law, health law, or any other applicable ordinance or statute, or who maintains the kennel in such a manner as to be detrimental to the health, safety or welfare of persons residing in the immediate vicinity, or detrimental to the health, safety and welfare of animals being kept by the licensee. Such suspension or revocation shall follow the procedures established in Title V, Chapter 1 of this Code.
- (D) *Exceptions:* The following must possess a current kennel license issued by the City, but are not required to pay any fee for such license:
 - (1) A veterinary hospital operated by a veterinarian currently licensed by the State of Colorado.
 - (2) A bona-fide publicly or privately owned zoological park.
 - (3) A bona-fide research institution using animals for scientific research.
 - (4) A publicly owned animal shelter.
 - (5) A bona-fide animal shelter operated by an organized humane society.
 - (6) Schools.
- (E) *Care of Animals:* It shall be unlawful for any person who operates a kennel to fail to maintain the facilities in a sanitary condition, to fail to provide proper heating and ventilation, space appropriate to the size, weight and species of animal, adequate nutrition, and humane care and treatment for all animals in his care.
- (F) Any person who violates subsections (A) or (B) shall, upon conviction, be guilty of a civil infraction and liable for a fine of up to \$500.00. Any person who violates subsection (E) shall, upon conviction, be guilty of a criminal offense, and shall be punished by a fine or confinement as specified under Section 1-8-1.

(1463 1890 1973 2576 3288 3790; Ord. No. 4139, § 1, 8-8-2022)

6-7-11. Pet Shops.

- (A) It shall be a civil infraction to own or operate a pet shop without having obtained a valid class "A" or class "B" pet shop license from the City.
 - (1) A CLASS "A" license shall not entitle the licensee to sell or offer for sale any exotic animals. A pet shop with a CLASS "A" license shall be confined in a building that is totally enclosed, and all pet shop animals shall be confined exclusively within that building. The pet shop may not have outside runs or pens and none of the pet shop animals may be harbored outside the building at any time for any reason.
 - (2) A class "B" license shall entitle the licensee to sell or offer for sale any exotic animals. At the request of the City, a pet shop with a class "B" license shall board any impounded exotic animals. Reimbursement for board of such animals shall be at the rates established in this chapter. Impounded animals shall be clearly identified and kept separate from other pet shop animals. The licensee shall provide written notice to the animal management officer of any release or disposition of any impounded animal. A class "B" pet shop may have an outside run or pen to be used solely for harboring reptiles, so long as the outside run or pen is fully enclosed and secure. Prior to issuance of a class "B" license, the applicant shall provide a bond, issued to the City by a qualified corporate surety licensed to do business in the State of Colorado in a penal sum not less than \$10,000.00, conditioned upon the faithful boarding of impounded animals pursuant to this chapter and regulations issued by the Chief of Police.

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- (B) *Licenses; Issuance; Renewal Requirements:* Pet shop licenses shall expire on the 31st day of December of each year. No pet shop license shall be issued until an inspection certificate has been issued by the Animal Management Officer or his designee. All applicants for a pet shop license within the City, if required to be licensed by the State of Colorado Agency or Department responsible for such licenses, must have a valid license issued by said Agency or Department to qualify for licensing by the City. The possession of a state license, however, shall not in itself assure that a city license will be granted to anyone. Standards and regulations affecting pet shops may be adopted by the City that are more restrictive than applicable state standards.
- (C) *Revocation or Suspension of Licenses:* The City Manager may suspend or revoke the license of any person operating a pet shop licensed under this section that is in violation of any provision of this chapter, zoning law, health law or any other applicable law of the City or of the State of Colorado, or who maintains the pet shop in such a manner as to be detrimental to the health, safety or welfare of persons residing in the immediate vicinity or detrimental to the health, safety, and welfare of animals being kept by the licensee. Such suspension or revocation shall follow the procedures established in Title V, Chapter 1 of this Code.
- (D) *Care of Animals:* It shall be unlawful for any person who operates a pet shop to fail to maintain the facilities in a sanitary condition, to fail to provide proper heating and ventilation, space appropriate to the size, weight and species of animal, adequate nutrition, humane care and treatment for all animals in his care, and to fail to take reasonable care to release for sale, trade or adoption only those animals that are free of disease or injuries.
- (E) Any person who violates subsection (A) shall, upon conviction, be guilty of a civil infraction and liable for a fine of up to \$500.00. Any person who violates subsection (D) shall, upon conviction, be guilty of a criminal offense, and shall be punished by a fine or confinement as specified under Section 1-8-1.

(1463 1890 1973 3288; Ord. No. 4139, § 1, 8-8-2022; Ord. No. 4207, § 5, 7-24-2023)

6-7-12. Restrictions on Sale and Possession of Animals.

(A) *Animals in Residential Districts:*

- (1) It shall be a civil infraction for anyone to knowingly possess, harbor, keep, maintain, or permit on any property within the City zoned for residential use more than ten domestic animals, of which no more than four shall be dogs or cats over the age of four months; or more than the number of bee hives allowed in Subsection 6-7-12(H), W.M.C.; or more than the number of female chickens allowed in Subsection 6-7-12(I), W.M.C. For purposes of this subsection any animal being kept as an emotional support animal or ADA service animal shall count toward the pet limits established in this subsection.
- (2) In addition to being a violation of this section, the same is hereby declared to be a public nuisance that may be abated pursuant to the provisions specified in Chapter 4 of Title VIII of this Code.

If the keeping of animals under this subsection (A) is in conflict with any provision of this chapter concerning exotic, endangered, or prohibited animals, or any state or federal statute or regulation, such other provision, statute or regulation shall control. This subsection (A) shall not include fish.

(B) *Animals Limited:*

- (1) It shall be a civil infraction to keep or maintain livestock in residential, business, commercial, and industrial zoned districts, and planned unit developments unless specifically allowed in the PUD, excepting that livestock shall be permitted in parcels zoned O-1 or in parcels of ten acres or more in size in all zoning districts prior to commencement of construction on the parcel. In any case, the number of animals kept in a PUD shall not exceed the number permitted by the provisions of the official

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- development plan. Livestock, excluding fowl, shall have one-half acre of pasture available for each animal.
- (2) It shall be a civil infraction to keep or maintain bees or chickens within the city except in lots zoned O-1; or in lots of ten acres or more in size in all zoning districts prior to commencement of construction; or in single-family detached residential lot pursuant to the requirements of Subsection 6-7-12(H) and Subsection 6-7-12(I), W.M.C, unless specifically prohibited by the lot's applicable official development plan. In addition to being a violation of this chapter, the keeping of bees or chickens in violation of this chapter is declared to be a public nuisance that may be abated pursuant to the provisions specified in Chapter 4 of Title VIII of this Code.
- (C) *Prohibited Endangered and Exotic Animals:* It shall be unlawful for any person to import, offer for sale, sell, keep, maintain, harbor or permit anywhere in the City any prohibited animal, or endangered species as defined in this chapter. It shall be unlawful for any person to offer for sale, sell, or permit the sale of any exotic animal unless in a pet shop with a class "B" license.
- (D) *Federal and State Statutes and Regulations:* It shall be a civil infraction for any person to import, offer for sale, sell, keep, possess or willfully maintain, harbor or permit in the City any animal in violation of any state or federal statute or regulation.
- (E) *Exceptions:* The prohibitions in subsections (B) and (C) of this section shall not apply to any of the following:
- (1) A bona fide publicly or privately owned zoological park.
 - (2) A bona fide research institution using animals for scientific research.
 - (3) A circus duly authorized to do business in the city.
 - (4) A veterinary hospital operated by a veterinarian currently licensed by the State of Colorado.
 - (5) Wildlife rehabilitators, falconers, or scientific collection permit holders who are currently licensed by Colorado Parks and Wildlife.
- (F) *Potbellied Pigs:* It shall be a civil infraction for any person to possess, harbor, keep, maintain or permit at his dwelling within the City any potbellied pig or any pig purporting to be a potbellied pig, unless the owner complies with the requirements of this section. It shall be unlawful for any owner to fail to comply with these requirements.
- (1) The owner of any potbellied pig four months of age or older shall obtain a permit issued by the City of Westminster for the pig. Upon proof of spay or neutering, the City shall issue a permit.
 - (2) An identification tag with the owner's name and phone number shall be attached to a harness and worn by the pig at all times when not on the owner or custodian's property.
 - (3) A potbellied pig shall not exceed 95 pounds in weight.
 - (4) No more than one potbellied pig shall be permitted on any residential property.
 - (5) A potbellied pig kept on residential property shall be kept as a pet for personal enjoyment, and not kept or raised for breeding, sale, or human consumption.
- (G) *Public Sale of Animals:* It shall be unlawful for any person to knowingly sell an animal.
- (1) From a public highway, street, park or any public property adjacent to a public highway, street or park; or
 - (2) From any commercial private property without the express written consent of the owner or lessee of the property; or
 - (3) That is weak, sick, or un-weaned; or

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- (4) That is a cat or dog fewer than eight weeks of age.
- (H) *Bees*: It shall be a civil infraction for any person to possess, harbor, keep, maintain or permit on his property within the City bees or bee hives, unless the owner or occupant of the property complies with the requirements of this chapter. It shall be unlawful to fail to comply with these requirements.
- (1) The intentional keeping of bees shall require a permit issued pursuant to this chapter, and such permit shall be issued only to the owner or occupant of the property where the bees are to be kept.
 - (2) Bees may only be kept in a hive located in the rear yard of a single-family detached property with an existing residence.
 - (3) The maximum number of hives per single-family detached lot shall be allowed as follows:
 - (a) One-quarter acre or less: two hives;
 - (b) More than one-quarter acre up to and including one-half acre: four hives;
 - (c) More than one-half acre up to and including three-quarters of an acre: six hives;
 - (d) More than three-quarters of an acre: eight hives.
 - (4) At all times, bees must be provided with a properly designed beehive meeting the following requirements:
 - (a) All hives shall provide a secure design, sufficient to protect the bee colony from predators;
 - (b) All hives shall provide adequate shelter from inclement weather conditions, including protection from sun, wind, rain, snow, hail, and extreme temperatures;
 - (c) Each hive shall not exceed a maximum gross floor area of nine square feet;
 - (d) Each hive shall not exceed six feet in height, as measured from the ground, excluding the roof element, which may cause the hive's total height to measure not more than seven feet from the ground;
 - (e) Each hive shall be set back from all rear yard property lines by a minimum of ten feet.
 - (5) A six-foot tall flyaway barrier or privacy fence within the rear yard shall be erected and maintained in good condition at all times.
 - (6) A fresh water supply for the bees shall be maintained in the rear yard of the property at all times, in a location readily accessible to all bees kept in the rear yard of the property.
 - (7) Honeycomb that is removed from a hive must immediately be moved away from the hive and enclosed in a bee-proof and predator-proof location, building, or storage container.
 - (8) Unused hive components, beekeeping equipment, and supplies associated with beekeeping must be enclosed in a bee-proof location, building, or storage container and inaccessible to bees.
 - (9) Aggressive or Africanized bees are prohibited.
 - (10) In addition to being a violation of this chapter, the keeping of bees in violation of this chapter is declared to be a public nuisance that may be abated pursuant to the provisions specified in Chapter 4 of Title VIII of this Code.
- (I) *Chickens*: It shall be a civil infraction for any person to possess, harbor, keep, maintain or permit on his property within the City any chickens, unless the owner or occupant of the property complies with the requirements of this chapter. It shall be unlawful to fail to comply with these requirements.
- (1) The keeping of chickens shall require a permit issued pursuant to this chapter, and such permit shall only be issued to the owner or occupant of the property where the chickens are to be kept.

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- (2) Chickens may only be kept in the rear yard of a single-family detached property with an existing residence and with a proper chicken coop meeting the following requirements:
- (a) A coop shall be fully enclosed, having floors, walls, and roofs sufficient to protect the chickens from predators;
 - (b) Each coop shall provide a minimum of six square feet of living space per chicken;
 - (c) A coop shall provide adequate shelter from inclement weather conditions, including protection from sun, wind, rain, snow, hail, and extreme temperatures;
 - (d) Each coop shall not exceed a maximum gross floor area of 120 square feet;
 - (e) A coop shall not exceed six feet in height as measured from the ground;
 - (f) A coop shall be set back from all rear yard property lines by a minimum of ten feet;
 - (g) Only one coop is allowed per rear yard.
- (3) Only hens (female chickens) are permitted.
- (4) The maximum number of chickens per single-family detached lot shall be as follows:
- (a) Lots up to two acres: six chickens;
 - (b) Lots more than two acres: 12 chickens.
- (5) Chickens shall be securely kept within a coop in the rear yard from dusk until dawn. If allowed to roam within the enclosed rear yard at any time from dawn until dusk, chickens shall be rendered unable to fly.
- (6) A rear yard with chickens shall be fully screened by a privacy fence a minimum of six feet in height located on or inside all property lines of the rear yard; except that lots opening to city-owned open space are not required to erect a privacy fence along the property line shared with the City.
- (7) Animal excrement shall be properly disposed of, and sanitary conditions maintained in order to minimize the presence of flies and other insects, and to minimize odor and potential for disease.
- (8) A fresh water supply for the chickens shall be maintained in the rear yard property at all times, in a location readily accessible to all chickens.
- (9) Chicken feed shall be enclosed in a re-sealable, airtight, vermin-proof container.
- (10) The slaughtering of chickens is permitted only indoors and slaughtering shall be limited only to those chickens allowed by permit for the specific property. Entrails and remains shall be disposed of properly. The slaughtering of chickens outdoors is prohibited.
- (11) In addition to being a violation of this chapter, the keeping of chickens in violation of this chapter is declared to be a public nuisance that may be abated pursuant to the provisions specified in Chapter 4 of Title VIII of this Code.
- (J) Any person who violates subsection (A), (B), (D), (E), (F), (H), or (I), shall, upon conviction, be guilty of a civil infraction and liable for a fine of up to \$500.00. Any person who violates subsection (C) or (G) shall, upon conviction, be guilty of a criminal offense, and shall be punished by a fine or confinement as specified under Section 1-8-1.

(1463 1890 1973 2066 3062 3288 3790 3794; Ord. No. 4139, § 1, 8-8-2022)

6-7-13. Care and Treatment.

- (A) *Cruelty to Animals*: It shall be unlawful for any person knowingly, recklessly or with criminal negligence to overload, overwork, torture, torment, deprive of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate, needlessly kill, carry or confine in or upon any vehicle in a cruel or reckless manner, or allow to be housed in a manner that results in chronic or repeated serious physical harm of any animal. Neglect of an animal resulting in the death of the animal shall constitute cruelty. Ownership of the animal or the commission of such acts on private property shall not be a defense to prosecution for violation of this section.
- (B) *Poisoning*: It shall be unlawful for any person to knowingly poison any domestic animal or livestock, or to knowingly distribute poison or toxicants on public or private property in any manner whatsoever that causes the poisoning of any domestic animal or livestock. This provision shall not apply to the extermination of undesirable pests as defined in Articles 7, 10, and 43 of Title 35, C.R.S.
- (C) *Neglect of Animals*: It shall be unlawful for the owner or custodian of any animal or bees to deprive or fail to provide such animal or bees of adequate and wholesome food, water, or protection from the weather as shall be consistent with the keeping of the species, breed, and type of animal or bees involved; to fail to provide the animal with proper protection from extremes in temperatures; to fail to provide the animal with an opportunity for exercise; to fail to provide the animal with adequate veterinary care; or to otherwise neglect the animal or bees in such a manner as to endanger its health or cause it to suffer or die.
 - (1) For purposes of this subsection it shall be a rebuttable presumption that any animal that is found to be at large three times or more during a 12-month period is being neglected in a manner such as to endanger its health.
- (D) *Sanitation*: It shall be unlawful for the owner of any animal or bees to fail to maintain the premises upon which animals or bees are kept in a clean and sanitary condition, which premises shall be subject to inspection at all reasonable hours by city representatives.
- (E) *Abandoning Animals*: It shall be unlawful for any person to knowingly abandon an animal by leaving the animal with intent not to return within a reasonable time. Abandonment includes, but is not limited to, the dumping of an animal from a moving or stationary motor vehicle. This section shall not apply to voluntary relinquishments to the animal shelter, an animal management officer or to a licensed veterinarian.
- (F) *Confinement of Animals*: Every person who keeps an animal confined in an enclosed area shall provide it with an adequate exercise area as well as adequate shelter, food, and water. If the animal is restricted by a leash, rope, chain or cable, it shall be affixed in such manner that it will prevent the animal from becoming entangled or injured, and permit access to adequate shelter, food and water.
- (G) *Display or Sale of Dyed or Immature Animals*: It shall be unlawful for any person to possess, display, sell, barter or give away, dyed, colored or in any way artificially treated baby chicks, ducklings, fowl, rabbits or any other animal as pets, playthings, novelties, gifts or for any other purpose.
- (H) *Fighting Animals*: It shall be unlawful for any person to cause, sponsor, instigate, allow or encourage any animal to fight with another of its own species or with another of a different species. It shall be unlawful for any person to train, breed or keep any animal for the purpose of fighting. It shall be unlawful for any person to maintain a place where animals are permitted to fight for exhibition, wager or sport.
- (I) *Feeding of Wild Animals*: It shall be unlawful to knowingly place or provide food for any wild animal. This prohibition shall not apply to squirrels or passerine birds.
- (J) *Animal in Vehicle*: It shall be a civil infraction for any owner or custodian to leave or confine the animal in any unattended motor vehicle under conditions that endanger the health or well-being of the animal due to

heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.

- (1) For purposes of this section it shall be a rebuttable presumption that the conditions inside a vehicle pose a danger to the health or well-being of an animal if the outdoor temperature is over 80 degrees Fahrenheit or under 32 degrees Fahrenheit according to the National Weather Service.
- (K) Any person who violates subsections (I) or (J) shall, upon conviction, be guilty of a civil infraction and liable for a fine of up to \$500.00. Any person who violates subsections (A) - (H) shall, upon conviction, be guilty of a criminal offense, and shall be punished by a fine or confinement as specified under Section 1-8-1.

(1463 1973 2576 3790 3794; Ord. No. 4139, § 1, 8-8-2022; Ord. No. 4207, § 6, 7-24-2023)

6-7-14. Capturing Animals.

- (A) An Animal Management Officer or peace officer is authorized to enter in or upon private property, including motor vehicles and fenced areas but not private buildings, to apprehend an animal running at large, a vicious animal, an animal suspected of being infected with rabies, or an animal that the officer reasonably believes is neglected, sick or injured such that the animal faces a serious risk of death or substantially suffering.
- (B) An Animal Management Officer or peace officer is authorized to use tranquilizer guns, humane traps or other suitable devices to subdue or apprehend a stray animal, pet animal running at large, or wild animal, and is authorized to destroy an animal that the officer reasonably believes to be an immediate danger to the officer or to the public.
- (C) An Animal Management Officer or peace officer is authorized to place a humane trap on private property for the purpose of capturing a stray animal, wild animal, or pet animal running at large, when requested to do so by the owner or possessor of the property.
- (D) It shall be unlawful for any person to set or cause to be set any steel-jaw leg hold trap, snare, or any trap other than a humane trap for the purpose of capturing an animal, whether wild or domestic, excepting a licensed or recognized business that has been given permission by Colorado Parks and Wildlife, the Colorado Department of Health, or the animal management officer to trap problem wildlife. Any trapping authorized under this chapter must be in compliance with the Colorado Constitution and Statutes.
- (E) Any person who violates subsection (D) shall, upon conviction, be guilty of a criminal offense, and shall be punished by a fine or confinement as specified under Section 1-8-1.

(1973 2576 3288 3790; Ord. No. 4139, § 1, 8-8-2022)

6-7-15. Fees.

Fees for permit, license, impound, adoption, and other services rendered under this chapter shall be as listed below. Fees are in addition to any fines or penalties imposed in court proceedings.

(A) LicensesFees

Kennel license\$25.00

Pet shop license—Class "A"25.00

Pet shop license—Class "B"500.00

- (B) Impound fees, boarding fees, adoption fees, relinquishment fees and fees for veterinary care shall be as established by the animal shelter.

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- (C) The fee for a bee permit, a chicken permit, or a pot-bellied pig permit shall be set by the City Manager or his designee in an amount to cover the costs of administering the permit program.

(1463 1890 1973 2576 3794)

6-7-16. Interference.

- (A) It shall be unlawful for any person, by using or threatening to use, violence, force, or physical interference, or obstacle, to knowingly obstruct, impair, or hinder an Animal Management Officer or peace officer in the discharge of his duties as herein prescribed.
- (B) It is no defense to a prosecution under this section that the Animal Management Officer or peace officer was acting in an illegal manner, if he was acting in the regular course of assigned duties and in good faith based upon surrounding facts and circumstances.
- (C) It shall be unlawful for any person to refuse to reveal his correct name, address, and date of birth when requested to do so by an Animal Management Officer or peace officer engaged in any of his duties prescribed herein.
- (D) Any person who violates this section shall, upon conviction, be guilty of a criminal offense, and shall be punished by a fine or confinement as specified under Section 1-8-1.

(1463 1563 1973 2066 2657 3062 3288; Ord. No. 4139, § 1, 8-8-2022)

6-7-17. Penalties.

- (A) The Animal Management Officer, or the City Attorney or his designee, may recommend that one or more special sanctions or conditions be levied against any owner convicted of a violation pursuant to Subsection 6-7-8(B) or 6-7-8(C), W.M.C. This recommendation may be presented to the Municipal Judge as a proposed condition of sentencing upon conviction and may be in lieu of or in addition to the requirements and penalties specified in this chapter. Proof that a recommended sanction or condition has been previously satisfied or would not serve its intended purpose may be presented to the municipal judge for consideration in sentencing.
- (B) The failure or refusal to produce an animal pursuant to Subsection 6-7-9(D), W.M.C., shall subject the owner to immediate arrest, should probable cause exist to believe that the owner is harboring or keeping the animal and refuses to produce it upon such demand. Upon arrest, the owner shall be held to appear before the Municipal Judge, who may order the immediate production of the animal. Each day of such willful refusal to produce the animal shall constitute a separate violation and offense.
- (C) Recommended minimum fines: Recommended minimum fines upon conviction may be imposed as listed below:
- (1) First offense—Recommended fine of not less than \$75.00. Second and subsequent offenses—Recommended fine of not less than \$100.00:

6-7-2(B)	Refusal to provide proof of vaccination
6-7-2(C)	Harboring unvaccinated dogs and cats
6-7-2(D)	Non-transferability—Vaccination certificates or tags
6-7-3(A)	Duty to report animal bite
6-7-3(C)	Failing to report suspected rabies
6-7-3(D)	Refusal to produce animal
6-7-3(E)	Removal of animals from confinement

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(Supp. No. 12, Upd 1)

6-7-4	Failure to have identification tag and microchip in public space
6-7-5(B)	Failure to confine
6-7-6(A)	Removal of animal excrement
6-7-6(B)	Damage to property
6-7-7(A)	Disturbance
6-7-7(C)	Failure to exercise control
6-7-10(E)	Failure to care for animals
6-7-11(D)	Failure to care for animals
6-7-12(F)	Potbellied pig requirements
6-7-12(H)	Bee keeping requirements
6-7-12(I)	Chicken husbandry requirements
6-7-13(D)	Sanitation
6-7-13(F)	Confinement of animals
6-7-19	Bee permitting
6-7-20	Chicken permitting

- (2) First offense—Recommended fine of not less than \$100.00. Second and subsequent offenses—Recommended fine of not less than \$150.00:

6-7-2(A)	Failure to have dog or cat inoculated
6-7-9(D)	Failure to produce animal
6-7-10(A)	Unlicensed kennel
6-7-11(A)	Unlicensed pet shop
6-7-12(A)	Animals in residential districts limited
6-7-12(B)	Livestock limited
6-7-12(C)	Prohibited, endangered and exotic animals
6-7-12(D)	Federal or state prohibited animals
6-7-12(G)	Sale of animals
6-7-13(A)	Cruelty to animals
6-7-13(B)	Poisoning animals
6-7-13(C)	Neglect of animals
6-7-13(E)	Abandoning animals
6-7-13(G)	Displaying or sale of dyed or immature animals
6-7-13(H)	Fighting animals
6-7-13(I)	Feeding of wild animals
6-7-16	Interference

- (3) Reduced fine for neuter or spay:

6-7-8(B) Requirements for possession of a potentially dangerous animal: First offense—A recommended fine of not more than \$300.00, except that if the animal has already been neutered or spayed, the fine may be reduced to \$100.00.

6-7-8(C) Requirements for possession of a vicious animal: First offense—Recommended fine of not less than \$300.00, except that if the animal has already been neutered or spayed, the fine may be reduced to \$200.00.

- (4) Any other section hereof not specifically listed above:

First offense—Recommended fine of not less than \$50.00.

Second and subsequent offenses—Recommended fine of not less than \$75.00.

- (D) An animal management officer may, in his or her professional judgment, determine that bees are aggressive or africanized, as prohibited by Subsection 6-7-12(H)(10), and may pursue summary abatement of a hive or bees to prevent imminent danger of serious injury to persons or property, as authorized by Section 8-4-4, W.M.C.

(3288 3345 3790 3794; Ord. No. 4139, § 1, 8-8-2022; Ord. No. 4207, § 7, 7-24-2023)

6-7-18. Guard Dogs.

It shall be a civil infraction to place or maintain a guard dog in any area for the protection of persons or property unless the following conditions are met:

- (1) The dog is physically confined to a specific enclosed area that is adequately built or constructed to ensure that the dog will not escape; or
- (2) The dog is under the complete and absolute control of the handler at all times; and
- (3) Warning signs are conspicuously posted indicating the presence of the guard dog and such signs will include a current telephone number where some person responsible for controlling the guard dog can be reached at all times; and
- (4) The dog wears an identification and microchip implanted with the current owner's information.

Any person who violates this section shall, upon conviction, be guilty of a civil infraction and liable for a fine of up to \$500.00.

(3288 3790; Ord. No. 4139, § 1, 8-8-2022; Ord. No. 4207, § 8, 7-24-2023)

6-7-19. Bee Permitting.

- (A) *Bee Permit Required.* It shall be a civil infraction for any owner or keeper of bees to fail to obtain a permit as required by this chapter prior to the arrival of the bees on the property. It shall be unlawful to own, keep, maintain or allow on property within the City bees in a manner that violates the provisions of this chapter.
- (B) *Permit Requirements.* At the time of applying for a permit, an owner or occupant of qualifying residential property, as defined in Subsection 6-7-12(B)(2), W.M.C., shall provide the following to the City in such form as may be reasonably required by the City:

- (1) Permit fee;
- (2) Complete permit application;
- (3) Rear yard plot plan showing location of setbacks, fencing, fly away barriers, water supply, and hives;
- (4) The owner or occupant's signed acknowledgement that he or she shall be the permit holder and acknowledgement that the permit holder shall be responsible to reimburse the City for bee-related nuisance abatement costs as may be assessed pursuant to Section 8-4-4, W.M.C.;
- (5) The permit holder's signed consent to the City's, or an agent of the City's, entry into and inspection of the rear yard at all reasonable hours to confirm compliance with this chapter;
- (6) The permit holder's signed acknowledgement of his or her personal liability for injury or damage to persons or property caused by the permit holder's bees;

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- (7) If the permit holder is the occupant of rental property, the permit holder shall provide the name and contact information of the property owner; and
 - (8) Such other information as may be reasonably required by the City.
 - (C) *Permit Revocation.* A bee permit may be denied, cancelled, or revoked for any violation of the provisions of this chapter related to the keeping of bees.
 - (D) Any person who violates this section shall, upon conviction, be guilty of a civil infraction and liable for a fine of up to \$500.00.
- (3794; Ord. No. 4139, § 1, 8-8-2022)

6-7-20. Chicken Permitting.

- (A) *Chicken Permit Required.* It shall be a civil infraction for any owner of a chicken to fail to obtain a permit as required by this chapter prior to the arrival of a chicken on the property. It shall be unlawful to own, keep, maintain or allow on property within the City a chicken in a manner that violates the provisions of this chapter.
 - (B) *Permit Requirements.* At the time of applying for a permit, an owner or occupant of qualifying residential property, as defined in Subsection 6-7-12(B)(2), W.M.C., shall provide the following to the City in such form as may be reasonably required by the City:
 - (1) Permit fee;
 - (2) Complete permit application;
 - (3) Rear yard plot plan showing location of setbacks, fencing, coop, and water supply;
 - (4) The owner or occupant's signed acknowledgement that he or she shall be the permit holder;
 - (5) The permit holder's signed acknowledgement of owner's personal liability for injury or damage to persons or property caused by the permit holder's chickens;
 - (6) The permit holder's signed consent to the City's, or an agent of the City's, entry into and inspection of the rear yard at all reasonable hours to confirm compliance with this chapter;
 - (7) If the permit holder is the occupant of rental property, the permit holder shall provide the name and contact information of the property owner; and
 - (8) Such other information as may be reasonably required by the City.
 - (C) *Permit Revocation.* A chicken permit may be denied, cancelled, or revoked for any violation of the provisions of this chapter related to the care, keeping or maintenance of animals.
 - (D) Any person who violates this section shall, upon conviction, be guilty of a civil infraction and liable for a fine of up to \$500.00.
- (3794; Ord. No. 4139, § 1, 8-8-2022)

Title 6

ANIMALS¹

Chapter 6.02 Animal Control

6.02.000 Purpose and citation.

The Town of Castle Rock established this Title 6 to protect the public health and safety of its citizens and to promote the general welfare of the citizens and animals residing within the Town. Animal ownership is encouraged and welcomed within the Town; however, strong emphasis is placed on responsible ownership of animals. Animal owners are encouraged to respect the rights of their fellow citizens and those of their animals. Primary responsibility is placed upon animal owners to properly train or secure their animals to prevent them from causing injuries or creating nuisances. This Title 6 may be cited and referred to as the "animal code."

6.02.010 Scope.

This Title is comprehensive and addresses many issues which may not be relevant to each animal owner within the Town; however, all animal owners are required to adhere to any portions of this Title that address their particular situations.

6.02.020 Interpretation.

- A. In interpreting and applying this Title, the requirements set forth herein are the minimum requirements for the protection of the public health, safety, and welfare. The provisions of this Title shall be liberally construed to accomplish its purposes.
- B. This Title shall not be deemed to interfere with, abrogate, annul, or otherwise affect in any manner whatsoever any ordinances, rules, regulations, permits or agreements between parties; provided, however, that where this Title imposes stricter requirements upon the care, maintenance and control of animals than are imposed or required by other ordinances, rules, regulations, permits or agreements, the provisions of this Title shall prevail.

(Ord. No. 2018-013, § 1, 5-1-2018)

6.02.030 Definitions.

The following words, terms and phrases, when used in this Title, shall have the following meaning, unless the context clearly indicates otherwise:

¹Editor's note(s)—Ord. No. 2018-013, § 1, adopted May 1, 2018, amended the Code by repealing former Title 6, §§ 6.02.010—6.02.170, and adding a new Title 6, §§ 6.02.00—6.02.350. Former Title 6 pertained to similar subject matter, and derived from Ord. 92-27; Ord. 94-15 Ord. 94-32; Ord. 2004-23; Ord. 2005-15 §8, 2005; and Ord. 2010-31 of 2010.

Abandon means the leaving of an animal without adequate provisions for the animal's proper care by its owner, the person responsible for the animal's care or custody, or any other person having possession of such animal. This includes, but is not limited to, leaving the animal at the owner's residence for more than 24 hours, depositing or dropping off an animal on public property, or on property other than that of the owner or custodian, without prior permission of the property owner.

Animal means any living, nonhuman vertebrate or invertebrate creature.

Animal code means this Title 6 of the Castle Rock Municipal Code.

Animal control officer means any person designated by the Town, including a law enforcement officer, to enforce provisions of this Title or any other ordinances or laws of the state pertaining to animals.

Animal shelter means any premise designated by the Town for the purpose of boarding or the caring of any animal impounded under the provisions of this Title or any other ordinance of the Town or law of the state.

Apiary means a place where bee colonies are kept.

Attractant means any substance which could reasonably be expected to attract a wild animal, or does attract a wild animal, including but not limited to, garbage, food products, pet food, feed, grain or salt.

Bee means the *hymenopterous* insects in the genus *Apis*, especially *Apis mellifera*, primarily distinguished by honey and wax production in colonial, perennial, docile hives, when the hives are intentionally initiated and maintained on residential property for honey production. Bee shall not refer to naturally occurring bee colonies, mason bees, or other bee species that are not intentionally kept for honey production.

Bite means a wound to the skin causing it to bruise, puncture, or break.

Cat means a domestic cat (*Felis catus*) regardless of sex.

Chicken means any member of the species *Gallus domesticus* kept for its eggs or meat, excluding ducks, geese, pigeons, turkeys, pea fowl, and guinea hens.

Common area means and includes areas such as, but not limited to, the yards, grounds, garden areas, play areas, clubhouses, swimming pools, walkways, common garage areas, entryways, hallways, and driveways of condominiums, townhouses, apartment complexes, motels, hotels and mobile home parks.

Control shall mean that the animal is on a leash, cord or chain not more than ten (10) feet in length held by a person of sufficient age, size and physical ability to restrain the animal. Electric leashes are specifically prohibited.

Cruelty means any intentional act or omission whereby unjustifiable pain, suffering or death is caused or permitted, including failure to provide appropriate drink, air, space, shelter, or protection from the elements, veterinary care or nutritious food in a quantity sufficient to maintain life.

Dangerous animal means any animal, except a dog assisting a law enforcement officer, engaged in law enforcement duties that:

- a. Causes serious bodily injury to any person or domesticated animal or behaves in a manner that would have resulted in such serious bodily injury except for the fact that there was intervention by a person to stop the behavior.
- b. Has been previously adjudged as a potentially dangerous animal under this Title and the owner has failed to obtain and/or maintain the required potentially dangerous animal permit; or the animal has engaged in subsequent behavior that poses a threat to public safety or for which any of the potentially dangerous animal permit conditions set forth for the keeping of potentially dangerous animals have been violated (unless the animal owner has been relieved of the obligation to maintain such permit as set forth in this Title).
- c. Engages in or has been trained for animal fighting as described and prohibited in C.R.S. § 18-9-204.

Dog means a domestic dog (*Canus familiaris*) regardless of sex.

Domesticated animal or *pet animal* means any domesticated animal commonly kept in a household, excluding livestock, such as: dogs; cats; chinchillas; domestic rabbits; guinea pigs; hamsters; domestic mice; domestic rats; gerbils; domestic ferrets; hedgehogs; sugar gliders; canaries, finches, parakeets, doves, domesticated parrots (or the like), aquarium fish; nonpoisonous amphibians; nonvenomous snakes; nonvenomous invertebrates; and turtles of a species and size which is permissible under state law.

Duck means a duck that has been domesticated and is kept for its eggs and meat.

Emotional support animal means a domesticated companion animal that provides therapeutic benefit to an individual and is not specifically trained to address a specific need of a disabled person.

Exotic animal means an animal introduced from another country not normally kept as a household pet or farm animal.

Feed means all provisions of edible or drinkable materials, including, without limitation, bones, salt licks and water.

Feral cat means a cat that lives outside, does not have an owner, is unsocialized to people, and typically avoids contact with humans. A feral cat is not domesticated, is wild, and is not owned or controlled by anyone.

Fowl means geese, pigeons, turkeys, pea fowl, guinea hens, and the like. For purposes of this Title, fowl expressly does not mean chickens or ducks.

Harbor(ing) means the act of keeping and caring for an animal or providing a premise to which the animal is provided food, shelter or care.

Humane trap means a box-type trap that does not cause bodily harm to the animal intended to be captured or to any other animal or person coming in contact with such trap.

Keeper means any person who is in possession of, or is keeping, harboring or caring for any animal.

Keep(ing) means to care for, to have custody of, to provide premises to which the animal regularly returns for food and shelter, or to exercise physical control over, or to have any right of property in, an animal, or to own, harbor or allow an animal to remain about any premises within the Town.

Livestock means any animal commonly kept or harbored, as a source of food, hides, income through agricultural sale, as a pack animal or draft animal or for use as transportation. Livestock includes, but is not limited to, horses, mules, sheep, goats, cattle, swine, geese, pigeons, turkeys, pea fowl, and guinea hens. In the event of uncertainty concerning whether a particular animal is a species of livestock, the presumption shall be that such animal is a species of livestock until the owner of such animal proves by a preponderance of the evidence to the satisfaction of the Municipal Court that the animal is not a species of livestock. Except livestock shall not include miniature goats or miniature pot-bellied pigs.

Miniature goat means a goat registered with a bona fide miniature goat registry including Pygmy, Nigerian Dwarf and Pygora, or certified as such by a veterinarian licensed in the State of Colorado, and not weighing more than one hundred (100) pounds or exceeding more than twenty-four (24) inches, in height, measured from the ground to the shoulder.

Miniature horse means a horse generally ranging in height from twenty-four (24) inches to thirty-four (34) inches measured to the shoulders and generally weigh between seventy (70) and one hundred (100) pounds.

Miniature pot-bellied pig means a pig registered with a bona fide miniature pot-bellied pig registry including Teacup, Toy, Royal Dandies, Micro Minis, Dandie Extremes, and Mini Julianas, or certified as such by a veterinarian licensed in the State of Colorado, and not weighing more than one hundred (100) pounds or exceeding more than twenty-two (22) inches, in height, measured from the ground to the shoulder.

Owner means any person who has right of property in an animal or harbors an animal or allows an animal to remain about ones premises for a period of forty-eight (48) hours or longer, claims responsibility for an animal, or is declared by court decree to be the responsible party for an animal or the authorized agent of any such person. The parent or guardian of any minor claiming ownership of an animal shall be deemed to be the owner of the animal for purposes of this Title.

Person means any natural person, corporation, partnership, association, or other entity.

Pet animal facility means any place or premise used in whole or in part, for the keeping of pet animals for the purpose of adoption, breeding, boarding, day care, grooming, handling, selling, sheltering, trading, or otherwise transferring such animals, as more set forth in the Pet Animal Care and Facilities Act ("PACFA"), C.R.S. §§ 35-80-101 through 35-80-117. "Pet animal facility" also includes keeping any individual animals for breeding stock. "Pet animal facility" shall not mean a common carrier engaged in intrastate or interstate commerce. For purposes of this Title, two (2) or more animal facilities that have the same or a similar purpose and operate from one (1) place or premises shall be considered a single pet animal facility.

Potentially dangerous animal means any animal, except a dog assisting a law enforcement officer engaged in law enforcement duties, that may be a threat to public safety as may be demonstrated by any of the following behaviors:

- a. Acts in a highly aggressive manner within a fenced yard or enclosure and appears to a reasonable person to be able to jump over or escape such fenced yard or enclosure.
- b. Without provocation, approaches any person in a menacing or terrorizing manner, or in an apparent attitude of attack, whether such person is in motion or standing still, and whether such person is on foot or on or in a vehicle or device which allows such person to be in motion.
- c. Any animal that without provocation menaces, chases, displays threatening or aggressive behavior, or otherwise threatens or endangers the safety of any person or domesticated animal.
- d. Attacks any person or domesticated animal that is lawfully on the owner's property.
- e. Without provocation causes any injury, less than serious bodily injury, to any person or domesticated animal at any place within the Town.
- f. Any animal declared to be potentially dangerous, or potentially vicious, or a like definition, by any jurisdiction.

Proper enclosure means a structure which:

- a. Is suitable to prevent the entry of young children and to prevent the animal from escaping.
- b. Has secure sides and a secure top or secure sides which are of sufficient height to prevent the animal from escaping over the sides.
- c. Has sides that are constructed at the bottom to prevent the animal's escape by digging under the sides.
- d. Provides appropriate protection from the elements for the animal.
- e. The proper enclosure must comply with all zoning and building ordinances/regulations of the Town.
- f. The proper enclosure must be kept in a clean and sanitary condition, and be approved by an animal control officer, and such approval shall not be unreasonably withheld.

Rabies vaccination means inoculation of a domestic animal with an anti-rabies vaccine approved by the Tri-County Health Department or similar agency and administered by a licensed veterinarian. The vaccination shall be valid for the period of time specified in writing by the veterinarian for the specific vaccine used.

Serious bodily injury means bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of

protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree as defined in the Colorado Revised Statutes.

Service animal means a dog or miniature horse that has been individually trained to do work or perform tasks for the benefit of an individual with a disability. Other species of animals, whether wild or domesticated, trained or untrained, are not service animals for the purposes of this definition.

Spay or neuter shall mean to render permanently incapable of producing offspring, and for which the owner shall furnish a certificate certifying that such operation has been performed.

Stray animal means any animal for which there is no identifiable owner.

Tether means to tie up or chain to a fixed or heavy inanimate object so as to restrict the free movement of any animal to a distance no greater than the length of its leash or chain.

Town means the Town of Castle Rock as a municipal corporation or the territory contained therein, as the context dictates.

Wild animal shall mean all wildlife, including, but not limited to, bears, coyotes, foxes, mountain lions, opossums, raccoons, skunks, squirrels, raptors, all game animals, and all other species of animals, which exist in their natural, unconfined state and are usually not domesticated.

6.02.040 Powers and duties of animal control officers.

- A. Animal control officers shall have the power and duty to enforce all Sections of this Title and any other ordinance or law of the state pertaining to animals. In the furtherance of such duties, such officers may issue, sign and serve penalty assessments or summons and complaints to enforce the provisions of this Title.
- B. Animal control officers shall keep accurate and detailed records of the impoundment and disposition of all animals coming into custody, and of all reports of any animal bites reported to such officers.
- C. It shall be lawful for any animal control officer to go upon private property to capture any animal to be impounded for, or to investigate any report of a violation of this Title, if:
 - 1. The officer has obtained consent of the person in possession of the property.
 - 2. The officer has obtained a search warrant pursuant to Rule 241 of the Colorado Municipal Court Rules.
 - 3. The officer is in pursuit of an animal which is, or has been, running at large.
 - 4. The officer is in pursuit of an animal which the officer has probable cause to believe has bitten a person or other domesticated animal.
 - 5. The officer is attempting to abate a continuing violation when the owner of the property is not available.

Nothing in paragraphs C.3., C.4. or C.5. of this Section shall be deemed to authorize entry into any enclosed building on private property.

- D. If an affidavit has been submitted to the Municipal Court Judge which satisfies the Judge that an animal which is the subject of a violation of this Title is located within the Town and that the animal either poses a clear and present danger to the health, general welfare or safety of other persons or animals or is suffering extreme neglect or cruelty, the Municipal Court Judge may order the animal seized by a designated officer of the Town pursuant to Rule 241 of the Colorado Municipal Court Rules. The owner of the animal may request a hearing concerning any such order for seizure entered pursuant to this Section by filing an appropriate motion pursuant to applicable rules in the Colorado Municipal Court Rules. Whenever an animal is seized by order of the Municipal Court or other court, the animal shelter shall not adopt out, donate or euthanize the

animal unless such action is permitted by a subsequent order of the same court which ordered the initial seizure.

- E. Notwithstanding paragraph C.2. or C.6., above, if an animal control officer has reasonable cause to believe that the keeping or harboring of any animal is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the animal or the public health or safety, the animal control officer shall have the right to immediately enter and inspect the property or vehicle in or upon which the animal is kept, and may use any reasonable means required to effect such entry and make such inspection, whether the property or vehicle is occupied or unoccupied and whether permission to inspect has been obtained or not. If the property or vehicle is occupied, the animal control officer shall first present proper credentials to the owner or occupant of the property or vehicle and demand entry, explaining his or her reasons therefore and the purpose of the inspection. Such entry shall be solely for the purpose of abating the violation, and no evidence obtained during or as a result of such entry shall be admissible for purposes of prosecution.

(Ord. No. 2018-013, § 1, 5-1-2018)

6.02.050 Interference.

- A. It is unlawful for any person to intentionally interfere with, hinder, harass, molest, injure, obstruct or disobey a lawful order from any animal control officer in the discharge of his or her official duties under this Title or other applicable law.
- B. It is no defense to a prosecution under this Section that the animal control officer was acting in an illegal manner, if he or she was acting in the regular course of their assigned duties, and in good faith based upon surrounding facts and circumstances.
- C. It shall be unlawful for any person to refuse to reveal their correct name, address, and date of birth when requested to do so by an animal control officer in any of his or her duties prescribed herein.

(Ord. No. 2018-013, § 1, 5-1-2018)

6.02.060 Prosecution.

- A. For the purpose of prosecuting any violation of this Title, it shall not be necessary in order to obtain a conviction to prove knowledge or notice on the part of the owner of the animal in question that said animal was violating any of the Sections of this Title at the time and place charged. The purpose of this Section is to impose strict liability upon the owner of any animal for the actions, conduct and condition of such animal, unless the violation specifically provides otherwise.
- B. Each separate day, or any portion thereof, during which such violation of this Title occurs or continues shall constitute a separate offense and, upon conviction thereof, shall be punishable as provided in this Title.

(Ord. No. 2018-013, § 1, 5-1-2018)

6.02.070 Licensing, collar and tags or microchip required.

- A. Dog license required.
1. It shall be unlawful for any owner of any dog, over the age of six (6) months, or within thirty (30) days of acquisition of said dog, whichever occurs last, to fail to obtain a license for such animal as required by this Section.

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2. Application for a dog license shall be made to the Castle Rock Police Department, or to such agents as designated by the Police Department. Dog licenses and tags shall be issued, renewed, replaced and expired in accordance with the Town's application requirements.
 3. The license fee, including the fee for replacement licenses, shall be in an amount as set by the Town Manager or designee.
 4. It shall be unlawful for any person to keep or harbor any dog that has not been licensed, or for any person to fail to produce proof that the animal is currently licensed, as required by this Section, when requested by an animal control officer.
 5. It is unlawful for any person to affix to the collar, or harness of any dog, or permit to remain affixed, a dog license tag for any other dog or to display such a tag to an animal control officer.
- B. Collar and tags or microchip required.
1. It is unlawful for any person to keep any dog that must be licensed pursuant to this Section A, which is not displaying a current dog license tag affixed to a collar or harness worn on the dog.
 2. It is unlawful for the owner of any dog or cat within the Town to fail to cause such dog or cat, while off the premises of such owner to either:
 - a. Wear at all times a collar with a tag made of durable material with legible and current identification attached thereto containing words, numbers or a combination thereof, which enables the animal control officer to readily ascertain the name, current home address, and current home telephone number, of the owner and a valid current rabies tag attached thereto, which tag shall be furnished by a veterinarian, the number of such tag corresponding with the number of the rabies certificate issued to the owner of the dog or cat; or
 - b. Have a microchip surgically implanted into such dog, or cat, or other similar type of identification in lieu of wearing a collar or harness which enables an animal control officer to readily ascertain the name, current home address, and current home telephone number of the owner and a valid current rabies tag.
 - c. It is unlawful for the owner of any ferret within the Town to fail to cause such ferret to have a valid and current rabies tag, affixed to any collar or harness.
 3. Any dog or cat found without the requirements identified in this Section A or B, may be seized and impounded by the animal control officer.

(Ord. No. 2018-013, § 1, 5-1-2018)

6.02.080 Disease/rabies control.

- A. No domesticated animal afflicted with a contagious or infectious disease shall be allowed to run at large or to be exposed in any public place whereby the health of any person(s) or animal(s) may be affected, nor shall such diseased animal be shipped or removed from the premises of the owner except under the supervision of an animal control officer to secure disposition of any diseased animal and such treatment of affected premises as to prevent the communication and spread of the contagion or infections, except in cases where the state health director is empowered to act.
- B. It shall be unlawful for any owner of a dog, cat, or ferret four (4) months of age or older to fail to have such animal vaccinated against rabies. All dogs, cats and ferrets shall be vaccinated at four (4) months of age and revaccinated thereafter at the expiration of the validity of the vaccine used, as shown on the written document prepared by a licensed veterinarian. The vaccination shall be valid for the period shown on the

document. Any person moving into the Town from a location outside the Town shall comply with this Section within thirty (30) days after having moved into the Town.

- C. It shall be unlawful for any person who owns a vaccinated animal to fail or refuse to exhibit a copy of the certificate of vaccination upon demand to any person charged with the enforcement of this Section. A current rabies tag should be attached to a collar, harness or other device and shall be worn by the vaccinated dog, cat or ferret at all times.
- D. It shall be unlawful for any person to own, keep or harbor any dog, cat or ferret that has not been vaccinated against rabies, as provided herein, or that cannot be identified as having a current vaccination certificate.
- E. Rabies vaccination certificates and tags are not transferable and cannot be used for any animal other than the animal that received the vaccination and for which the certificate was originally issued.
- F. The owner of a dog, cat or ferret may request an exemption to the vaccination provisions if, for medical reasons, a dog, cat or ferret cannot be vaccinated. In this event, a dog, cat or ferret owner must submit an affidavit from a licensed veterinarian stating the reasons why the dog, cat or ferret is unable to be vaccinated.

(Ord. No. 2018-013, § 1, 5-1-2018)

6.02.090 Limits on dogs and cats.

- A. It shall be unlawful for any person to own, keep or harbor more than three (3) dogs that are six (6) months of age or older on any premises.
- B. It shall be unlawful for any person to own, keep or harbor more than five (5) cats that are six (6) months of age or older on any premises.
- C. Only one (1) litter of offspring of an age of six (6) months or less may be kept on any premises at any given time.
- D. Except limitations on the number of dogs and cats does not apply to Animal Shelters, as defined in Section 6.02.030.

(Ord. No. 2019-017, § 7, 7-2-2019, eff. 10-1-2019; Ord. No. 2018-013, § 1, 5-1-2018)

6.02.100 Animals running at large.

- A. It shall be unlawful for the owner or keeper of any animal to permit the same to run or go or be at large on any street or public place within the Town or upon the premises of any other person without permission of such other person, unless the animal is accompanied by a person and is under control, as defined in this Title.
- B. It shall be unlawful to tether any animal on any property other than that of the owner without permission of the property owner or occupant or to allow any animal tethered on the property of the owner to have access to property other than that of the animal owner.
- C. In addition to any other remedy provided by the Town to prohibit the running at large of an animal, any animal running at large may be seized and impounded pursuant to this Section.
- D. It shall be unlawful for any owner or keeper to fail to securely confine any unspayed animal in the state of estrus (heat), in a house, building or proper enclosure, in such a manner that such animal cannot come in contact with another animal except for planned breeding, and such that the animal does not create a nuisance by attracting other animals. When outside on the property of the owner for metabolic waste

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elimination, the animal must be physically restrained on a hand-held leash. Owners or keepers who do not comply may be ordered to remove the animals in heat to a boarding kennel, veterinary hospital or animal shelter. All expenses incurred as a result of the confinement shall be paid by the owner of the animal. Failure to comply with the removal order shall be a violation of this Section and the animal shall then be impounded as prescribed in this Title.

- E. Dogs may be off leash in a designated, enclosed dog park, if accompanied by a person capable of controlling the animal off leash.
- F. Sick or injured animals found on public property shall be presumed to be running at large, and may be impounded and provided any necessary veterinary medical treatment. If the animal is significantly injured or sick, such that recovery is improbable, the animal may be humanely destroyed, in order to avoid further pain and suffering by the animal, without liability to the Town, animal shelter, their employees, officers, or agents, or to any veterinarian examining, diagnosing, or treating the animal. An animal control officer shall make a reasonable attempt to contact the owner or keeper of an injured animal that is treated or impounded. The owner of such animal shall be liable for all expenses associated with the treatment or impoundment.
- G. In the event wearing a leash causes restrictions for a service animal, in performing tasks for a person with disabilities, such service animal shall be exempted from this Section.

(Ord. No. 2018-013, § 1, 5-1-2018)

6.02.110 Noisy dogs.

- A. It is unlawful to keep a dog which, individually or in combination with another dog or dogs kept on the same premises, makes noise by barking, howling, whining, yelping or other utterance which is plainly audible beyond the premises on which the animal is kept, for a consecutive period in excess of ten (10) minutes at any time during the day or night.
- B. As a courtesy only, an animal control officer may provide, at the officer's discretion, a one-time verbal warning to the owner of any animal upon receipt of a first complaint of a violation of this Section associated with such animals.
- C. Whether or not the animal control officer provides a verbal warning, as set forth in Subsection B above, before issuing any penalty assessment or summons and complaint, the animal control officer shall issue a written warning that a complaint of a violation of this Section has been received for any particular dog or owner. Such written warning shall be served by personal service on the owner or by posting of such written warning on the door of the premises of the owner. The warning shall be based on a written complaint by an identified complaining party or by the witnessing of a violation hereof by the animal control officer and shall include the name and address of the complaining party, the dog owner's address, description of the dog and a description of the incident, to include, at a minimum, the date, time, place, duration and a brief explanation of the nature of the violation.
- D. If a written warning has been served in accordance with Subsection C above, no further written warning shall be provided to such premises in any twelve-month period. It is the intent of this Subsection that a penalty assessment or summons and complaint shall issue if a written warning has already been provided within any twelve-month retroactive period. The issuance of a penalty assessment or summons and complaint shall constitute a written warning for the purpose of calculating the new twelve-month retroactive period described in this Subsection.
- E. Animal control officers shall keep records of all warnings and penalty assessments or summons and complaints issued pursuant to this Section, and such records shall constitute prima facie proof that such warnings were issued and properly served.

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- F. A summons and complaint shall be issued for a complaint of violation of this Section only if a minimum of five (5) days have lapsed between the date of the violation that was the subject of the written warning and a subsequent violation.
 - G. It shall not be a defense to a violation of this Section that the owner of such dog proclaimed that the dog was provoked by persons through the ordinary or reasonable use of private properties, public roadways, sidewalks or alleyways or common areas of condominiums, townhouses or apartment buildings.
 - H. A summons and complaint issued for violation of this Section shall either be signed by an animal control officer that personally witnessed the violation, or by at least two (2) identified complaining witnesses from separate households who are willing to testify at trial in addition to the signature of the serving officer, or may be signed by only one (1) identified complaining witness other than the serving officer, if there exists competent evidence admissible at trial to prove a prima facie case of a violation of this Section.

(Ord. No. 2018-013, § 1, 5-1-2018)

6.02.120 Removal of animal excrement; damage to property.

Proper disposal of pet solid waste is necessary to protect public health, safety and welfare.

- A. It shall be unlawful for any owner or keeper of any animal to refuse or fail to remove promptly excrement deposited by said animal upon any common thoroughfare, street, sidewalk, play area, park, other public property, or any private property when permission of the owner or tenant of said property has not been obtained.
- B. It shall be unlawful to place animal excrement in storm sewers, or to dispose of excrement in any manner except by depositing it in a toilet or a receptacle ordinarily used for garbage and covered by a lid, or in an otherwise lawful and sanitary manner.
- C. When walking an animal off an owner's property, such owners or keepers are required to have in their possession a viable means by which to pick up and remove their animals' excrement.
- D. It shall be unlawful to fail to remove promptly all excrement from private property, including the premises of the owner of an animal or any other person consenting to the deposit of such waste on his or her premises, or to fail to place such waste in a closed container or to fail to remove the contents of said containers from the Town as necessary to prevent such contents from becoming a nuisance.
- E. It shall be unlawful to fail to maintain the premises upon which animals are kept in a clean and sanitary condition.
- F. It shall be unlawful for any owner of any animal to permit said animal, whether or not it is running at large, to destroy, damage or injure any shrubbery, plants, flowers, grass, lawn, fence or anything whatsoever upon any public premises or private premises owned or occupied by a person other than the owner of said animal.

6.02.130 Reporting animal bites and confinement.

- A. The owner or keeper of any domesticated animal that has bitten any person so as to cause break in the skin shall immediately advise an animal control officer of that fact. Any such animal shall be immediately confined for a period of ten (10) days or longer on the advice of the officer, attending veterinarian or the Health Department or Health Officer. Confined animals shall have no contact with the public, and it is unlawful for any person to remove any confined animal from the designated quarantine location. As they are not considered to be transmitters of the rabies virus, bites inflicted by domesticated rodents, rabbits, reptiles or fowl need not be reported pursuant to this Section.

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- B. Confinement may be on the premises of the owner or keeper if deemed appropriate in the discretion of the officer, attending veterinarian or Health Department, or Health Officer but the animal must remain within the Town for a minimum of ten (10) days. If not confined on the premises of the owner or keeper, confinement will be at the animal shelter site or any veterinary hospital or boarding kennel within the Town limits. Such confinement shall be at the expense of the owner or keeper. In the case of an animal whose owner or keeper cannot be located, such confinement shall be at the animal shelter.
 - C. The owner or keeper of any animal that has been reported as having inflicted a bite causing a break in the skin of any person shall, on demand of an animal control officer, produce said animal for examination and confinement, as prescribed in this Section. It is unlawful to give away, sell or remove any such animal from the Town or to destroy such animal before it is properly confined by an animal control officer.
 - D. Every physician and other medical practitioner who treats a person for bites inflicted by an animal shall report such treatment to an animal control officer within twenty-four (24) hours, providing the name, address and telephone number of such person.
 - E. The owner or keeper of any dog or cat shall inform the veterinarian before any rabies inoculation is given of whether the subject dog or cat is under bite confinement or has inflicted a bite on any person within the last ten (10) days. When an animal under quarantine has been diagnosed by a licensed veterinarian as being rabid, the veterinarian making such diagnosis shall immediately notify an animal control officer and advise it of any reports of human contact with said animal.
 - F. Animals known to have been bitten by or exposed to a rabid animal may be immediately destroyed or released upon proof of current rabies immunization and booster injection provided by a licensed veterinarian at the expense of the owner or keeper. The owner or keeper of any animal released under this Section shall be required to keep said animal under quarantine for a period of six (6) months or as may be determined necessary by the treating veterinarian or the Health Department or Health Officer.

(Ord. No. 2018-013, § 1, 5-1-2018)

6.02.140 Public nuisance.

Under this Title, it shall be unlawful for any person to cause or constitute a public nuisance or to knowingly permit, encourage or unreasonably fail to prevent such nuisances. Nuisance, for purposes of this Section include, but are not limited to:

- A. Any continuous and habitual violation of any Section within this Title. Factors to be considered may be, but are not limited to, accumulated convictions for separate and distinct violations, degree of aggravation or failure of the owner to take corrective action for any violation or all violations.
- B. Any behavior involving animals that endangers the health, safety or public peace of the community.
- C. Negligence in allowing the accumulation of waste matter to the degree of creating a putrid, offensive, unsanitary or unhealthy condition to the surrounding area.

6.02.150 Dangerous animals.

It is unlawful to own, keep or maintain any dangerous animal within the Town. Whenever any animal engages in behavior that meets the definition of a dangerous animal, the owner of such animal shall be charged with a violation of this Title, and the animal shall be seized and impounded as set forth in this Title. Any person convicted of a violation of this Section shall, in addition to all other permitted penalties under this Section, be required to humanely destroy such animal or to remove and maintain the animal outside the Town.

6.02.160 Potentially dangerous animals.

- A. It is unlawful to keep or maintain any potentially dangerous animal within the Town without compliance with this Section. Whenever any animal engages in behavior that meets the definition of a potentially dangerous animal, the owner of such animal shall be charged with a violation of this Section, and the animal may be seized and impounded as set forth in this Title. If the animal is impounded, such owner shall also be required to meet the financial bonding requirements set forth in this Title. If the identity of the owner of an animal, which the animal control officer reasonably believes to be potentially dangerous cannot be reasonably determined, the animal shall be immediately confiscated. If the owner or keeper then claims such animal, the animal may in the discretion of an animal control officer be released to its owner or keeper, together with a copy of the summons and complaint charging a violation of this Section. Any animal impounded which is not claimed within a five-day period may be subject to orders from the Municipal Court for disposal by the animal shelter. Disposal may be by adoption, donation or humane destruction at the sole discretion of the animal shelter.
- B. After any animal has been adjudged potentially dangerous through conviction or entry of a plea in the Municipal Court, the animal may be permitted to remain in the Town if and only if the owner applies for and receives a potentially dangerous animal permit from the Town, and the Municipal Court shall order any such owner of a potentially dangerous animal to apply for such permit within five (5) days of the date of conviction, and to maintain such permit for such animal at all times unless the animal is later determined by an animal control officer to no longer be potentially dangerous in accordance with Subsection F of this Section. The owner or keeper of a potentially dangerous animal shall at all times comply with all conditions of such permit.
- C. Applications for potentially dangerous animal permits shall include:
 - 1. The name and address of the applicant and of the owner of the animal and the names and addresses of two (2) persons who may be contacted in the case of an emergency.
 - 2. An accurate description of the animal for which the permit is requested.
 - 3. The address or place where the animal will be located.
 - 4. A permit fee for the animal. In addition to the license fees provided by this Title, the owner of a potentially dangerous animal shall pay an annual permit fee as set, and may be amended by, the Town Manager or designee, to register and maintain registration of such owner or keeper as a potentially dangerous animal.
 - 5. Proof that the animal has had a microchip implanted.
 - 6. Proof that the animal has a current rabies vaccination.
 - 7. Such other information as Animal Control may require.
- D. Conditions of a potentially dangerous animal permit may include:
 - 1. Any owner or keeper of a potentially dangerous animal shall be jointly and severally responsible with all other owners of such animal for compliance with the requirements of this Subsection and the permit issued hereunder.
 - 2. The owner or keeper of any potentially dangerous animal shall be allowed only one (1) permitted potentially dangerous animal, and no household within the Town shall be allowed to harbor more than one (1) permitted potentially dangerous animal at any time.
 - 3. The owner or keeper of a potentially dangerous animal shall be a responsible adult eighteen (18) years of age or older.

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4. The location where the potentially dangerous animal is possessed or maintained must be kept clean and sanitary and the animal must be provided proper and adequate food, water, ventilation, shelter and care at all times.
 5. Animal control officers must be permitted at any reasonable time to inspect the animal and premises for compliance with this Section.
 6. The owner of the potentially dangerous animal shall provide and pay for the implantation of a microchip within such animal, and shall provide proof of compliance with this requirement at the time of making the permit application.
 7. The owner of a potentially dangerous animal shall notify an animal control officer, in person or by telephone, of any of the following occurrences within the scheduled time frames as set forth in this Subsection:
 - a. Within eight (8) hours after the animal has escaped or has otherwise ceased to be in custody of the owner for any reason, unless the owner knows such animal to be physically secured, restrained or confined and to be in the custody of another adult who is competent.
 - b. Within eight (8) hours after the animal has attacked a person or another domestic animal.
 - c. If the animal has died or if ownership or possession of the potentially dangerous animal or the location of the potentially dangerous animal's primary habitat is changed to a person or location outside of the Town, the animal owner listed on the permit shall notify an animal control officer within twenty-four (24) hours of such change, including the name, address and telephone number of the new owner, if relevant. If ownership or possession of the animal or the location of the animal's primary habitat is changed to a person or location at a different address within the Town, the animal owner listed on the permit shall notify an animal control officer within twenty-four (24) hours of the change, including the name, address and telephone number of the new owner, if relevant, and the new owner may be permitted to modify the permit to reflect the new owner's name in the discretion of an animal control officer, but such modification must be obtained within five (5) days of the change. The fee for a permit modification shall be as set by the Town.
 8. At the discretion of the Municipal Court a potentially dangerous animal permit may contain any or all of the following conditions:
 - a. Spaying or neutering of potentially dangerous animal.
 - b. Except under the circumstances otherwise specifically permitted by this Section, a potentially dangerous animal shall at all times be maintained inside a proper enclosure.
 - c. The potentially dangerous animal shall not be present, kept or maintained at any location other than as specified in the permit.
 - d. A sign which is clearly visible to the general public shall be posted on the premises where a potentially dangerous animal is kept, warning that there is an animal on the premises which presents a potential danger to persons or other domestic animals. Such sign shall have the dimensions, colors, graphics and lettering that comply with the standards as established by the Town Manager or designee. Such sign shall also include a symbol sufficient to convey, without the use of words, the message that there is an animal on the premises which presents a potential danger to persons or other domestic animal.
 - e. The potentially dangerous animal shall not be permitted to be outside a proper enclosure on the premises named in the permit except for the purpose of obtaining supervised and attended exercise, veterinary care, being sold or given away, or to comply with any provision of law or directive of an animal control officer. When outside the proper enclosure for such permitted

purposes, the animal must be properly muzzled and restrained by a substantial chain or leash not to exceed ten (10) feet in length under the control of a responsible adult at all times who has the physical ability to restrain the movement of such animal. Notwithstanding, potentially dangerous animals may be confined humanely within a vehicle, provided that the animal cannot escape or inflict injury upon any person or other domestic animal.

- E. Except as provided in Subsection F below, the permit as provided in this Section shall be renewed annually with the Town.
- F. In the discretion of the Municipal Court, upon written request from the owner, if there are no additional documented findings by an animal control officer of any behavior of the potentially dangerous animal which indicates that the animal remains a threat to the public safety for the thirty-six-month period from the effective date of the initial potentially dangerous animal permit, the owner may be relieved of the obligation to continue to maintain a potentially dangerous animal permit.

(Ord. No. 2018-013, § 1, 5-1-2018)

6.02.170 Affirmative defenses to dangerous or potentially dangerous animal charges.

The Municipal Court shall consider the following affirmative defenses if evidence thereof is presented in determining whether an animal is dangerous or potentially dangerous:

- A. The underlying evidence leading to the charge against the animal as dangerous or potentially dangerous.
- B. Whether any injury or damage to a person by the animal was caused or contributed to by the actions of that person, including acts of physical abuse, tormenting, teasing or assaulting the animal.
- C. Whether a person injured or damaged by the animal was committing a trespass or other tort upon premises occupied by the owner or keeper of the animal, or was committing or attempting to commit a crime.
- D. Whether any injury or damage to a domesticated animal was caused or contributed to by the actions and behavior of the domesticated animal such as teasing or attacking the animal.
- E. Whether a person injured or damaged by the animal had gained uninvited and unauthorized entry into the fenced or indoor property of the owner or keeper of the animal. As used in this Section, *unauthorized entry* does not include entry into a fenced residential front yard unless the yard is locked or posted to prohibit entry.
- F. Whether any injury or damage to a person by the animal was caused while the animal was protecting or defending a person within the immediate vicinity of the animal from an unjustified attack or assault.

6.02.180 Presumption of ownership.

Any adult at whose residence a dangerous animal or potentially dangerous animal is kept or found shall be presumed to be an owner of such animal and shall have the burden of rebutting such presumption. If an animal has more than one (1) owner within the meaning of this Section, any one (1) of such owners may be prosecuted for violations of this Section whether or not any other owners are also prosecuted.

6.02.190 Animals from other jurisdictions.

No animal that has been previously determined to be dangerous or vicious, or received a similar designation, after an administrative or court hearing by another jurisdiction, shall be kept, owned or harbored in the Town. No

animal that has previously been determined to be potentially dangerous or potentially vicious, or received a similar designation in another jurisdiction, shall be kept, owned or harbored in the Town unless the animal's owner obtains and maintains a potentially dangerous animal permit prior to bringing such animal into the Town, without need for further adjudication by the Municipal Court. Application and issuance of and conditions applicable to such permit shall be in accordance with the provisions set forth in this Title. Animals in violation of this Section are subject to impoundment and humane destruction after notice and a hearing under this Title, except that the only issues for hearing are whether the animal ever received a potentially dangerous, dangerous or vicious animal designation or similar designation in another jurisdiction, and whether the animal's owner complied with the requirements under this Title.

6.02.200 Impounded and seized animals; destruction of animals.

A. Impoundment.

1. Any time an animal control officer has reasonable suspicion to believe an animal has engaged in any form of prohibited behavior under this Title, or any other ordinance or any law of the State, including but not limited to, the failure of the animal to be properly collared or harnessed or identified as set forth in this Title, such animal may, at the discretion of an animal control officer, be taken into custody by an animal control officer and impounded in a humane manner.
2. Unless other time frames are specifically provided for in this Title (including but not limited to bite confinement periods), any animal impounded which is not claimed within a five-day period may be disposed of by the animal shelter, only upon issuance of a written Municipal Court order. Disposal may be by adoption, donation or humane destruction at the sole discretion of the animal shelter. During the period of impoundment, the animal control officer shall make a reasonable effort to ascertain and notify the owner.
3. Any animal held as evidence at the animal shelter at the request of an animal control officer or law enforcement officer shall remain impounded pending a hearing. Any animal so impounded which is not claimed, or for which financial bond is not paid as set forth in this Title, may be disposed of as set forth in Subsection 2 above. In no event shall said animal be released to the owner prior to the service of a penalty assessment or summons and complaint upon the owner.
4. The owner of any impounded animal shall be responsible for the payment of all charges and fees, including those for impoundment, boarding, euthanasia, disposal, veterinary and all other services as needed. Fees and charges for impoundment of animals shall be as set by the Town in accordance with the fees and charges incurred by the Town. No impounded animal shall be released until the owner has paid or arranged to pay all such charges and fees. Failure of the owner of any impounded animal to claim such animal from the animal shelter shall not relieve the owner from payment of all applicable charges and fees as established by the shelter. It shall be unlawful for any owner to fail to pay such fees and charges.
5. In the sole discretion of the animal control officer, any dog found running at large, which is not otherwise a potentially dangerous or dangerous animal under the provisions of this Title, may be returned to its owner.

B. Seizure and immediate destruction.

1. Any animal that has caused injury to any person or domesticated animal or which has without provocation attacked any person or domesticated animal or which otherwise meets the definition of a dangerous or potentially dangerous animal as set forth in this Title, and is found running at large, may be seized and impounded at the owner's expense by an animal control officer without notice to the owner. The animal control officer shall make reasonable effort to notify such owner after seizing and impounding the animal pursuant to this Section. If after making every reasonable attempt to seize such

animal the animal control officer determines the animal cannot be captured without exposing the animal control officer or other persons to danger of personal injury from the animal, and the animal presents a present danger to any person or other animal, it shall be lawful for the animal control officer to humanely destroy the animal without notice to the owner.

2. When a veterinarian, animal shelter, animal control officer or law enforcement officer has determined that an animal is critically ill or injured, is suffering extreme pain, or has a poor prognosis for recovery, nothing in this Title shall be construed to prevent the immediate humane destruction of such domesticated or wild animal.

(Ord. No. 2018-013, § 1, 5-1-2018)

6.02.210 Hearing on disposition of seized animals; financial bonding requirements; destruction, seizure or release.

- A. Whenever an animal is seized or impounded pursuant to this Title and a summons and complaint has been served, depending on the nature of the charge pending, the animal owner may be summoned before the Municipal Court on the next available court date following the seizure or impoundment to address only the issue of disposition of the seized and impounded animal. The Town, through its animal control officers, shall make reasonable efforts to notify the owner in writing by personal service or by posting notice on the front door of the owner's residence at the address shown on the animal license records. Unless the animal owner waives the time frame for advance service of such notice in order to expedite a hearing, this notice shall be served at least five (5) days prior to the hearing and shall state the time, date, location and purpose of the hearing. Such hearings resulting from animal seizures or impoundments shall be given priority on the Municipal Court docket in order to minimize the expense to the animal owners for impoundment of seized animals.
- B. If an animal is seized and impounded on an evidence hold and the owner cannot be ascertained or served with either a penalty assessment or summons and complaint, disposition of the animal may proceed in accordance with the time frames and requirements of this Section.
- C. If, on the date of the hearing, notice to the owner was provided as required under Subsection A, of this Section, the Municipal Court may proceed with the hearing as to the disposition of the animal, whether or not the owner appears.
- D. Formal rules of evidence shall not apply at such animal disposition hearings, and any statements made at such hearings shall not be used as evidence at any subsequent hearing in the prosecution of the underlying charges. If the Town establishes by a preponderance of the evidence that there is a reasonable likelihood of future injury to persons, property or animals, the Municipal Court shall order the animal to remain impounded at the owner's expense until final disposition of the pending municipal charges. If the Municipal Court determines that it is inappropriate to order the animal impounded, the Municipal Court may order the animal returned to the owner and kept under such circumstances as will ensure the safety of persons, property or other animals, as the case may be.
- E. Financial bonding for cost of holding impounded animals.
 1. The owner of an animal that has been ordered impounded after the hearing may be required to post a bond with the Municipal Court in an amount sufficient to provide for the care and keeping of the animal from the date of impound, to the extent any such charges remain outstanding as of the date of the hearing, until the date set for trial on the pending municipal charges. Notice of such bond shall be given at the conclusion of the hearing to the owner, allowing five (5) days for the posting of such bond.

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2. If the owner does not appear at the disposition hearing, the Town shall, if ascertainable, send notice of the bond amount to the owner allowing the owner five (5) days from the date of the notice to post such bond.
 3. If the owner fails to post the bond or cannot be ascertained by the Town following reasonable efforts, the animal shall be deemed abandoned, and the animal shelter, upon issuance of a Municipal Court order, may dispose of the animal at any time after five (5) days from the date of notice, of the bond requirement. The date of notice shall be the later of the date the owner is provided notice or the date that the animal control officer or animal shelter makes reasonable efforts to ascertain and provide the owner with such notice. Animal Control shall be provided copies of all notices issued under this Section.
 4. At the end of the time for which expenses are covered by the bond, the Municipal Court may determine disposition of the animal. The owner shall be liable for the cost of the care, keeping or disposal of the animal.
- F. Destruction, seizure or release on Municipal Court's order.
1. If a penalty assessment or summons and complaint has been filed in the Municipal Court against the owner of an animal for a violation of this Code, the Municipal Court may, upon making a finding that the animal is dangerous or that it represents a clear and present danger to the citizens or to other animals in the community, order the animal to be destroyed in a humane manner. Surrender of an animal by the owner thereof does not relieve or render the owner immune from the decision of the Municipal Court, or to the fees, fines or other penalties which may result from a violation of this Code.
 2. If the Municipal Court determines that an impounded animal should be released, the Court shall issue a release form signed by the Judge to the owner of the animal, which the owner shall present at the animal shelter to claim the animal. The Municipal Court shall also send a copy of the release form to Animal Control and to the animal shelter. Any animal held pursuant to court order may be disposed of by the animal shelter if unclaimed by the owner within five (5) days following the issuance of a court order authorizing the release of the animal.
 3. Trials involving charges resulting in animal seizures or impoundments shall be given priority on the Municipal Court docket to minimize the expense to animal owners for impoundment of seized animals.

(Ord. No. 2018-013, § 1, 5-1-2018)

6.02.220 PACFA guidelines.

Any person operating a pet animal facility within the Town must have a valid license issued by the Commissioner of the Colorado Department of Agriculture and such person operating said pet animal facility must post or otherwise have available upon request said valid license to operate in accordance with "PACFA" - the Pet Animal Care and Facilities Act, C.R.S. §§ 35-80-101 through 117.

6.02.230 Service animal or emotional support animal.

- A. It shall be unlawful for any person to knowingly misrepresent an animal as a service animal.
- B. It shall be unlawful for any person to knowingly misrepresent an animal as a companion, assistance, or emotional support animal.

(Ord. No. 2018-013, § 1, 5-1-2018)

6.02.240 Bees.

- A. It shall be unlawful for any person to possess, harbor, keep, maintain, or permit within the Town, bees or bee hives, unless the owner or occupant of the property complies with the requirements of this Section.
- B. Bees may only be kept in a hive located in the rear yard of a single-family detached property with an existing residence.
- C. The maximum number of hives per single-family detached lot shall be allowed as follows:
 - 1. One-quarter (1/4) acre or less: two (2) hives;
 - 2. More than one-quarter (1/4) acre up to and including one-half (1/2) acre: four (4) hives;
 - 3. More than one-half (1/2) acre up to and including three-quarters (3/4) of an acre: six (6) hives; or
 - 4. More than three-quarters (3/4) of an acre: eight (8) hives.
- D. At all times, bees must be provided with a properly designated beehive meeting the following requirements:
 - 1. All hives shall provide a secure design, sufficient to protect the bee colony from predators;
 - 2. All hives shall provide adequate shelter from inclement weather conditions, including protection from sun, wind, rain, snow, hail, and extreme temperatures;
 - 3. Each hive shall not exceed six (6) feet in height, as measured from the ground, excluding the roof element, which may cause the hive's total height to measure not more than seven (7) feet from the ground; and
 - 4. Each hive shall be located in the rear or backyards of residential properties and shall maintain a minimum ten-foot setback from the designated side and rear property lines, from adjoining developed property. No hives shall be permitted within the front yard.
- E. In each instance in which a colony is situated within 25 feet of a developed public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height consisting of a solid wall, fence, vegetation (trees or shrubbery), or combination thereof and should run parallel to the property line and extending ten (10) feet beyond the colony in each direction so that all bees are forced to fly at the elevation of at least six (6) feet above the ground level over the property lines in the vicinity of the apiary.
- F. A fresh water supply for the bees shall be maintained in the rear yard of the property, in a location readily accessible to all bees kept in the rear yard of the property.
- G. Honeycomb that is removed from a hive must immediately be moved away from the hive and enclosed in a bee-proof and predator-proof location, building, or storage container.
- H. Unused hive components, beekeeping equipment, and supplies associated with beekeeping must be stored in a bee-proof manner.
- I. Aggressive or Africanized bees are prohibited.
- J. With colony collapse disorder (CCD), an addition of up to a maximum of two (2) "nucleus" beehive, or "nuc", also referred as a baby-beehive, no more than one (1) Langstroth hive body deep, no more than ten (10) Langstroth frames, during the months from May through October is permitted. Any such hives shall be maintained, without supering for honey, for the replacement of colonies dying from CCD. At the end of October any nucleus hives unused must be removed from the property. If any nucleus hive grows beyond ten (10) frames and needs supered or another story added, such hive will be considered a 'beehive' and limited by this Section dependent on the size of lot.

6.02.250 Chickens and ducks.

- A. It shall be unlawful for any person to possess, keep, harbor, maintain, or permit within the Town any chickens or ducks, unless the owner or occupant of the property complies with the requirements of this Section.
- B. Chickens and ducks may only be kept in the rear yard of a single-family detached property with an existing residence and with a proper chicken coop meeting the following requirements:
 - 1. A coop shall be fully enclosed, having floors, walls, and roofs sufficient to protect the chickens or ducks from predators;
 - 2. Each coop shall provide a minimum of four square feet of living space per chicken or duck;
 - 3. A coop shall provide adequate shelter from inclement weather conditions, including protection from sun, wind, rain, snow, hail, and extreme temperatures;
 - 4. Chickens and ducks shall have access to an outdoor enclosure that is adequately fenced to contain the birds on the property and to prevent predators from access to the birds;
 - 5. The coop and outdoor enclosure must be kept in sanitary condition and free from offensive odors. The coop and outdoor enclosure must be kept dry, well ventilated and with windows placed to admit sunlight. The coop and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste. Manure and droppings shall be removed from pens, enclosures, and shelters;
 - 6. Each coop shall not exceed a maximum gross floor area of one hundred twenty (120) square feet;
 - 7. A coop shall not exceed six (6) feet in height as measured from the ground;
 - 8. A coop shall be set back from all rear yard property lines by a minimum of ten (10) feet; and
 - 9. Only one (1) coop is allowed per rear yard.
- C. Only hens (female chickens) and ducks (female ducks) are permitted. Roosters and Drakes are prohibited.
- D. The maximum number of chickens or ducks per single-family detached lot shall be as follows:
 - 1. Lots up to two (2) acres: combination of no more than eight (8) chickens or ducks; and
 - 2. Lots more than two (2) acres: combination of no more than twelve (12) chickens or ducks.
- E. Chickens and ducks shall be securely kept within a coop in the rear yard from dusk until dawn. If allowed to roam within the enclosed rear yard at any time from dawn until dusk, chickens shall be rendered unable to fly.
- F. Animal excrement shall be properly disposed of, and sanitary conditions maintained in order to minimize the presence of flies and other insects, and to minimize odor and potential for disease.
- G. A fresh water supply for the chickens or ducks shall be maintained in the rear yard property at all times, in a location readily accessible to all chickens and ducks.
- H. Chicken and duck feed shall be enclosed in a re-sealable, airtight, vermin-proof container, and must be stored in such a way to prevent the intrusion of wildlife.
- I. The slaughtering of chickens or ducks is permitted only indoors and slaughtering shall be limited only to those chickens or ducks allowed for the specific property. Entrails and remains shall be disposed of properly. The slaughtering of chickens or ducks outdoors is prohibited.

6.02.251 Miniature goats.

- A. The owning or keeping of miniature goats shall be unlawful unless all of the following conditions are met:
1. The owner or keeper of a miniature goat must comply with the Town's licensing and registration process, through the Castle Rock Police Department, immediately after acquiring the animal. The license fee, including the fee for replacement licenses, shall be in an amount as set by the Town Manager or designee.
 2. The keeping of just one (1) miniature goat is prohibited. No more and no less than two (2) miniature goats must be kept (for reasons related to the companionship needs of miniature goats), per single-family detached lot, except where the miniature goats have offspring younger than twelve (12) weeks.
 3. All miniature goats must be registered with a bona fide miniature goat registry, or certified as such by a veterinarian licensed in the State of Colorado, and cannot weigh more than one hundred (100) pounds or exceed more than twenty-four (24) inches, in height, measured from the ground to the shoulder.
 4. Only female or altered male miniature goats shall be permitted. No bucks shall be allowed, and no intact male goat older than three (3) months shall be permitted. All miniature goats, over the age of one (1) month, shall be disbudded.
 5. It shall be unlawful for any owner of a goat twelve (12) weeks of age or older to fail to have such animal vaccinated against rabies, and goat owners or keepers shall continue to have the goats vaccinated by a veterinarian at intervals recommended by the veterinarian.
 6. All miniature goats must be microchipped before they reach the age of twelve (12) weeks.
 7. Miniature goats must at all times wear a harness or collar bearing an identification tag made of durable material with legible and current identification attached thereto containing words, numbers or a combination thereof, which enables the animal control officer to readily ascertain the name, current home address, and current home telephone number, of the owner or keeper and a valid current rabies tag attached thereto, which tag shall be furnished by a veterinarian, the number of such tag corresponding with the number of the rabies certificate issued to the owner or keeper of the miniature goat.
 8. When off the owner or keeper's property, all miniature goats must be controlled on a leash, cord or chain not more than ten (10) feet in length and held by a person of sufficient age, size and physical ability to restrain the movement of such animal.
 9. Miniature goats must be maintained in the rear fifty (50) percent of the lot. On any corner lot, the rear fifty (50) percent of the lot shall mean that portion of the lot on the opposite side of the residence from the front lot line. The front lot line shall mean the lot line facing the primary entrance to the principal building on the lot.
 10. Miniature goats must be provided with a covered, predator-resistant shelter that is properly ventilated and designed to be easily accessed, cleaned and maintained. Water must be provided onsite and accessible at all times. During daylight hours, the goats must have access to the shelter and also have access to an outdoor enclosure that is adequately fenced (minimum of four (4) feet in height), to protect them from predators, and to keep them from escaping, and which shall be in total at least three hundred (300) square feet. The goats must be secured in the shelter from dusk to dawn.
 11. Neither the shelter, nor the outdoor enclosure, may be located within fifteen (15) feet from any abutting property line.

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12. Miniature goats may not be killed by, or at the direction of, the owner or keeper thereof except pursuant to the lawful order of state or county health officials, or for the purpose of euthanasia when surrendered to a licensed veterinarian for such purpose, or as otherwise expressly permitted by law.
 13. Any owner of a miniature goat shall be responsible for removing and cleaning up such goat feces on any public or private property.
 14. Owners and keepers of miniature goats shall be liable for any damage caused by the miniature goat(s) to public or private property.
- B. Grazing by goats. For purposes of this subsection, graze or grazing refers to the period of time when a goat is upon or within the area fenced for grazing. A goat of any breed may graze upon the goat owner or keeper's property in any area of that property where the goat is lawfully allowed to be kept under the provisions of this Chapter. It shall be unlawful for any owner or keeper to permit or allow a goat to graze upon any property (including streets, alleys or other public way or place in the Town, or upon any vacant premises or unenclosed premises in the Town, whether attended by any owner or keeper), except where the goat is otherwise allowed to be kept.

(Ord. No. 2019-017, § 3, 7-2-2019, eff. 10-1-2019)

6.02.252 Miniature pot-bellied pigs.

- A. The owning or keeping of a miniature pot-bellied pig shall be unlawful unless all of the following conditions are met:
1. The owner or keeper of a miniature potbellied pig must comply with the Town's registration process, through the Castle Rock Police Department, immediately after acquiring the animal. The license fee, including the fee for replacement licenses, shall be in an amount as set by the Town Manager or designee.
 2. Only one (1) miniature pot-bellied pig, per single-family detached lot, is permitted.
 3. All miniature pot-bellied pigs must be registered with a bona fide miniature pot-bellied pig registry, or certified as such by a veterinarian licensed in the State of Colorado, and cannot weigh more than one hundred (100) pounds or exceed more than twenty-two (22) inches, in height, measured from the ground to the shoulder.
 4. Female miniature pot-bellied pigs shall be spayed and male potbellied pigs shall be neutered by the age of twelve (12) weeks, and no unaltered male or female pigs shall be kept or permitted to breed within the Town.
 5. It shall be unlawful for any owner or keeper of a miniature pot-bellied pig twelve (12) weeks of age or older to fail to have such animal vaccinated against rabies and leptospirosis, and shall continue to have the miniature potbellied pig vaccinated by a veterinarian at intervals recommended by the veterinarian.
 6. All miniature pot-bellied pigs must be microchipped before they reach the age of twelve (12) weeks.
 7. Any owner of any miniature pot-bellied pig shall be responsible for removing and cleaning up such pig feces on any public or private property.
 8. Miniature pot-bellied pigs must at all times wear a harness or collar bearing an identification tag made of durable material with legible and current identification attached thereto containing words, numbers or a combination thereof, which enables the animal control officer to readily ascertain the name, current home address, and current home telephone number, of the owner or keeper and a valid current rabies tag attached thereto, which tag shall be furnished by a veterinarian, the number of such

tag corresponding with the number of the rabies certificate issued to the owner or keeper of the miniature pot-bellied pig.

9. When off the owner's or keeper's property, all miniature pot-bellied pigs must be controlled on a leash, cord or chain not more than ten (10) feet in length and held by a person of sufficient age, size and physical ability to restrain the movement of such animal.
10. Miniature pot-bellied pigs must be maintained in the rear fifty (50) percent of the lot. On any corner lot, the rear fifty (50) percent of the lot shall mean that portion of the lot on the opposite side of the residence from the front lot line. The front lot line shall mean the lot line facing the primary entrance to the principal building on the lot.
11. Miniature pot-bellied pigs must be provided with a covered, predator-resistant shelter that is properly ventilated and designed to be easily accessed, cleaned and maintained. Water must be provided onsite and accessible at all times. During daylight hours, the miniature pot-bellied pig must have access to the shelter and to an outdoor enclosure that is adequately fenced to protect it from predators, which shall be at least one hundred fifty (150) square feet.
12. Neither the shelter, nor the outdoor enclosure, may be located within fifteen (15) feet from any abutting property line.
13. Owners and keepers of potbellied pigs shall be liable for any damage caused by the pig to public or private property.

(Ord. No. 2019-017, § 4, 7-2-2019, eff. 10-1-2019)

6.02.253 No preemption.

Nothing in Section 6.02.250, 6.02.251, or 6.02.252 shall impair the enforcement of prohibitions or more restrictive regulations adopted by a homeowners association or through restrictive covenants.

(Ord. No. 2019-017, § 5, 7-2-2019, eff. 10-1-2019)

6.02.254 Burden of proof.

With respect to Sections 6.02.251 and 6.02.252, owners or keepers of miniature goats or miniature pot-bellied pigs, upon request of the Town or animal control officer, shall be required to provide appropriate verification or certification of breed as to the miniature goat or miniature pot-bellied pig.

(Ord. No. 2019-017, § 3, 7-2-2019, eff. 10-1-2019)

6.02.260 Restrictions on sale of animals.

It shall be unlawful for any person to sell, trade, barter, lease, rent, give away, or display for any purpose a live animal on a roadside, public right-of-way, commercial parking lot, or at an outdoor special sale, swap meet, flea market, parking lot sale, or similar event.

6.02.270 Disposition of dead animals.

- A. It is unlawful for the owner of any animal which has died to fail to dispose of such dead animal within twenty-four (24) hours of death by burial, incineration in a State approved facility, rendering or other State-approved means.

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- B. It shall be unlawful to dump or abandon any dead animal on any public or private property within the Town.
 - C. If any animal dies on public property or on property other than that of the owner, it may be removed by an animal control officer. The owner shall be responsible for disposal fees, in addition to penalties for violation of this Section.

(Ord. No. 2018-013, § 1, 5-1-2018)

6.02.280 Cruelty to animals.

It shall be unlawful for any person knowingly, recklessly or with criminal negligence to overload, overwork, inflict violence upon or kill, torture, torment, mistreat, deprive of necessary sustenance, beat, mutilate, needlessly kill, carry or confine in or upon any vehicle in a cruel or reckless manner, or allow to be housed in a manner that results in chronic or repeated serious physical harm of any animal, or to cause any such acts to be done. Neglect of an animal resulting in the death of the animal shall constitute cruelty. Ownership of the animal or the commission of such acts on private property shall not be a defense to prosecution for violation of this Section.

6.02.290 Humane care and treatment.

- A. It shall be unlawful for any person to knowingly poison any domesticated animal or livestock, or to knowingly distribute poison or toxicants on public or private property in any manner whatsoever that causes the poisoning of any domesticated animal or livestock.
- B. A domesticated animal is deprived of minimum care if it is not provided with care sufficient to preserve the health and well-being of the animal considering the species, breed and type of animal; and, except for emergencies or circumstances beyond the reasonable control of the owner or keeper, minimum care includes, but is not limited to, the following requirements:
 - 1. Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight. Food receptacles should be located for easy accessibility to the domesticated animal and to minimize contamination from trash, debris and waste.
 - 2. Open or adequate access to potable water in sufficient quantity to satisfy the domesticated animal's needs. Water receptacles must be kept clean and sanitary, and shall be of appropriate size and design for the animal; and positioned to prevent spillage.
 - 3. In case of domesticated animals, other than livestock or poultry, such animals shall have available a structure of a style suitable for the species in question and sufficient to keep out the elements and such structure shall:
 - a. Protect the animal from wind, rain, snow or sun;
 - b. Have adequate non-absorbent bedding (such as, wood chips, straw or blankets, or with the exception of a chicken coop, which must contain a sufficient quantity of absorbent litter) to protect against cold and dampness;
 - c. Be large enough to prevent overcrowding and to allow the animal to turn about freely and to easily stand and lie in a comfortable normal position;
 - d. Be structurally sound and maintained in good repair so as to contain the animal and protect it from injury and adverse conditions;
 - e. Be adequately ventilated to provide for the health and comfort of the animal;
 - f. Be constructed of solid wood, fiberglass or other weather-resistant material. (No shelter may be constructed of metal except for a chicken coop);

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- g. Be at least two (2) inches off the ground, with a solid, level floor; and
 - h. Not have cracks or openings other than the entrance.
4. Any time an animal is left outside and the owner or keeper is absent from the property, a suitable structure (dog house, shed, screened porch, alcove or working pet door) must be provided as shelter for the animal, and if tethered, the tether must be positioned so the animal may enter the structure easily.
 5. An animal shall be afforded immediate veterinary care if it is known or suspected to be ill or injured.
 6. Both indoor and outdoor enclosures shall receive cleaning as necessary to remove pet solid waste and debris so as to minimize disease hazards, odor and danger to the animal. Cleaning of coops and outdoor enclosures for chickens shall comply with applicable provisions in Section 6.02.250.
 7. Animals with hair coats requiring grooming to prevent severe matting, filth accumulation or skin disease shall be groomed in accord with normal and accepted grooming practices.
 8. Animals which are transported on, or in the back of, trucks or other open-bed vehicles, must either be cross-tethered or confined in a suitable cage made of wood, wire or plastic to prevent them from departing the vehicle while it is in motion. The cage must be anchored or tethered to prevent movement while the vehicle is in motion.
 9. Animals which are being transported shall not be exposed to extremes in temperatures or weather conditions.
 10. Any animal confined within an outdoor enclosure/pen for more than two (2) hours must have adequate space for exercise. A minimum of one hundred (100) square feet is required for any animal except a chicken. Dogs over eighty (80) pounds must have an additional fifty (50) square feet. An additional fifty (50) square feet is required for each additional dog kept within the same enclosed area. The area must be maintained in a sanitary condition and be free from debris or stored material.
 11. It shall be unlawful for any person to promote, stage, hold, manage, conduct, carry on, or attend any illegal game, exhibition, contest, fight, or combat between one (1) or more animals or between animals and humans, or to set free any animal for the purpose of chasing or having a race thereafter. This shall include, but is not limited to, hares or rabbits, cocks or other fowl, and dogs.
 12. It shall be unlawful for any person being the owner or keeper of a dog, cat, or other domesticated animal or pet to abandon such animal. Abandon does not mean transferring ownership to an animal rescue organization or another person.
 13. It shall be unlawful to give away any live animal, fish, reptile or bird as a prize or premium or as an attraction to conduct further business.
 14. It shall be unlawful to sell, offer for sale, barter, or give away baby chickens, ducklings, or other fowl, or rabbits. (This Section shall not be construed to prohibit the display or sale of baby chicks or ducks by hatcheries, stores, owners, dealers or the persons engaged in the business of selling such animals to be raised for food).
 15. It shall be unlawful to sell, offer for sale, barter, or give away baby chickens, ducklings, or other fowl, or rabbits which have been dyed, colored, stained or otherwise treated so as to impart to them artificial color.
 16. It shall be unlawful for any person to sell, give away or barter any domestic dog or cat less than eight (8) weeks of age unless accompanied by its dame. This provision does not apply to animals being surrendered to an animal control agency, shelter, pound, or humane organization.

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17. It shall be unlawful for any person to place or confine an animal or allow an animal to be placed or confined in a motor vehicle without allowing cross-ventilation and under no circumstance shall a person confine any animal in any parked, closed vehicle on any public or private street or way for any amount of time that would endanger, or create an adverse condition placing at risk the health or well-being of such animal due to temperature, lack of food or drink or such other conditions as may reasonably be expected to cause suffering, disability or death. Any animal control or law enforcement officer observing an animal kept in violation of this Section may enter the vehicle and impound the animal. In addition to all other defenses and immunities provided by law, any such officer making entry for the purpose of this Section is immune from suit or liability, criminal or civil, caused by or arising out of such entry.
 18. It shall be unlawful to use or set, or cause to be used or set, a leghold, snare, instant kill, body gripping trap or such other trap which can cause pain, injury or suffering for the purpose of trapping any feral cat or domesticated animal.
 19. It shall be unlawful to tether an animal under circumstances that endanger its health, safety, or well-being; that unreasonably limits an animal's movement or allows the animal to reach an object, that poses a substantial risk of injury or strangulation to the animal; that present an unsafe or unsanitary condition; or that causes injury, stress, or demonstrable socialization problems to the animal.
 20. It shall be unlawful for any person to knowingly abandon an animal by leaving the animal with intent not to return within a reasonable time. Abandonment includes, but is not limited to, the dumping of an animal from a moving or stationary motor vehicle. This Section shall not apply to voluntary relinquishments to the animal shelter, an animal control officer, or to a licensed veterinarian.
 21. It shall be unlawful for any person to cause, sponsor, instigate, allow or encourage any animal to fight with another of its own species or with another of a different species. It shall be unlawful for any person to train, breed or keep any animal for the purpose of fighting. It shall be unlawful for any person to maintain a place where animals are permitted to fight.
 22. Any person who, as the operator of a motor vehicle, strikes a domesticated animal shall immediately stop and, to the extent it is safe to do so, render such assistance as may be possible and shall immediately report injury or death to the animal's owner or keeper. If the owner or keeper cannot be ascertained and located, such operator shall at once report the accident to an animal control officer or other law enforcement agency.
 23. It shall be unlawful to crop a dog's ears or dock a dog's tail other than by a licensed veterinarian.

(Ord. No. 2018-013, § 1, 5-1-2018)

6.02.300 Capturing animals.

- A. An animal control officer or law enforcement officer is authorized to enter in or upon private property, including motor vehicles and fenced areas but not private buildings, to apprehend an animal running at large, a dangerous or potentially dangerous animal, an animal suspected of being infected with rabies, or an animal that the officer reasonably believes is neglected, sick or injured such that the animal faces a serious risk of death or substantial suffering.
- B. An animal control officer or law enforcement officer is authorized to use tranquilizer guns, humane traps or other suitable devices to subdue or apprehend a stray animal, pet animal running at large, or wild animal, and is authorized to destroy an animal that the officer reasonably believes to be an immediate danger to the officer or to the public.

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- C. An animal control officer or law enforcement officer is authorized to place a humane trap on private property for the purpose of capturing a stray animal, wild animal, or domesticated or pet animal running at large, when requested to do so by the owner or possessor of the property.
 - D. It shall be unlawful for any person to set or cause to be set any steel-jaw leg hold trap, snare, or any trap other than a humane trap for the purpose of capturing an animal, whether wild or domestic, except a licensed or recognized business that has been given permission by the Colorado Parks and Wildlife, the Tri-County Health Department or similar agency, or an animal control officer. Any trapping authorized under this Section must be in compliance with the Colorado Revised Statutes.

(Ord. No. 2018-013, § 1, 5-1-2018)

6.02.310 Feeding of wild animals prohibited.

- A. It is unlawful for any person to feed, provide, leave, distribute or scatter attractants in a manner in which any wild animal would reasonably be able to gain access to such attractant or which might entice any wild animal within the Town.
- B. This Section shall not apply to any person utilizing a bird feeder, provided that the feeder is elevated or suspended on a pole, (e.g. shepherd's pole), cable or other similar device to make it inaccessible to wild animals and the area below the feeder is kept free from the accumulation of seeds and seed debris and waste debris.
- C. It is unlawful for any person to dispense, feed or otherwise make available to any birds, either on such person's property, or on the property of another, or of the Town any type or amount of food in a manner that:
 - 1. Creates an unclean, unsafe or unsanitary condition either on such person's property or on the property of another or of the Town.
 - 2. Results in the accumulation of droppings, feces, or feathers either on such person's property or on the property of another or of the Town.
 - 3. Creates an unreasonable disturbance either on such person's property or on the property of another or of the Town.
 - 4. Attracts other wildlife, vermin, or pests either to such person's property or the property of another or of the Town.
 - 5. Otherwise deleteriously affects the quiet enjoyment by others of any private or public property.

(Ord. No. 2018-013, § 1, 5-1-2018)

6.02.320 Keeping livestock, wild, or exotic animals.

- A. It shall be unlawful for any person to own, possess, harbor, sell, or in any other manner traffic in the following species of animals:
 - 1. All poisonous or venomous animals, anacondas, reticulated pythons, Burmese pythons and amethystine pythons.
 - 2. All other non-venomous snakes with a length greater than six (6) feet measured from the tip of the nose to the tip of the tail.
 - 3. All other reptiles with a length greater than three (3) feet measured from the tip of the nose to the tip of the tail.

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4. Gorillas, chimpanzees, orangutans, baboons and any other primates.
 5. Any species of feline not falling within the categories of ordinary domesticated house cats.
 6. Bears of any species.
 7. Marsupials, squirrels, minks, raccoons, porcupines, skunks, badgers or other like species, except ferrets (*Mustela furo*).
 8. Foxes, wolves, coyotes or other species of canines other than dogs.
 9. Crocodilians and monitor lizards.
 10. Any animal that is not indigenous to the state and is not classified as a domesticated animal or pet.
- B. Domestication of any prohibited animal shall not affect its status under this Section. In the event of uncertainty whether a particular animal is a prohibited animal, it shall be presumed prohibited until proven not prohibited by a preponderance of the evidence to the satisfaction of the Municipal Court.
- C. Livestock is not permitted unless allowed by zoning district provisions. Or, when permitted under the terms of applicable zone district regulation for a transitional use in an area which has not been subject to final subdivision plat. Permitted livestock shall be contained within a secure fence and shall keep such animals from streets, parks and other public areas as well as other private premises.
- D. This Section shall not apply to any zoological garden or any special event sanctioned by the Town or other governmental entity, or any approved research institute using livestock, wild, or exotic animals for scientific research, or any state licensed wildlife rehabilitator, organization or individual who performs wildlife rescue and rehabilitation.
- E. Animal control officers or law enforcement officers will have the authority to apprehend any livestock, wild, or exotic animal that may be at large within the Town. Such livestock, wild, or exotic animal may be impounded, released in wild areas which are representative of the animal's natural habitat, released to an appropriate keeper or humanely destroyed. Animal control officers or law enforcement officers are authorized to use any tranquilizer gun or other firearm to subdue or destroy any livestock, wild, or exotic animal that is determined by the animal control officer or law enforcement officer, in his or her discretion, to be of danger to either itself or to the public health and safety.

6.02.330 Fees.

- A. Fees for permits, licenses, impound, adoptions and other services or fees shall be established by the Town and/or the local animal shelter.
- B. Fees shall be waived for any active certified governmental police dogs, military dogs or service dogs provided the owner has appropriate certifying documentation.
- C. It shall be unlawful to fail to pay for permits, licenses, impound, adoption or any other services or fees levied by the Town and/or the local animal shelter.

6.02.340 Penalties.

- A. The animal control officer, or the Town Attorney or designee may recommend that one or more special sanctions be levied against any owner convicted of any violation of this Title. This recommendation may be presented to the Municipal Court as a proposed condition of sentencing upon conviction and may be in lieu of or in addition to any other penalty permitted under the Municipal Code. The Municipal Court may take into consideration the severity of the incident, the prior history of the animal or the owner and the recommendation of the animal control officer, Town Attorney, or designee. Without in any way limiting the

power of the Municipal Court to impose special sanctions as it deems appropriate, special sanctions may include, but are not limited to:

1. Construction of a proper animal enclosure (built to specifications as ordered by the Municipal Court and in compliance with Town zoning requirements).
 2. Microchipping, spaying or neutering of the animal.
 3. Obedience training or behavior modification.
 4. Responsible pet ownership class(es).
 5. Community service work.
 6. Surrender or euthanasia of the animal.
 7. Prohibition from owning animals for a specified period of time.
 8. Use of specified humane training devices for behavior modification.
 9. Inspections of premises where the animal is kept.
 10. Restitution for costs of care rendered, shelter provided at the animal shelter and costs of veterinary care and medical treatment.
 11. Treatment or counseling programs.
 12. Any other appropriate sanction.
- B. Any person convicted of violating Section 6.02.070, or 6.02.080, shall be fined fifty dollars (\$50.00) for the first offense; seventy-five dollars (\$75.00) for the second offense within a two-year period; and a minimum of one hundred dollars (\$100.00) for all similar offenses within a two-year period thereafter, with a mandatory court appearance required at the time the person is charged with such violation. The Municipal Court may suspend all or part of any fine hereunder if the person convicted of violating provides proof that the animal was properly licensed and/or identified on the date of the violation. The Municipal Court may suspend all or part of any fine hereunder if the person convicted of violating provides proof that the animal was properly vaccinated on the date of the violation.
- C. Any person convicted of violating Section 6.02.090, 6.02.100, 6.02.110, or 6.02.120, shall be fined fifty dollars (\$50.00) for the first offense; seventy-five dollars (\$75.00) for the second offense within a two-year period; and a minimum of one hundred dollars (\$100.00) for all similar offenses within a two-year period thereafter, with a mandatory court appearance required at the time the person is charged with such violation.
- D. Any person convicted of violating Section 6.02.130, 6.02.160, 6.02.190, 6.02.230, 6.02.240, 6.02.250, 6.02.251, 6.02.252, 6.02.260, 6.02.290, 6.02.300, 6.02.310, 6.02.320, or 6.02.330, shall be fined a minimum of \$100.00 per offense to a maximum of \$499.00 per offense.
- E. Unless the penalty is specifically set forth herein, any person convicted of violating any other provisions of this Title shall be punished pursuant to Section 1.08.010 of the Municipal Code and such other special sanctions as the court may impose.
- F. Unless otherwise specified, any person charged with violating any Section of this Title 6 shall be issued a summons and complaint.
- G. Notwithstanding any other provision set forth in this Section, any person charged with a violation of this Title related to any incident for which there is an issue of injury or damage or for which restitution by a victim may be requested or ordered shall be issued a summons and complaint requiring a mandatory court appearance.

(Ord. No. 2019-017, § 8, 7-2-2019, eff. 10-1-2019; Ord. No. 2018-013, § 1, 5-1-2018)

6.02.350 Immunity from liability.

The Town and its employees and agents and the animal shelter and its employees shall be immune from liability for any actions taken pursuant to this Title.

Erin Brinkley-Burgardt
Hog Haven Farm
P.O. Box 128
Deer Trail, CO 80105

September 4, 2025

Town of Elizabeth
Board of Trustees

Dear Board of Trustees,

I am writing on behalf of Brooke Jacobson, in support of the Town allowing her to keep her companion pet pig, Bolt. As the Executive Director of Hog Haven Farm, the largest nonprofit pig sanctuary and rescue in Colorado, I have more than a decade of experience caring for these animals and am uniquely qualified to speak on their behaviors, mannerisms, and needs.

Potbellied pigs—also known as mini pigs, given their small stature in comparison to traditional “farm pig” breeds—are excellent companions that are much less disruptive than other common pets. Unlike dogs, pigs are relatively quiet animals, where they really only make loud noises when they are in peril. They are also very clean animals, who are easily potty trained and prefer one spot for bathroom habits. Pigs are also relatively low-maintenance, requiring minimal vet care each year, and only needing annual vaccinations for respiratory illnesses and dewormer.

Pigs form very strong bonds with their human companions; with the intelligence of a four-year-old human toddler, they experience a full range of emotions, and struggle with change. They grieve when separated from their families, even crying real tears and experiencing depression. With pig rescues both in Colorado and nationwide constantly at maximum capacity, and with the demand of unwanted pet pigs on the rise, it is rare to find dedicated homes that want to keep pet pigs. Most pet pigs are rehomed within the first year of their life; in fact, only 2-5% of all pet pigs remain in one home throughout the course of their life, which can be upwards of 20 years.

Given that potbellied pigs are legal as pets in Douglas County, we hope the Town of Elizabeth will consider allowing Bolt to remain with Ms. Jacobson and her family. Because potbellied pigs are quite different than their larger cousins, and because they are primarily bred for companion animals rather than for agriculture, many ordinances banning them are outdated. There are many other towns and cities in Colorado that allow for potbellied pigs as pets, including Castle Rock, the City/County of Denver, Arvada, Lafayette, Thornton, Lakewood, and others.

If you have any questions I can answer about the keeping of pet pigs, I may be reached at (303) 619-8314 or via email at erin@hoghavenfarm.org.

Sincerely,



Erin Brinkley-Burgardt



DOMESTIC PIGS

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DOMESTIC PIGS

Created in [Choosing Your Pet](#), [Small Mammals](#), [Domesticated Animals](#), [Domestic Pigs](#), [Choosing Your Pet](#), [Small Mammals](#)



Pigs are great for families who want a relatively exotic but easy to care for a pet. Whether miniature, like a pot-bellied pig, or a full-sized animal, caring for a pig is similar to caring for a cat or dog.

HEALTH

Domestic pigs need to see a veterinarian regularly for vaccinations and checkups. We recommend starting vaccinations between four and six weeks of age.



CARE

Believe it or not, pigs don't need to be bathed as often as dogs. They don't shed like a dog or cat, but they lose their hair once a year. This usually occurs in the spring and is usually over in a week's time. You will need to trim your pig's hooves several times a year or allow your veterinary team to handle the task.

If you choose to keep pigs in a pen, make sure there's enough space. Each animal should have at least eight feet of square footage. You may want to increase the space during hot weather. A friendly reminder from your veterinary team: pigs don't reach their full size until they're around 4 years old.

FEEDING

Contrary to popular opinion, you can't feed a pig table scraps. Pigs need a nutritious diet of commercially produced pig pellets. Avoid sugar or processed foods; instead, give your pig high-fiber fresh fruits and veggies as a treat. If your pig grazes a lot outdoors, you may want to reduce the amount of feed he or she receives.



Letter to Town of Elizabeth

Candice Ensign
Founder, Journey with Equus
2470 Driftwood Circle
Elizabeth, CO 80107
Candice@journeywithequus.com
303-517-5856

9/5/25

To the Town of Elizabeth,

I am writing on behalf of a community member regarding the concern raised about her family's pet mini pig, who has lived peacefully in the city for the past three years. As someone who has dedicated my life to animal welfare and education, and as the caretaker of six mini pigs myself, I want to offer perspective on why these animals deserve recognition as legitimate companion animals under city ordinances.

Mini pigs, defined as weighing under 300 pounds, are highly intelligent, social, and clean animals. In fact, they are often cleaner than dogs or cats. They can be house-trained, respond to commands, and build strong, loving bonds with their families. Their intellect is well-documented—they rank alongside dolphins and chimpanzees in problem-solving ability. With proper care and clear guidelines, there is no reason they cannot live harmoniously in city limits as pets.

For the family in question, their mini pig has been a cherished companion for years, with no issues. Removing him now would not only be a devastating emotional blow, but would also put the animal at significant risk. Unlike dogs and cats, rehoming pigs is extremely difficult. Many sanctuaries and rescues are already full, and the stress of rehoming can cause physical and emotional harm to the animal. Pigs are deeply emotional creatures—they mourn the loss of their families, their routines, and their homes. Forced separation can result in depression, refusal to eat, and long-term trauma.

I respectfully encourage the Town of Elizabeth to consider adopting clear, fair guidelines for mini pigs as companion animals—similar to the allowances already in place for dogs and cats—with clear guidelines and that they are cared for responsibly. This approach protects the integrity of the city while also respecting the bond between families and their beloved animals, and ensures that no pet pig is placed in unnecessary jeopardy due to outdated ordinances.

Thank you for your consideration and for your ongoing service to our community.

Respectfully,

Why Mini Pigs Make Great Pets

- 🧠 **Intelligent** – Mini pigs are among the smartest domesticated animals, capable of learning commands, tricks, and even litter box training.
 - ☐ **Clean** – Contrary to stereotypes, pigs are naturally clean animals. With proper care, they're often cleaner than dogs or cats.
 - ❤️ **Affectionate** – They bond deeply with their families and thrive on companionship, often seeking cuddles and attention.
 - ☐ **Emotionally Sensitive** – Pigs feel deeply and can recognize human emotions, offering comfort and connection.
 - 🏠 **Great Indoor Pets** – With guidelines and structure, they can live happily inside homes, much like dogs.
 - 🔒 **Safe & Predictable** – They aren't prone to aggression when cared for properly, making them reliable companions.
 - 🌱 **Low Allergy Risk** – Because they don't shed fur like dogs and cats, they're often a better choice for people with allergies.
 - 🎓 **Trainable** – Their food motivation makes them highly responsive to positive reinforcement, making training effective and enjoyable.
 - 🐾 **Loyal** – They form strong attachments to their families, and many owners describe them as being dog-like in their devotion

September 6, 2025

Dear Town of Elizabeth,

I am writing on behalf of my dear friend and neighbor, Brooke Jacobson in regards to her pet pig, Bolt. We have lived across the street from their family since 2011 and have grown close to all of them, including their pets. Bolt has been a member of their family for 3 or 4 years now and we have no complaints about him being in her yard.

He is much more quiet than the dogs in the neighborhood. There are no odors from Bolt that I can smell, and with his new pen he is content and stays in the back yard.

I see no reason for these four kids and mother to lose their pet who has become a close member of their family .

Furthermore, seeing Bolt in their backyard reminds me we are still in a country town. As a resident of this town for twenty-eight years, it saddens me that we are getting further away from the country town that I moved to. With so much growth that has been happening, I'm feeling like this isn't home anymore. Whatever country life we can hold on to can restore my faith that Elizabeth is still the home I know it is.

Thank you for your time,
Bobi Gelroth



PET OWNER VERSION

Providing a Home for a Potbellied Pig

By [D. Bruce Lawhorn](#), DVM, MS

Reviewed/Revised Jul 2020 | Modified Sept 2024

Housing

Housing for potbellied pigs may be provided outdoors, indoors, or both.

Outdoor Housing

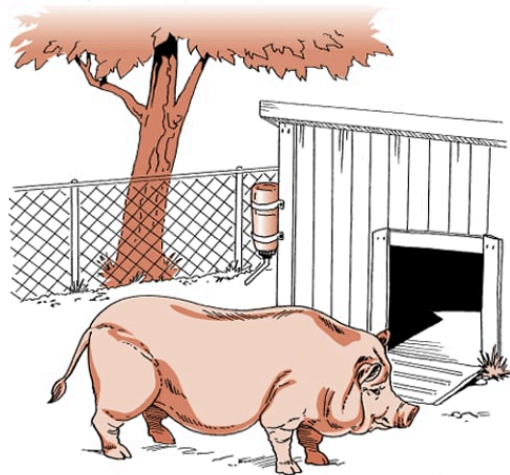
A large pen equipped with a structure—such as a large dog house—to provide a sleeping, feeding, and watering area makes a suitable outdoor home. You should allow at least 50 square feet per pig. Pigs will instinctively eat and sleep in one area and defecate and urinate in another. Daily removal of feces and the addition of fresh dirt to cover and absorb urine are required for both the good health of the potbellied pig and

the control of odor. Hay or straw may be added to partly satisfy the pig's need to root. Fresh dirt should be added weekly or more often if needed.

Fencing should be well secured in the ground to prevent it from being rooted up. Fencing should also be removable because the entire pen should be relocated periodically to prevent the buildup of waste in the soil and to provide new ground for rooting. The old pen dirt should be smoothed out so that it is even with the surrounding soil surface and left unused for several months. If pens are maintained on solid

surfaces (such as concrete pads), feces and urine should be removed daily, and fresh hay or straw provided 3 to 4 times per week. Water dispensers must be secured to prevent spilling or damage to the dispenser by chewing.

Potbellied pig shelter



Indoor Housing

Potbellied pigs are territorial. If they are kept indoors, they need a defined space (such as a portion of a laundry room) with a sleeping and eating area in one corner and an elimination area in another. A large litter box with one side cut down to accommodate easy entry and exit often works well. Be sure the litter used is nontoxic; dry dirt or pine shavings are appropriate choices. Potbellied pigs not only are curious, but also tend to chew on everything. Providing a blanket to burrow under or a box of dirt to satisfy the need to root will go a long way toward protecting your home furnishings.

Diet

Fresh water should be available at all times to prevent dehydration and salt toxicity. Balanced diets are essential to maintain health and prevent obesity. Starter, grower, and maintenance rations for potbellied pigs are available in

many larger pet stores as crumbles or pellets. Provide the recommended amount per body weight and age, divided into 2 or more meals per day. Meals should be presented at about the same time every day. Green leafy vegetables, alfalfa, and green grasses (but not weeds, because some are toxic) can be added to the ration to satisfy appetite. Fruits such as apples and grapes can be given in limited amounts. A regular source of citric acid, such as commercial products or oranges, is recommended to reduce the possibility of bladder infections and urolithiasis (the formation of kidney stones), which are common urinary problems in these animals. Many common house and garden plants are toxic to potbellied pigs, which like to root and are adventurous eaters (see [Poisonous Plants](#)). To avoid potential danger, do not allow your pig to have access to such plants.

Potbellied pigs gain excess weight easily and have a very difficult time slimming down because, once obese, exercise options are limited. Overweight pigs are likely to become lame and develop health problems such as diabetes.

The best way to help keep your pig healthy is to provide a nutritionally sound diet that discourages obesity. Do not offer high-calorie treats or table scraps to your pig. Instead, offer limited amounts of healthy treats such as apples, grapes, and other fruits. Do not forget to consider the impact of treats when planning your pig's overall diet.

Exercise

A daily routine that includes exercise and engaging activities is important for the mental and physical health of your potbellied pig. Regular exercise is necessary to maintain good health and prevent obesity. A play time that does not include treats may help reduce boredom and discourage eating foreign objects, chewing on furniture, and other destructive or dangerous behaviors.

Potbellied pigs enjoy rooting in blankets or in a special towel box supplied just for play. A favorite toy can be hidden in blankets or towels as part of a

rooting game. A dirt box can also supply needed play for your pig; the dirt should be changed regularly and the box thoroughly cleaned before new dirt is supplied.

These pigs may also be trained to walk on a leash. Daily walks and play are important in reducing boredom and avoiding undesirable behaviors. Like meals and other events, walks and exercise periods should occur at about the same time each day.

Temperament

Potbellied pigs are intelligent, curious animals, and they can be affectionate toward their owners. Boredom may result in destructive chewing or rooting or in aggression. The stimuli provided by regular exercise and access to an outside environment appear to have both health and temperament benefits.

These animals have a strong sense of place and rank in their herd or family. At approximately 2 years of age, many healthy potbellied pigs will develop a more aggressive personality and challenge other potbellied pigs or people for position and status. Small children and even adults can be in danger from an aggressive 100-pound pig. It is at this stage that many potbellied pigs are either abandoned or placed in animal shelters.

Male potbellied pigs should not be kept as pets unless they are neutered. Neutering at an early age (2 to 3 months) is recommended to avoid development of an aggressive personality. A male pig that is rescued or adopted from a shelter should be neutered as soon as possible. Early spaying may also improve the temperament of female pigs. (See also heading on page [Breeding and Reproduction of Potbellied Pigs](#))

For More Information

Also see professional content regarding [housing](#), [diet](#), [exercise](#), and [temperament](#) of potbellied pigs.



TOWN OF ELIZABETH

PATRICK G. DAVIDSON, TOWN ADMINISTRATOR

TO: Honorable Mayor Ternus, Members of the Board of Trustees
FROM: Patrick Davidson, Town Administrator
DATED: October 20, 2025
SUBJECT: Amendments to the Town of Elizabeth Municipal Code

AMENDMENT TO THE MUNICIPAL CODE – BACKGROUND AND DISCUSSION

As shown in the Survey of Amendments previously provided by the Town Attorney most of the Town's proposed changes are administrative. While some may appear significant at first, much of the deleted text is simply being reorganized or moved elsewhere in the Code. Many updates, such as Section 2-2-90 (changing the Tree Board to the Main Street Board) and Section 13-3-70 (removing the discontinued hardship water program), formalize actions the Town has already taken. Other revisions shift certain duties from the Town Administrator to more appropriate offices—for example, moving special event permitting to the Town Clerk.

Some changes also grant the Town Administrator limited additional authority. Under the proposed update to Section 7-1-110, the Administrator may obtain nuisance abatement services directly. None of the revisions affect day-to-day operations or alter any rights, penalties, or procedures in a way that would require separate ordinances.

The Town Attorney has refined the Town Administrator's draft amendments for clarity and ease of use. None of these edits are substantive. A redlined version is included to show the original language alongside the revised draft for reference.

ANALYSIS

The proposed Ordinance with amendments is attached hereto.

STAFF RECOMMENDATION

Staff recommends the approval of the Ordinance in order to maintain consistency within the Town Code; consistency with current general operations; and for consistency with existing policies and procedures.

BUDGET CONSIDERATIONS

N/A

ATTACHMENTS

AN ORDINANCE AMENDING THE FOLLOWING SECTIONS OF THE ELIZABETH MUNICIPAL CODE: SECTIONS 2-2-90; 2-4-80; 2-6-20; 2-6-30; 2-9-40; 7-1-10; 7-1-110; 7-1-120; 7-3-10; 7-3-120; 7-4-10; 7-5-10 THROUGH 7-5-50; 7-6-40; 7-6-50; 8-1-10; 8-3-20; 10-5-130; 11-4-50 THROUGH 11-4-80; 11-6-10 THROUGH 11-6-30; 13-2-120; 13-2-125; 13-2-170; 13-4-100; 13-6-20; AND 13-6-60.

From: [Patrick Davidson](#)
To: [Angela Ternus](#); [Tracy Hutchins](#); [Loren Einspahr](#); [Michael Schroder](#); [Dave Conley](#); [Steve Gaither](#); [Cynthia Thye](#)
Cc: [Patrick Davidson](#)
Subject: Revisions to Municipal Code
Date: Friday, October 10, 2025 9:09:15 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[Municipal Code Overhaul-M090925.pdf](#)
[Global Code Amendment-REDLINE-O082925.pdf](#)
[Global Code Amendment-O082925.docx](#)

Good morning, Mayor, Mayor Pro Tem, and Members of the Board,

As you are aware, earlier this summer Town staff began a comprehensive review of the Elizabeth Municipal Code to identify areas in need of revision. The purpose of this effort is to ensure the Code reflects current best practices, aligns with recent updates to other Town regulations and policies, and supports effective implementation of Board direction.

A significant portion of the proposed updates focuses on nuisance abatement provisions—specifically addressing litter, weeds, and abandoned vehicles. Additional revisions are also recommended to clarify procedures related to delinquent water and wastewater utility accounts. These updates are intended to improve clarity, consistency, and enforcement across multiple sections of the Code while maintaining fairness and transparency for residents and businesses.

I worked with staff to draft the initial changes to the Code, which were then sent to Corey's office for legal review and any necessary revisions. Attached are a letter from Corey outlining the review, the proposed changes in redline format, and the final draft version.

These changes are scheduled for discussion on October 28th as a Board agenda item. I wanted to provide the materials in advance to give you time for review. Please don't hesitate to reach out with any questions or concerns.

Have a great day,
Patrick

Patrick G. Davidson, Town Administrator
151 S. Banner Street
Elizabeth, CO 80107
(720) 351-4504
pdavidson@townofelizabeth.org

ORDINANCE 25-

AN ORDINANCE REPEALING, AMENDING, AND REENACTING THE FOLLOWING SECTIONS OF THE ELIZABETH MUNICIPAL CODE: SECTIONS 2-2-90; ~~2-4-70~~; 2-4-80; 2-6-20; 2-6-30; 2-9-40; 7-1-10; 7-1-110; 7-1-120; 7-3-10; 7-3-120; 7-4-10; 7-5-10 THROUGH 7-5-50; 7-6-40; 7-6-50; 8-1-10; 8-3-20; 10-5-130; 11-4-50 THROUGH 11-4-80; 11-6-10 THROUGH 11-6-30; 13-2-120; 13-2-125; 13-2-170; 13-4-100; 13-6-20; AND 13-6-60.

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF ELIZABETH, COLORADO THAT:

Section 1. Section 2-2-90 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 2-2-90. – Boards and commissions.

* * *

(4) ~~Tree Board.~~ Main Street Board.

~~Section 2-4-70. – Compensation for Judge.~~

~~The compensation of the Municipal Judge shall be an annual salary in an amount set by ordinance of the as approved by the Board of Trustees, shall be payable as other salaries to municipal employees, and shall not be decreased during his or her term of office.~~

Section 2. Section 2-4-80 of the Elizabeth Municipal Code is hereby repealed and reenacted as follows:

Section 2-4-80. – Court Clerk.

(a) The Town Clerk, or their designee, shall serve as the Municipal Court Clerk. The Municipal Court Clerk's duties shall be such duties as delegated to them by law, court rule, or by the presiding Municipal Judge.

(b) If the Municipal Court Clerk is the Town Clerk, or an employee of the Town, no additional compensation shall be tendered as a result of such duties. Compensation for In the event thea Municipal Town-Court Clerk that is hired, retained, contracted, or otherwise selected separately, from outside of the Town organization shall be approved by the Board of Trustees, compensation may be set as determined by the Town Clerk for said services.

(c) Upon request of the Board of Trustees, the Town-Municipal Court Clerk, shall file monthly accounting reports -or the Municipal Judge monthly reports shall be filed accounting for all money collected and deposited to the Town funds.

Section 3. Section 2-6-20 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 2-6-20. – Created.

Pursuant to the provisions of C.R.S. Section 31-23-203, ~~C.R.S.~~, there is ~~created~~ a Planning Commission created. Pursuant to the provisions of C.R.S. Section 31-23-203(4), ~~C.R.S.~~, the Planning Commission shall be expanded to no less than five (5) nor more than seven (7) members, plus two (2) ~~nonresident nonvoting non-resident, non-voting~~ Elbert County representatives as follows:

* * *

~~(4) In the event any member or nonresident representative of the Planning Commission ceases to be qualified to serve on the Planning Commission as provided above, his or her membership on the Planning Commission shall automatically terminate.~~

~~(5) If the Planning Commission does not have mandatory membership in accordance with C.R.S. § 31-23-203(1) and Subsection (1) of this Section as a result of vacancies, and if the Board of Trustees is otherwise unable to fill such vacancies within a reasonable amount of time, the Board of Trustees may assume and exercise the powers of the Planning Commission pursuant to Section 2-6-40 of this Article until such time as it appoints new members. When the Board of Trustees assumes and exercises the powers of the Planning Commission pursuant to this subsection and a public hearing or other action of the Planning Commission is required by this Code, the Board of Trustees shall conduct a single public hearing or conduct a single meeting on an action item not requiring a public hearing acting as both the Planning Commission and the Board of Trustees for purposes of considering and taking any action that would otherwise also require a separate Planning Commission action under Chapter 16.~~

Section 4. Section 2-6-30 of the Elizabeth Municipal Code is hereby repealed and reenacted as follows:

Section 2-6-30. – Vacancies.

(1) A vacancy shall exist if, during the term of office, a Commissioner dies, is judicially declared incompetent, resigns, moves from or becomes a non-resident of the Town, if applicable, or fails to attend three (3) consecutive regular meetings of the Planning Commission. The failure to attend a Planning Commission meeting shall be excused for the death of a family member, hospitalization, or involuntary military service.

(2) If the Planning Commission does not have mandatory membership in accordance with C.R.S. § 31-23-203(1) and ~~s~~Subsection (1) of this Section as a result of vacancies, and if the Board of Trustees is otherwise unable to fill such

vacancies within a reasonable amount of time, the Board of Trustees may assume and exercise the powers of the Planning Commission ~~pursuant to Section 2-6-40 of this Article~~ until such time as it appoints new members.

(3) When the Board of Trustees assumes and exercises the powers of the Planning Commission pursuant to this subsection, and a public hearing or other action of the Planning Commission is required by this Code, the Board of Trustees shall conduct a single public hearing or conduct a single meeting on an action item not requiring a public hearing acting as both the Planning Commission and the Board of Trustees for purposes of considering and taking any action that would otherwise also require a separate Planning Commission action under Chapter 16.

Section 5. Section 2-9-40 of the Elizabeth Municipal Code is hereby repealed and reenacted as follows:

Section 2-9-40. – Procedure for disposition of surplus personal property.

(a) Surplus property is an asset purchased or acquired by the Town, generally using Town funds, that ~~are-is~~ either no longer in use or for which there is no further plan for use. This shall include tangible assets such as equipment, materials, supplies, tools, furniture, electronics, and motor vehicles. Surplus property does not include property seized by the ~~Town of Elizabeth~~ Police Department, nor does it include real property owned by the Town of Elizabeth.

(b) The Town Clerk, with approval of the Town Administrator, shall have the authority to sell, or otherwise dispose of, all such equipment, materials, supplies, tools, furniture, and electronics, which cannot be used by another department or used for exchange or trade-in on purchases of new items, ~~with-and that have a value of of less than~~ five thousand dollars (\$5,000.00) ~~or less~~. All items with a value of ~~greater-more~~ than five thousand dollars (\$5,000.00) shall not be disposed of without ~~the Board of Trustees'~~ approval ~~by the Board of Trustees~~.

(c) Motor vehicles may be disposed of by the ~~Town~~ Clerk, with the approval of the Town Administrator, by: (1) trade-in on a replacement vehicle; (2) through a sealed bid auction; or (3) through an equipment auction company or other business engaged in the auction of motor vehicles for governmental entities. ~~Only if none of these three methods of disposal are available, shall the motor vehicle be disposed of through private sale. Motor vehicles shall only be disposed of through private sale if none of the three (3) methods contained herein are available to the Town.~~

~~(d) The Town Clerk is encouraged to use the best means available to dispose of surplus property to maximize the best value for the property being disposed of, to benefit the community through donations to charitable and civic organizations and to minimize the property that is discarded through the Town's normal waste~~

~~removal process. As such, the sale, trade-in and donation of surplus property are the preferred methods of disposal.~~

~~(ed)~~ Nothing contained herein shall ~~be construed to~~ prohibit the Town from returning any unused materials, supplies ~~and or~~ equipment, which is surplus to the requirements of the Town. Materials, supplies and equipment may be returned with or without a restocking charge if this method of disposal results in a higher benefit to the Town.

Section 6. Section 7-1-10 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 7-1-10. – Definitions.

Inoperable vehicle means any automobile, truck, tractor, motorcycle, electric bicycle, moped, utility vehicle (UTV), all-terrain vehicle (ATV), 3-wheeler, 4-wheeler, golfcart, or self-propelled vehicle, which is in a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned, or unable to perform the functions or purposes for which it was originally constructed. ~~The existence of any of the following conditions shall raise the presumption that a vehicle is inoperable:~~ ~~It is presumed that a~~ vehicle is *presumed to be inoperable* if any of the following conditions exist:

* * *

Rubbish is nonputrescible solid wastes consisting of both combustible and noncombustible waste, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves (excluding compost), wood, glass, bedding, crockery, and similar materials. Rubbish shall also include scrap metal, scrap iron, metal, tin, aluminum, polyvinyl chloride (PVC) pipe; and metal, galvanized, steel, copper and iron pipe; old machinery and equipment including inoperable farm equipment; old household appliances, stoves, refrigerators, washers and dryers; freezers, dishwashers, hot water heaters, hot water tanks, furnaces, air-conditioner units, and evaporative coolers; unusable building materials; old sinks, toilets, and bathtubs; old lawn mowers; cinder blocks; used automobile and truck tires; and rolling equipment tires; old cylinder type storage tanks; barrels and buckets, regardless of size or construction material; empty paint buckets and containers; sheets of plywood; waste lumber; used fencing materials; and tree limbs and roots trimmed from trees and shrubbery.

Section 7. Section 7-1-70 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 7-1-70. - Filing complaint.

In addition to or in lieu of any procedure for abatement, a direct complaint may be filed by any person ~~, resident, Town Employee, or police officers~~ against any person who violates any provision of this Chapter.

Section 8. Section 7-1-110 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 7-1-110. – Town abatement of nuisance; report of costs.

In lieu of bringing an action to abate the nuisance as set forth in Section 7-1-100, the Town may take emergency action to abate the nuisance if necessary for the immediate preservation of the public health, safety or welfare. ~~Upon the completion of any work by the Town, contemplated by this Chapter, the Public Works Superintendent shall report, in writing, to the Town Administrator, which report shall make a clear statement of the work done by the Town and the expense incurred in so doing, so that the Town Administrator may determine the cost of such work. The Public Works Superintendent shall make a separate report for each lot or parcel of land.~~ The Town Administrator is hereby authorized to secure services that are reasonably necessary to abate a nuisance which poses an immediate threat to the public's health, safety, or welfare. Such action may be by means of informal, open-market procedures, at not more than current market prices. An invoice for contracted services shall identify with specificity the work performed, the date performed, and the number of hours expended. Such invoice shall be tendered to the Town Administrator for timely payment.

Section 9. Section 7-1-120 of the Elizabeth Municipal Code is hereby repealed and reenacted as follows:

Section 7-1-120. – Assessment of property.

For any abatement action undertaken pursuant to Section 7-1-110, the Town Administrator shall assess the whole cost of abatement thereof, including ten percent (10%) for the inspection and other incidental costs in connection therewith, upon the lots and tracts of land from which the nuisance was abated.

Section 10. Section 7-3-10 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 7-3-10. – Definitions.

* * *

Abandoned vehicle is any motor vehicle which is ~~(a) inoperable, and (b) without a valid inspection sticker or valid license plates.~~ either inoperable or lacks a valid inspection sticker or valid license plates.

* * *

Inoperable vehicle means any automobile, truck, tractor, motorcycle, electric bicycle, moped, utility vehicle (UTV), all-terrain vehicle (ATV), 3-wheeler, 4-wheeler, golfcart, or self-propelled vehicle, which is in a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned, or unable to perform the functions or purposes for which it was originally constructed. ~~It is presumed that a~~ vehicle is presumed to be inoperable if any of the following conditions exist:

- (a) Absence of an effective registration plate upon such vehicle;
- (b) Placement of the vehicle or parts thereof upon jacks, blocks, chains or other supports; or
- (c) Absence of one (1) or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways.

~~Litter, by way of inclusion and not of exclusion,~~ shall include without limitation any of the following: abandoned vehicles; inoperable vehicles; rubbish; garbage; household waste; wastepaper products; plastic or paper wrappers; plastic bags; paper bags; cigarettes and cigarette butts; cardboard; tin cans; plastic bottles; and glass bottles.

Private premises ~~is~~ includes any dwelling, house, accessory dwelling building or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously inhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

Public place is any and all streets, sidewalks, trails, boulevards, alleys, parking areas, parking lots, or other public ways and any and all parks, open spaces, squares, spaces, grounds and buildings.

Rubbish is nonputrescible solid wastes consisting of both combustible and noncombustible waste, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves (excluding compost), wood, glass, bedding, crockery, and similar materials. Rubbish shall also include scrap metal, scrap iron, metal, tin, aluminum, polyvinyl chloride (PVC) pipe; and metal, galvanized, steel, copper and iron pipe; old machinery and equipment including inoperable farm equipment; old household appliances, stoves, refrigerators, washers and dryers, freezers, dishwashers, hot water heaters, hot water tanks, furnaces, air-conditioner units, and evaporative coolers; unusable building materials; old sinks, toilets, and bathtubs; old lawn mowers; cinder blocks; used automobile and truck tires; and rolling equipment tires; old cylinder type storage tanks; barrels and buckets regardless of size or construction material; empty paint buckets and containers; sheets of plywood; waste lumber; used fencing materials; and tree limbs and roots trimmed from trees and shrubbery.

* * *

Section 11. Section 7-3-120 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 7-3-120. – Clearing of litter by Town.

(a) Notice to remove. The Chief of Police is hereby authorized and empowered to notify the owner of any open or vacant private property within the Town or the agent of such owner to properly dispose of litter located on such owner's property ~~which is dangerous to public health, safety or welfare.~~ Such notice shall be by: ~~registered mail addressed to said owner at his or her last known address.~~ (1) personally delivering a copy of the notice to the owner of the property described in the notice; or (2) by mailing a copy of the notice by certified mail, return receipt requested, to the last known address of the owner as reflected in the ~~Elbert e~~County real estate records; or (3) by posting a copy of the notice in a conspicuous place on the open or vacant property.

(b) Action upon noncompliance. Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of litter ~~dangerous to public health, safety and welfare~~ within thirty (30) days after receipt of written notice provided for in Section (a) above, ~~or within thirty (30) days after the date of such notice in the event the same is returned to the post office because of its inability to make delivery thereof, provided that the same was properly addressed to the last known address~~ is hereby authorized and empowered to pay for the disposing of such litter ~~or to order its disposal by the Town.~~ the Town Administrator is hereby authorized to secure services that are reasonably necessary to remove the litter identified in Section (a) above. Such action may be by means of informal, open-market procedures, at no more than the current market prices. An invoice for contracted services shall identify with specificity the work performed, the date performed, and the number of hours expended. Such invoice shall be tendered to the Town Administrator for timely payment.

(c) Charge included in tax bill. When the Town has effected the removal of such ~~dangerous~~ litter or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of six percent (6%) per annum from the date of the completion of the work, if not paid by such owner thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the County, and said charge shall be due and payable by said owner at the time of payment of such bill.

* * *

Section 12. Section 7-4-10 of the Elizabeth Municipal Code is hereby repealed and reenacted as follows:

Section 7-4-10. – Definitions.

Noxious weeds include any invasive or non-native plant species which damages Colorado plant communities or economic crops. These plants have no natural predators within the State of Colorado and can adapt to be successful in Colorado's environment. The Colorado Department of Agriculture's Noxious Weed Program maintains three (3) separate lists of weeds as follows:

A List Weeds. These weeds warrant mandatory eradication because they are limited within the State of Colorado. The intent is to limit anticipated future expansion of these weeds within the State of Colorado. A List Weeds include ~~without limitation , but are not limited to,~~ the following: African rue, Cypress spurge, Meadow knapweed, and Yellow starthistle.

B List Weeds. These weeds are well established in portions of the State of Colorado, but not throughout the entire state. List B species and designated areas are updated annually to designate areas for eradication, suppression, and containment. B List Weeds ~~include without limitation include, but are not limited to,~~ the following: Bull thistle, Canada thistle, Dalmatian toadflax, Diffuse knapweed, Leafy spurge, Russian-olive, Scotch thistle, and Spotted knapweed.

C List Weeds. These weeds are widespread throughout the State, but attempts should be made to control and eradicate these weeds as practicable. C List Weeds ~~include without limitation include, but are not limited to,~~ the following: Cheatgrass aka Downy brome, Chicory, and Field bindweed.

The Town designates all A List Weeds and B List Weeds identified by the Colorado Department of Agriculture to be a nuisance within the Town of Elizabeth.

Section 13. Section 7-5-10 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 7-5-10. – Weed Control.

(a) All owners, agents and occupants of land in the Town shall prevent property owned or occupied by them from becoming overgrown in weeds. Weeds shall include brush, natural or cultivated plants or grasses in excess of twelve (12) inches in height and other vegetation grown in a rank or unsightly fashion, and shall also include without limitation any of the plants identified in Section 7-4-10 of the Elizabeth Town Code, ~~as may be amended.~~ ~~bindweed, Canadian thistle, common ragweed, dandelion, fireweed, milkweed, mustard, perennial sow thistle, Russian knapweed, Russian thistle, sandburs and any other similar plants and vegetation.~~ The foregoing enumeration is not intended to be all inclusive, but rather is intended to be indicative of those types of plants which are considered a nuisance. As used in this Article, the term *weed* does not include flower or vegetable gardens, cultivated or tended shrubbery or agricultural crops, including but not limited to hay or grass grown for feed, fodder or forage.

(b) Weeds shall be controlled by cutting, spraying or other lawful and suitable method of weed control. However, nothing contained herein shall authorize the use of flame, fire, combustible material, gasoline, diesel fuel, bottled gas, pressurized liquids, weed burners, or related activities to be used, implemented or maintained as a means of weed control.

(c) The Board of Trustees may, by resolution, exempt certain areas in the Town, whether publicly or privately owned, from the prohibitions contained in this Section, if the Board determines that such areas ~~are~~ include: natural open space, natural park, conservation areas, erosion control areas, agricultural zoned property or irrigation or drainage ditch rights-of-way.

Section 14. Section 7-5-20 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 7-5-20. – Declaration of nuisance.

It is unlawful and deemed a nuisance for the owner, agent or occupant of any property to permit weeds to grow on such property to a height of more than twelve (12) inches. As a nuisance, the Town may seek abatement of weeds may be sought pursuant to the process contained in under Article I of Chapter 7 Chapter 7, Article I, et al. regarding Administration and Abatement of Nuisances. The processes and procedures identified in Section 7-10 through Section 7-1-190 of the Elizabeth Town Code, as may be amended, shall apply to the abatement of weeds.

Section 15. Section 7-5-30 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 7-5-30. – Notification of owners.

The Town shall notify the landowner ~~or~~, lessee, tenant, guest or ~~both~~ other occupant in writing, ~~by certified mail, return receipt requested, or by personal service of a Notice of Violation, describing the property upon which weeds have become overgrown and directing that weed control measures be taken within seven (7) calendar days from the date of service of the Notice of Violation. the manner set forth in Section 7-1-90 of the Elizabeth Town Code, as may be amended.~~

Section 16. Section 7-5-40 of the Elizabeth Municipal Code is hereby repealed and reenacted as follows:

Section 7-5-40. – Town authorized to control.

In the event the landowner, lessee, guest, or other occupant shall fail, refuse, or decline to abate weeds as defined herein, the Town may seek abatement of weeds pursuant to the process contained in Article I of Chapter 7. the procedure for abatement provided in Section 7-1-100 of the Elizabeth Town Code, as may be amended, shall be used to abate the nuisance.

Section 17. Section 7-5-50 of the Elizabeth Municipal Code is hereby repealed and reenacted as follows:

Section 7-5-50. – Assessment policy.

~~When weed control has not been undertaken, and a nuisance has been declared, the Town shall be authorized to proceed to abate the nuisance and seek to collect and enforce any costs incurred thereunder, as proscribed in Section 7-1-90 through Section 7-1-190 of the Elizabeth Town Code, as may be amended. the Town may seek abatement pursuant to the process contained in Article I of Chapter 7.~~

Section 18. Section 7-6-40 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 7-6-40. – Tree topping.

It is unlawful as a normal practice for any person or Town department to top a street tree, park tree or other tree on public property. *Topping* is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this Section at the recommendation of the ~~Tree Board~~. *Director of Public Works or ~~his~~ their designee.*

Section 19. Section 7-6-50 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 7-6-50. – Pruning and removing obstructions.

Every owner of any tree overhanging any street or right-of-way within the Town shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection, *street sign, or other traffic control device*, and so that there shall be a clear space of eight (8) feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which *may* constitute a menace to the safety of the public. The Town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with the visibility of any traffic control device or sign.

Section 20. Section 8-3-10 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 8-3-10. – Definitions.

Inoperable ~~motor~~ vehicle means any ~~motor vehicle that does not have a current license plate and validation sticker lawfully affixed thereto or that~~ automobile, truck, tractor, motorcycle, electric bicycle, moped, utility vehicle (UTV), all-terrain vehicle (ATV), 3-wheeler, 4-wheeler, golfcart, or self-propelled vehicle, which is in a condition of being junked, wrecked, wholly or partially dismantled, discarded abandoned or unable to perform the functions or purpose for which it was originally constructed. ~~It is presumed that a~~ vehicle is presumed to be inoperable if any of the following conditions exist:

(a) Absence of an effective registration plate upon such vehicle.

(b) Placement of the vehicle or parts thereof upon jacks, blocks, chains or other supports.

(c) Absence of one (1) or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways.

* * *

~~Unsheltered means located outside a garage or other building in such a manner as to be visible to a person standing upon any public street, alley, sidewalk or right-of-way or to any person standing at ground level upon any adjoining piece of property.~~

Section 21. Section 8-3-20 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 8-3-20. – Unsheltered storage.

* * *

The covering, concealment, screening, masking, or wrapping of an inoperable motor vehicle by means of a tarp, canvas, cover, car cover, or other material shall not be considered sheltered storage ~~for purposes of this Code.~~

Section 22. Section 10-5-130 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 10-5-130. – Abandoned containers.

(a) It is unlawful for any person to discard, abandon or leave in any place any refrigerator, icebox, deep-freeze locker, stove, oven, clothes washer, clothes dryer, dishwasher, cooler, barrel, safe, cabinet, chest or trunk, or any self-latching container having a capacity of one and one-half (1½) cubic feet or more, which is no longer in use, and which has not had the door removed or the hinges and such portion of the latch mechanism removed so as to prevent latching or locking of the door; or for any owner, lessee or manager knowingly to permit such a refrigerator, icebox, deep-freeze locker, stove, oven, clothes washer, clothes

dryer, dishwasher, cooler, barrel, safe, cabinet, chest or trunk, or self-latching container to remain on premises under his or her control without having the door removed or the hinges and such portion of the latch mechanism removed so as to prevent latching or locking of the door.

(b) The provisions of this Section shall not apply to any vendor or seller of refrigerators, iceboxes, deep-freeze lockers, stoves, ovens, clothes washer, clothes dryer, dishwasher, cooler, barrel, safe, cabinet, chest or trunks, or self-latching containers, who keeps or stores them for sale purposes in a showroom or salesroom ordinarily watched or attended by sales personnel during business hours and locked to prevent entry when not open for business; or if such vendor or seller takes reasonable precaution to effectively secure the door of any such refrigerator, icebox, deep-freeze locker, stove, oven, clothes washer, clothes dryer, dishwasher, cooler, barrel, safe, cabinet, chest or trunk, or self-latching container so as to prevent entrance by children small enough to fit therein.

Section 23. Section 11-4-50 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 11-4-50. – Application for permit.

(a) Any person who wishes to conduct a parade or rally, or hold or sponsor a block party or special event shall apply to the Town ~~Administrator~~ Clerk for a permit within the following time limitations:

(1) For a rally, such application shall be submitted at least ~~two (2)~~ five (5) working days in advance of the date of the proposed event. For purposes of this Subsection (a)(1), a "working day" shall be defined as any given twenty-four (24) hour period, excluding weekends and holidays upon which the Town of Elizabeth is closed for business;

(2) For a block party, such application shall be submitted at least ~~seven (7)~~ fourteen (14) calendar days in advance of the date of the proposed event;

(3) For a special event not requiring a liquor license, such application shall be submitted at least ~~fifteen (15)~~ thirty (30) calendar days in advance of the proposed event;

(4) ~~For a parade, a complete application shall be submitted at least fifteen (15) calendar days in advance of the proposed event. The applicant should meet with representatives of the Town at least thirty (30) calendar days in advance of the proposed event; and~~ The applicant for a parade permit shall meet with representatives of the Town at least thirty (30) calendar days in advance of the proposed event, and shall submit a completed application at least twenty (20) calendar days in advance of the proposed event.

(5) For a special event requiring a liquor license, such application shall be submitted at least ~~sixty (60)~~ forty-five (45) calendar days in advance of the proposed event.

Application for Special Event Permit Matrix	
Special Event Type	Time Needed
Rally	2 days <u>5 days</u> – completed application
Block Party	7 days <u>14 days</u> – completed application
Special Event (excluding liquor)	15 days <u>30 days</u> – completed application
Parade	15 days <u>20 days</u> – completed application 30 days – meet with necessary staff
Special Event (including liquor)	60 days <u>45 days</u> – completed application

(b) The application for such permit shall be made in writing upon the form approved by the Town ~~Administrator~~ Town Clerk. The application shall be accompanied by a ten dollar (\$10.00) permit fee, and contain the following information:

* * *

(2) The name and telephone number of an adult representative of the applicant who is authorized to be the emergency contact for the applicant during such time as the event is actively taking place. This emergency contact name and telephone number may be disclosed to emergency services as necessary for the health, safety, and welfare of the public and attendees at any event.

~~(2)~~ (3) For a parade or rally: The purpose of the proposed event, the date when it is proposed to be conducted, the location of the assembly area, the location of the disbanding area, a map of the route to be traveled and the approximated times when the parade/rally will assemble, start and terminate.

~~(3)~~ (4) For a block party: The date when it is proposed to be conducted, the location of the area in which the block party shall be confined and the start and termination times of the block party.

~~(4)~~ (5) For a parade or a special event, the applicant shall provide proof of comprehensive liability insurance acceptable to the Town in an amount commensurate with the limitations on judgments contained in the Colorado Governmental Immunity Act, C.R.S. § 24-10-101 *et seq.*, as the same may be amended from time to time, and shall provide proof of the ability to provide a

certificate of insurance listing the Town as an additional insured prior to the parade or special event.

(5)-(6) For any type of special event (parade, rally or special event), an estimate of the number of persons, floats, marching units, vehicles and bands, and a detailed description of any sound amplification equipment to be used.

(6)-(7) For a block party, *the applicant is responsible for providing ~~verbal and/or~~ written notice to those businesses or residences which may be impacted by the event. Notice may be provided by means of flyer or door hanger at least seventy-two (72) hours prior to the start of the event, identifying the date and time of the event, and providing contact information for the applicant. By submitting a block party application to the Town, the applicant affirms that this notice has either already been provided or will be timely provided prior to the event. ~~the application must be accompanied by the signatures from persons of at least ten (10) separate residences within the proposed area in which the block party is to be confined, acquiescing to the holding of the proposed block party on the date and time indicated in the application.~~*

(7)-(8) For any event closing a public street to traffic, *the applicant is responsible for providing ~~verbal and/or~~ written notice to those businesses or residences which may be impacted by the event. Notice may be provided by means of flyer or door hanger at least seventy-two (72) hours prior to the start of the event, identifying the date and time of the event, and providing contact information for the applicant. By submitting a block party application to the Town, the applicant affirms that this notice has either already been provided or will be timely provided prior to the event. ~~signatures from at least fifteen (15) separate businesses or residents within the area contemplated to be closed consenting to the proposed street closure. In the case of fewer than thirty (30) businesses or residents within the area contemplated to be closed, then signatures from fifty percent (50%) of the businesses or residents within the area will meet this requirement.~~*

(8)-(9) Such other information as the Town ~~Administrator~~ Clerk may deem reasonable and necessary.

* * *

Section 24. Section 11-4-60 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 11-4-60. – Issuance or denial of a permit application.

(a) Standards for issuance of parade/rally/special event permit. The Town ~~Administrator~~ Clerk shall issue a parade, rally or special event permit conditioned upon the applicant's written agreement to comply with the terms of such permit and this Article, unless the Town ~~Administrator~~ Clerk finds the following:

* * *

(3) The parade, rally or special event is of a size or nature that requires the diversion of so great a number of public works, streets, ~~and~~ or park staff of the Town to substantially interfere with the operations of Public Works; or

(4) Such parade, rally or special event will interfere with another parade, rally or special event for which a permit has previously been issued.

(5) The applicant ~~has~~ previously obtained a parade, rally or special event permit from the Town of Elizabeth, and, ~~during the course of~~ during the prior event, ~~the applicant~~ failed, neglected, or refused to comply with the terms and conditions ~~previously~~ required under ~~a~~the permit.

(b) Standards for issuance of block party permit. The Town ~~Administrator~~ Clerk shall issue a block party permit conditioned upon the applicant's written agreement to comply with the terms of such permit and this Article, unless the Town ~~Administrator~~ Clerk finds the following:

* * *

(c) Imposition of reasonable conditions. The Town ~~Administrator~~ Clerk is authorized to impose reasonable conditions upon the issuance of a permit under this Article, ~~including requiring a deposit to offset any actual costs incurred by the Town in administering the event, including but not limited to providing any additional law enforcement services and providing any additional public works services pursuant to Section 11-4-110 of this Article.~~ The Town Clerk may reasonably rely upon the Chief of the Elizabeth Fire ~~Protection~~ District, the Chief of Police and the Public Works Director in imposing any reasonable conditions upon any event. These conditions may include ~~without limitation~~:

(1) ~~R~~requiring the applicant to pay a deposit to offset any actual costs incurred by the Town in administering the event, including ~~but not limited to~~ ~~without limitation~~ providing any additional law enforcement services and providing any additional public works services pursuant to Section 11-4-110 ~~of this Article~~; ~~or~~

(2) ~~R~~requiring the applicant to demonstrate the ability to hire or retain volunteers or paid staff to administer the event by providing private security and laborers to offset the work that might otherwise be conducted by the Town's ~~P~~olice ~~D~~epartment or Public Works Department; ~~or~~

(3) ~~R~~requiring the applicant to pay a deposit to offset any actual costs incurred by the Elizabeth Fire ~~Protection~~ District in providing any emergency services during the event.

(d) Standards for denial. The Town ~~Administrator~~ Clerk shall deny ~~an~~ the application for a permit available under this Article and notify the applicant of such denial if the Town ~~Administrator~~ Clerk finds the following:

(1) The Town ~~Administrator~~ Clerk makes any finding contrary to the findings required to be made for the issuance of a permit set forth in Subsection (a) or (b) above;

* * *

Section 25. Section 11-4-70 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 11-4-70. – Contents of permit.

(a) In each permit the Town ~~Administrator~~ Clerk shall specify:

* * *

(4) A map, sketch, drawing, or other exhibit assisting in identifying the route of the parade or a description of the location of the rally, special event or block party;

~~(4)~~(5) The disbanding area and time therefor;

~~(5)~~ (6) The nature of the police protection, or a finding that no police protection is necessary; and

~~(6)~~ (7) Such other requirements as are found by the Town ~~Administrator~~ Clerk to be reasonably necessary for the protection of persons or property.

~~(b) — All conditions of the permit shall be complied with so far as reasonably practicable.~~

Section 26. Section 11-4-80 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 11-4-80. – Appeal procedure.

Upon denial by the Town ~~Administrator~~ Clerk of an application made pursuant to this Article, the applicant may file a written notice of appeal from the determination of the Town ~~Administrator~~ Clerk with the Town ~~Clerk~~ Administrator within five (5) days thereafter. Such appeal shall be forwarded and heard before the Board of Trustees. Upon such appeal, the Board of Trustees may reverse, affirm or modify in any regard the determination of the Town ~~Administrator~~ Clerk. Pursuit of an appeal under this Section is a prerequisite to seeking judicial relief. The determination of the Board of Trustees shall be final and shall be a prerequisite to seeking judicial relief.

Section 27. Section 11-6-10 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 11-6-10. – Definitions.

* * *

~~Parking lot means those parking areas owned and maintained by the Town and otherwise known as The Depot Parking Lot on Main Street; the parking lot associated with Town Hall; the Gesin Lot; and the ADA accessible parking lot located at Running Creek Park.~~

* * *

Section 28. Section 11-6-20 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 11-6-20. – Hours of operation.

Park lands shall be open for daytime use only, between the hours of sunrise and ~~sunset~~ 10:00 p.m., unless the time is extended by means of a Special Event Permit or Park Rental Agreement.

~~Parking lots shall be open for use by the public, but overnight parking and camping within any of the Town's parking lots, regardless of location, is strictly prohibited.~~

Section 29. Section 11-6-30 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 11-6-30. – Vehicles.

It is unlawful for any person to operate any motorized vehicle on any park lands, public recreation lands, parks, open spaces, trails and pathways, owned, leased, or operated by the Town ~~except on designated roadways which are specifically designated as open for use by such vehicles.~~ This Section shall not apply to those individuals making use of personal power mobility devices including motorized wheelchairs ~~or.~~ Further, This Section shall not apply to motorized vehicles owned by the town or the Elizabeth Fire Protection District, or any other authorized emergency services provider. ~~in furtherance of public safety.~~

Section 30. Section 13-2-120 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 13-2-120. – Delinquent accounts must be paid.

* * *

(e) In addition to the charges set forth in Subsection (d) above, a charge of ~~twenty-five~~ fifty dollars (~~\$25.00~~50.00) shall be imposed for an actual disconnection and ~~twenty-five~~ fifty dollars (~~\$25.00~~50.00) for reconnection following the disconnection of water service. Such charges shall be ~~due~~paid; and payment shall be made prior to reconnection to the Town staff responding to a request for reconnection.

* * *

Section 31. Section 13-2-125 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 13-2-125. – Water service connection.

The Town hereby imposes a charge of ~~twenty-five~~ fifty dollars (~~\$25.00~~50.00) for any disconnection and ~~twenty-five~~ fifty dollars (~~\$25.00~~50.00) for any reconnection for such services provided by the Town that are not a result of an account delinquency as set forth in Section 13-2-120. Such charges shall be due and payable when Town staff responds to such a request for disconnection or reconnection.

Section 32. Section 13-3-170 of the Elizabeth Municipal Code is hereby repealed in its entirety:

Section 13-3-170. – Hardship clause.

Repealed. (See also, Town of Elizabeth Resolution 22R30, a Resolution Repealing the 50% Reduction of Monthly Water and Sewer Rates for Residents that Qualify for the LEAP Program.)

Section 33. Section 13-4-100 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 13-4-100. – Renewable water resource fee.

(a) In order to defray the cost incurred by the Town in the acquisition and development of renewable water resources consistent with this Chapter, there is imposed a renewable water resource fee, as may be amended from time to time, as a condition to the right to connect to the municipal water system or to the municipal wastewater system. Under no circumstances shall the renewable water resource fee be charged for connection to both the municipal water system and the municipal wastewater system.

* * *

Section 34. Section 13-6-20 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 13-6-20. – Jurisdiction.

These standards shall apply to all water and sewer services within the Town, and to any connections made to either the Town's municipal water system or the Town's municipal wastewater system. If a different sections of the standards should require materials, methods of construction or other requirements, the most restrictive shall apply.

Section 35. Section 13-6-60 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 13-6-60. – Adoption.

The Town, through its Board of Trustees, hereby adopts the *Town of Elizabeth Water and Sewer Standards*, dated ~~September 2015~~ April 2025. One (1) copy of said *Standards* shall be maintained on file at the office of the Town Clerk, and upon the Town's website, and may be inspected during normal business hours.

Section 36. Severability. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 37. The Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislature object south to be attained.

Section 38. The Ordinance shall become effective 30 days after publication.

Read and approved at a meeting of the Board of Trustees of the Town of Elizabeth, Colorado this ____ day of _____, 2025.

Passed by a vote of _____ for an _____ against and ordered published.

Angela Ternus, Mayor

ATTEST

Michelle M. Oeser, Town Clerk

ORDINANCE 25-12

AN ORDINANCE AMENDING THE FOLLOWING SECTIONS OF THE ELIZABETH MUNICIPAL CODE: SECTIONS 2-2-90; 2-4-80; 2-6-20; 2-6-30; 2-9-40; 7-1-10; 7-1-110; 7-1-120; 7-3-10; 7-3-120; 7-4-10; 7-5-10 THROUGH 7-5-50; 7-6-40; 7-6-50; 8-1-10; 8-3-20; 10-5-130; 11-4-50 THROUGH 11-4-80; 11-6-10 THROUGH 11-6-30; 13-2-120; 13-2-125; 13-2-170; 13-4-100; 13-6-20; AND 13-6-60.

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF ELIZABETH, COLORADO THAT:

Section 1. Section 2-2-90 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 2-2-90. – Boards and commissions.

* * *

(4) ~~Tree Board.~~ Main Street Board.

Section 2. Section 2-4-80 of the Elizabeth Municipal Code is hereby repealed and reenacted as follows:

Section 2-4-80. – Court Clerk.

(a) The Town Clerk, or their designee, shall serve as the Municipal Court Clerk. The Municipal Court Clerk's duties shall be such duties as delegated to them by law, court rule, or by the presiding Municipal Judge.

(b) If the Municipal Court Clerk is the Town Clerk, or an employee of the Town, no additional compensation shall be tendered as a result of such duties. Compensation for a Municipal Court Clerk that is hired, retained, contracted, or otherwise selected from outside of the Town organization shall be approved by the Board of Trustees.

(c) Upon request of the Board of Trustees, the Municipal Court Clerk shall file monthly accounting reports for all money collected and deposited to the Town funds.

Section 3. Section 2-6-20 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 2-6-20. – Created.

Pursuant to ~~the provisions of~~ C.R.S. § 31-23-203, there is a Planning Commission created. Pursuant to ~~the provisions of~~ C.R.S. § 31-23-203(4), the Planning Commission shall be expanded to no less than five (5) nor more than seven (7)

members, plus two (2) ~~nonresident nonvoting~~ non-resident, non-voting Elbert County representatives as follows:

* * *

(4) ~~In the event any member or nonresident representative of the Planning Commission ceases to be qualified to serve on the Planning Commission as provided above, his or her membership on the Planning Commission shall automatically terminate.~~

(5) ~~If the Planning Commission does not have mandatory membership in accordance with C.R.S. § 31-23-203(1) and Subsection (1) of this Section as a result of vacancies, and if the Board of Trustees is otherwise unable to fill such vacancies within a reasonable amount of time, the Board of Trustees may assume and exercise the powers of the Planning Commission pursuant to Section 2-6-40 of this Article until such time as it appoints new members. When the Board of Trustees assumes and exercises the powers of the Planning Commission pursuant to this subsection and a public hearing or other action of the Planning Commission is required by this Code, the Board of Trustees shall conduct a single public hearing or conduct a single meeting on an action item not requiring a public hearing acting as both the Planning Commission and the Board of Trustees for purposes of considering and taking any action that would otherwise also require a separate Planning Commission action under Chapter 16.~~

Section 4. Section 2-6-30 of the Elizabeth Municipal Code is hereby repealed and reenacted as follows:

Section 2-6-30. – Vacancies.

(a) A vacancy shall exist if, during the term of office, a Commissioner dies, is judicially declared incompetent, resigns, moves from or becomes a non-resident of the Town, if applicable, or fails to attend three (3) consecutive regular meetings of the Planning Commission. The failure to attend a Planning Commission meeting shall be excused for the death of a family member, hospitalization, or involuntary military service.

(b) If the Planning Commission does not have mandatory membership in accordance with C.R.S. § 31-23-203(1) and subsection (1) of this Section as a result of vacancies, and if the Board of Trustees is otherwise unable to fill such vacancies within a reasonable amount of time, the Board of Trustees may assume and exercise the powers of the Planning Commission until such time as it appoints new members.

(c) When the Board of Trustees assumes and exercises the powers of the Planning Commission pursuant to this subsection, and a public hearing or other action of the Planning Commission is required by this Code, the Board of Trustees shall conduct a single public hearing or conduct a single meeting on an action item not requiring a public hearing acting as both the Planning Commission and

the Board of Trustees for purposes of considering and taking any action that would otherwise also require a separate Planning Commission action under Chapter 16.

Section 5. Section 2-9-40 of the Elizabeth Municipal Code is hereby repealed and reenacted as follows:

Section 2-9-40. – Procedure for disposition of surplus personal property.

(a) Surplus property is an asset purchased or acquired by the Town, generally using Town funds, that is either no longer in use or for which there is no further plan for use. This shall include tangible assets such as equipment, materials, supplies, tools, furniture, electronics, and motor vehicles. Surplus property does not include property seized by the Town of Elizabeth Police Department, nor does it include real property owned by the Town of Elizabeth.

(b) The Town Clerk, with approval of the Town Administrator, shall have the authority to sell, or otherwise dispose of, all such equipment, materials, supplies, tools, furniture, and electronics, which cannot be used by another department or used for exchange or trade-in on purchases of new items, and that have a value of five thousand dollars (\$5,000.00) or less. All items with a value of more than five thousand dollars (\$5,000.00) shall not be disposed of without approval by the Board of Trustees.

(c) Motor vehicles may be disposed of by the Town Clerk, with the approval of the Town Administrator, by: (1) trade-in on a replacement vehicle; (2) through a sealed bid auction; or (3) through an equipment auction company or other business engaged in the auction of motor vehicles for governmental entities. Motor vehicles shall only be disposed of through private sale if none of the three (3) methods contained herein are available to the Town.

(d) Nothing contained herein shall prohibit the Town from returning any unused materials, supplies or equipment, which is surplus to the requirements of the Town. Materials, supplies and equipment may be returned with or without a restocking charge if this method of disposal results in a higher benefit to the Town.

Section 6. Section 7-1-10 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 7-1-10. – Definitions.

Inoperable vehicle means any automobile, truck, tractor, motorcycle, electric bicycle, moped, utility vehicle (UTV), all-terrain vehicle (ATV), 3-wheeler, 4-wheeler, golfcart, or self-propelled vehicle, which is in a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned, or unable to perform the functions or purposes for which it was originally constructed. ~~The existence of any of the following conditions shall raise the presumption that a~~

~~vehicle is inoperable:~~ A vehicle is presumed to be inoperable if any of the following conditions exist:

* * *

Rubbish is nonputrescible solid wastes consisting of both combustible and noncombustible waste, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves (excluding compost), wood, glass, bedding, crockery, and similar materials. Rubbish shall also include scrap metal, scrap iron, metal, tin, aluminum, polyvinyl chloride (PVC) pipe; and metal, galvanized, steel, copper and iron pipe; old machinery and equipment including inoperable farm equipment; old household appliances, stoves, refrigerators, washers and dryers; freezers, dishwashers, hot water heaters, hot water tanks, furnaces, air-conditioner units, and evaporative coolers; unusable building materials; old sinks, toilets, and bathtubs; old lawn mowers; cinder blocks; used automobile and truck tires; and rolling equipment tires; old cylinder type storage tanks; barrels and buckets, regardless of size or construction material; empty paint buckets and containers; sheets of plywood; waste lumber; used fencing materials; and tree limbs and roots trimmed from trees and shrubbery.

Section 7. Section 7-1-70 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 7-1-70. - Filing complaint.

In addition to or in lieu of any procedure for abatement, a direct complaint may be filed by any person ~~or police officers~~ against any person who violates any provision of this Chapter.

Section 8. Section 7-1-110 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 7-1-110. – Town abatement of nuisance; report of costs.

In lieu of bringing an action to abate the nuisance as set forth in Section 7-1-100, the Town may take emergency action to abate the nuisance if necessary for the immediate preservation of the public health, safety or welfare. ~~Upon the completion of any work by the Town, contemplated by this Chapter, the Public Works Superintendent shall report, in writing, to the Town Administrator, which report shall make a clear statement of the work done by the Town and the expense incurred in so doing, so that the Town Administrator may determine the cost of such work. The Public Works Superintendent shall make a separate report for each lot or parcel of land.~~ The Town Administrator is hereby authorized to secure services that are reasonably necessary to abate a nuisance which poses an immediate threat to the public's health, safety, or welfare. Such action may be by means of informal, open-market procedures, at not more than current market prices. An invoice for contracted services shall identify with specificity the work performed, the date

performed, and the number of hours expended. Such invoice shall be tendered to the Town Administrator for timely payment.

Section 9. Section 7-1-120 of the Elizabeth Municipal Code is hereby repealed and reenacted as follows:

Section 7-1-120. – Assessment of property.

For any abatement action undertaken pursuant to Section 7-1-110, the Town Administrator shall assess the whole cost of abatement thereof, including ten percent (10%) for the inspection and other incidental costs in connection therewith, upon the lots and tracts of land from which the nuisance was abated.

Section 10. Section 7-3-10 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 7-3-10. – Definitions.

Abandoned vehicle is any motor vehicle which is ~~(a) inoperable, and (b) without a valid inspection sticker or valid license plates.~~ either inoperable or lacks a valid inspection sticker or valid license plates.

* * *

Inoperable vehicle means any automobile, truck, tractor, motorcycle, electric bicycle, moped, utility vehicle (UTV), all-terrain vehicle (ATV), 3-wheeler, 4-wheeler, golfcart, or self-propelled vehicle, which is in a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned, or unable to perform the functions or purposes for which it was originally constructed. A vehicle is presumed to be inoperable if any of the following conditions exist:

- (a) Absence of an effective registration plate upon such vehicle;
- (b) Placement of the vehicle or parts thereof upon jacks, blocks, chains or other supports; or
- (c) Absence of one (1) or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways.

Litter shall include without limitation any of the following: abandoned vehicles; inoperable vehicles; rubbish; garbage; household waste; wastepaper products; plastic or paper wrappers; plastic bags; paper bags; cigarettes and cigarette butts; cardboard; tin cans; plastic bottles; and glass bottles.

Private premises ~~is~~ includes any dwelling, house, accessory dwelling building or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously inhabited or vacant, and

shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

Public place is any and all streets, sidewalks, trails, boulevards, alleys, parking areas, parking lots, or other public ways and any and all parks, open spaces, squares, spaces, grounds and buildings.

Rubbish is nonputrescible solid wastes consisting of both combustible and noncombustible waste, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves (excluding compost), wood, glass, bedding, crockery, and similar materials. Rubbish shall also include scrap metal, scrap iron, metal, tin, aluminum, polyvinyl chloride (PVC) pipe; and metal, galvanized, steel, copper and iron pipe; old machinery and equipment including inoperable farm equipment; old household appliances, stoves, refrigerators, washers and dryers, freezers, dishwashers, hot water heaters, hot water tanks, furnaces, air-conditioner units, and evaporative coolers; unusable building materials; old sinks, toilets, and bathtubs; old lawn mowers; cinder blocks; used automobile and truck tires; and rolling equipment tires; old cylinder type storage tanks; barrels and buckets regardless of size or construction material; empty paint buckets and containers; sheets of plywood; waste lumber; used fencing materials; and tree limbs and roots trimmed from trees and shrubbery.

* * *

Section 11. Section 7-3-120 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 7-3-120. – Clearing of litter by Town.

(a) Notice to remove. The Chief of Police is hereby authorized and empowered to notify the owner of any open or vacant private property within the Town or the agent of such owner to properly dispose of litter located on such owner's property ~~which is dangerous to public health, safety or welfare.~~ Such notice shall be by: ~~registered mail addressed to said owner at his or her last known address.~~ (1) personally delivering a copy of the notice to the owner of the property described in the notice; or (2) by mailing a copy of the notice by certified mail, return receipt requested, to the last known address of the owner as reflected in the Elbert County real estate records; or (3) by posting a copy of the notice in a conspicuous place on the open or vacant property.

(b) Action upon noncompliance. Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of litter ~~dangerous to public health, safety and welfare~~ within thirty (30) days after receipt of written notice provided for in Section (a) above, ~~or within thirty (30) days after the date of such notice in the event the same is returned to the post office because of its inability to make delivery thereof, provided that the same was properly addressed to the last known address~~ is hereby authorized and empowered to pay for the disposing of such litter

~~or to order its disposal by the Town.~~ the Town Administrator is hereby authorized to secure services that are reasonably necessary to remove the litter identified in Section (a) above. Such action may be by means of informal, open-market procedures, at no more than the current market prices. An invoice for contracted services shall identify with specificity the work performed, the date performed, and the number of hours expended. Such invoice shall be tendered to the Town Administrator for timely payment.

(c) Charge included in tax bill. When the Town has effected the removal of such ~~dangerous~~ litter or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of six percent (6%) per annum from the date of the completion of the work, if not paid by such owner thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the County, and said charge shall be due and payable by said owner at the time of payment of such bill.

* * *

Section 12. Section 7-4-10 of the Elizabeth Municipal Code is hereby repealed and reenacted as follows:

Section 7-4-10. – Definitions.

Noxious weeds include any invasive or non-native plant species which damages Colorado plant communities or economic crops. These plants have no natural predators within the State of Colorado and can adapt to be successful in Colorado's environment. The Colorado Department of Agriculture's Noxious Weed Program maintains three (3) separate lists of weeds as follows:

A List Weeds. These weeds warrant mandatory eradication because they are limited within the State of Colorado. The intent is to limit anticipated future expansion of these weeds within the State of Colorado. A List Weeds include without limitation the following: African rue, Cypress spurge, Meadow knapweed, and Yellow starthistle.

B List Weeds. These weeds are well established in portions of the State of Colorado, but not throughout the entire state. List B species and designated areas are updated annually to designate areas for eradication, suppression, and containment. B List Weeds include without limitation the following: Bull thistle, Canada thistle, Dalmatian toadflax, Diffuse knapweed, Leafy spurge, Russian-olive, Scotch thistle, and Spotted knapweed.

C List Weeds. These weeds are widespread throughout the State, but attempts should be made to control and eradicate these weeds as practicable. C List Weeds include without limitation the following: Cheatgrass aka Downy brome, Chicory, and Field bindweed.

The Town designates all A List Weeds and B List Weeds identified by the Colorado Department of Agriculture to be a nuisance within the Town of Elizabeth.

Section 13. Section 7-5-10 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 7-5-10. – Weed Control.

(a) All owners, agents and occupants of land in the Town shall prevent property owned or occupied by them from becoming overgrown in weeds. Weeds shall include brush, natural or cultivated plants or grasses in excess of twelve (12) inches in height and other vegetation grown in a rank or unsightly fashion, and shall also include without limitation any of the plants identified in Section 7-4-10 of the Elizabeth Town Code. ~~bindweed, Canadian thistle, common ragweed, dandelion, fireweed, milkweed, mustard, perennial sow thistle, Russian knapweed, Russian thistle, sandburs and any other similar plants and vegetation.~~ The foregoing enumeration is not intended to be all inclusive, but rather is intended to be indicative of those types of plants which are considered a nuisance. As used in this Article, the term *weed* does not include flower or vegetable gardens, cultivated or tended shrubbery or agricultural crops, including but not limited to hay or grass grown for feed, fodder or forage.

(b) Weeds shall be controlled by cutting, spraying or other lawful and suitable method of weed control. However, nothing contained herein shall authorize the use of flame, fire, combustible material, gasoline, diesel fuel, bottled gas, pressurized liquids, weed burners, or related activities to be used, implemented or maintained as a means of weed control.

(c) The Board of Trustees may, by resolution, exempt certain areas in the Town, whether publicly or privately owned, from the prohibitions contained in this Section, if the Board determines that such areas ~~are~~ include: natural open space, natural park, conservation areas, erosion control areas, agricultural zoned property or irrigation or drainage ditch rights-of-way.

Section 14. Section 7-5-20 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 7-5-20. – Declaration of nuisance.

It is unlawful and deemed a nuisance for the owner, agent or occupant of any property to permit weeds to grow on such property to a height of more than twelve (12) inches. As a nuisance, the Town may seek abatement of weeds pursuant to the process contained in Article I of Chapter 7.

Section 15. Section 7-5-30 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 7-5-30. – Notification of owners.

The Town shall notify the landowner ~~or~~, lessee, *tenant, guest* or ~~both~~ *other occupant* in writing, by certified mail, return receipt requested, or by personal service of a Notice of Violation, describing the property upon which weeds have become overgrown and directing that weed control measures be taken within seven (7) calendar days from the date of service of the Notice of Violation. ~~the manner set forth in Section 7-1-90 of the Code.~~

Section 16. Section 7-5-40 of the Elizabeth Municipal Code is hereby repealed and reenacted as follows:

Section 7-5-40. – Town authorized to control.

In the event the landowner, lessee, guest, or other occupant shall fail, refuse, or decline to abate weeds, the Town may seek abatement of weeds pursuant to the process contained in Article I of Chapter 7.

Section 17. Section 7-5-50 of the Elizabeth Municipal Code is hereby repealed and reenacted as follows:

Section 7-5-50. – Assessment policy.

When weed control has not been undertaken, and a nuisance has been declared, the Town may seek abatement pursuant to the process contained in Article I of Chapter 7.

Section 18. Section 7-6-40 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 7-6-40. – Tree topping.

It is unlawful as a normal practice for any person or Town department to top a street tree, park tree or other tree on public property. *Topping* is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this Section at the recommendation of the ~~Tree Board~~. *Director of Public Works or their designee.*

Section 19. Section 7-6-50 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 7-6-50. – Pruning and removing obstructions.

Every owner of any tree overhanging any street or right-of-way within the Town shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection, *street sign, or other traffic control device*, and so that there shall be a clear space of eight (8) feet

above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which may constitute a menace to the safety of the public. The Town shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with the visibility of any traffic control device or sign.

Section 20. Section 8-3-10 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 8-3-10. – Definitions.

Inoperable ~~motor~~ vehicle means any ~~motor vehicle that does not have a current license plate and validation sticker lawfully affixed thereto or that~~ automobile, truck, tractor, motorcycle, electric bicycle, moped, utility vehicle (UTV), all-terrain vehicle (ATV), 3-wheeler, 4-wheeler, golfcart, or self-propelled vehicle, which is in a condition of being junked, wrecked, wholly or partially dismantled, discarded abandoned or unable to perform the functions or purpose for which it was originally constructed. A vehicle is presumed to be inoperable if any of the following conditions exist:

(a) Absence of an effective registration plate upon such vehicle.

(b) Placement of the vehicle or parts thereof upon jacks, blocks, chains or other supports.

(c) Absence of one (1) or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways.

* * *

~~Unsheltered means located outside a garage or other building in such a manner as to be visible to a person standing upon any public street, alley, sidewalk or right-of-way or to any person standing at ground level upon any adjoining piece of property.~~

Section 21. Section 8-3-20 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 8-3-20. – Unsheltered storage.

* * *

The covering, concealment, screening, masking, or wrapping of an inoperable motor vehicle by means of a tarp, canvas, cover, car cover, or other material shall not be considered sheltered storage.

Section 22. Section 10-5-130 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 10-5-130. – Abandoned containers.

(a) It is unlawful for any person to discard, abandon or leave in any place any refrigerator, icebox, deep-freeze locker, stove, oven, clothes washer, clothes dryer, dishwasher, cooler, barrel, safe, cabinet, chest trunk, or any self-latching container having a capacity of one and one-half (1½) cubic feet or more, which is no longer in use, and which has not had the door removed or the hinges and such portion of the latch mechanism removed so as to prevent latching or locking of the door; or for any owner, lessee or manager knowingly to permit such a refrigerator, icebox, deep-freeze locker, stove, oven, clothes washer, clothes dryer, dishwasher, cooler, barrel, safe, cabinet, chest or trunk, or self-latching container to remain on premises under his or her control without having the door removed or the hinges and such portion of the latch mechanism removed so as to prevent latching or locking of the door.

(b) The provisions of this Section shall not apply to any vendor or seller of refrigerators, iceboxes, deep-freeze lockers, stoves, ovens, clothes washer, clothes dryer, dishwasher, cooler, barrel, safe, cabinet, chest or trunks, or self-latching containers, who keeps or stores them for sale purposes in a showroom or salesroom ordinarily watched or attended by sales personnel during business hours and locked to prevent entry when not open for business; or if such vendor or seller takes reasonable precaution to effectively secure the door of any such refrigerator, icebox, deep-freeze locker, stove, oven, clothes washer, clothes dryer, dishwasher, cooler, barrel, safe, cabinet, chest or trunk, or self-latching container so as to prevent entrance by children small enough to fit therein.

Section 23. Section 11-4-50 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 11-4-50. – Application for permit.

(a) Any person who wishes to conduct a parade or rally, or hold or sponsor a block party or special event shall apply to the Town ~~Administrator~~ Clerk for a permit within the following time limitations:

(1) For a rally, such application shall be submitted at least ~~two (2)~~ five (5) working days in advance of the date of the proposed event. For purposes of this Subsection (a)(1), a "working day" shall be defined as any given twenty-four (24) hour period, excluding weekends and holidays upon which the Town of Elizabeth is closed for business;

(2) For a block party, such application shall be submitted at least ~~seven (7)~~ fourteen (14) calendar days in advance of the date of the proposed event;

(3) For a special event not requiring a liquor license, such application shall be submitted at least ~~fifteen (15)~~ thirty (30) calendar days in advance of the proposed event;

(4) ~~For a parade, a complete application shall be submitted at least fifteen (15) calendar days in advance of the proposed event. The applicant should meet with representatives of the Town at least thirty (30) calendar days in advance of the proposed event; and~~ The applicant for a parade permit shall meet with representatives of the Town at least thirty (30) calendar days in advance of the proposed event, and shall submit a completed application at least twenty (20) calendar days in advance of the proposed event.

(5) For a special event requiring a liquor license, such application shall be submitted at least ~~sixty (60)~~ forty-five (45) calendar days in advance of the proposed event.

Application for Special Event Permit Matrix	
Special Event Type	Time Needed
Rally	2 days <u>5 days</u> – completed application
Block Party	7 days <u>14 days</u> – completed application
Special Event (excluding liquor)	15 days <u>30 days</u> – completed application
Parade	15 days <u>20 days</u> – completed application 30 days – meet with necessary staff
Special Event (including liquor)	60 days <u>45 days</u> – completed application

(b) The application for such permit shall be made in writing upon the form approved by the Town ~~Administrator~~ Town Clerk. The application shall be accompanied by a ten dollar (\$10.00) permit fee, and contain the following information:

* * *

(2) The name and telephone number of an adult representative of the applicant who is authorized to be the emergency contact for the applicant during such time as the event is actively taking place. This emergency contact name and telephone number may be disclosed to emergency services as necessary for the health, safety, and welfare of the public and attendees at any event.

~~(2)~~ (3) For a parade or rally: The purpose of the proposed event, the date when it is proposed to be conducted, the location of the assembly area, the location of the disbanding area, a map of the route to be traveled and the approximated times when the parade/rally will assemble, start and terminate.

~~(3)~~ (4) For a block party: The date when it is proposed to be conducted, the location of the area in which the block party shall be confined and the start and termination times of the block party.

~~(4)~~ (5) For a parade or a special event, the applicant shall provide proof of comprehensive liability insurance acceptable to the Town in an amount commensurate with the limitations on judgments contained in the Colorado Governmental Immunity Act, C.R.S. § 24-10-101 *et seq.*, as the same may be amended from time to time, and shall provide proof of the ability to provide a

certificate of insurance listing the Town as an additional insured prior to the parade or special event.

~~(5)~~(6) For any type of special event (parade, rally or special event), an estimate of the number of persons, floats, marching units, vehicles and bands, and a detailed description of any sound amplification equipment to be used.

~~(6)~~(7) For a block party, the applicant is responsible for providing written notice to those businesses or residences which may be impacted by the event. Notice may be provided by means of flyer or door hanger at least seventy-two (72) hours prior to the start of the event, identifying the date and time of the event, and providing contact information for the applicant. By submitting a block party application to the Town, the applicant affirms that this notice has either already been provided or will be timely provided prior to the event. ~~the application must be accompanied by the signatures from persons of at least ten (10) separate residences within the proposed area in which the block party is to be confined, acquiescing to the holding of the proposed block party on the date and time indicated in the application.~~

~~(7)~~(8) For any event closing a public street to traffic, the applicant is responsible for providing written notice to those businesses or residences which may be impacted by the event. Notice may be provided by means of flyer or door hanger at least seventy-two (72) hours prior to the start of the event, identifying the date and time of the event, and providing contact information for the applicant. By submitting a block party application to the Town, the applicant affirms that this notice has either already been provided or will be timely provided prior to the event. ~~signatures from at least fifteen (15) separate businesses or residents within the area contemplated to be closed consenting to the proposed street closure. In the case of fewer than thirty (30) businesses or residents within the area contemplated to be closed, then signatures from fifty percent (50%) of the businesses or residents within the area will meet this requirement.~~

~~(8)~~(9) Such other information as the Town ~~Administrator~~ Clerk may deem reasonable and necessary.

* * *

Section 24. Section 11-4-60 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 11-4-60. – Issuance or denial of a permit application.

(a) Standards for issuance of parade/rally/special event permit. The Town ~~Administrator~~ Clerk shall issue a parade, rally or special event permit conditioned upon the applicant's written agreement to comply with the terms of such permit and this Article, unless the Town ~~Administrator~~ Clerk finds the following:

* * *

(3) The parade, rally or special event is of a size or nature that requires the diversion of so great a number of public works, streets, or park staff of the Town to substantially interfere with the operations of Public Works; or

(4) Such parade, rally or special event will interfere with another parade, rally or special event for which a permit has previously been issued.

(5) The applicant previously obtained a parade, rally or special event permit from the Town and, during the prior event, failed, neglected, or refused to comply with the terms and conditions required under the permit.

(b) Standards for issuance of block party permit. The Town ~~Administrator~~ Clerk shall issue a block party permit conditioned upon the applicant's written agreement to comply with the terms of such permit and this Article, unless the Town ~~Administrator~~ Clerk finds the following:

* * *

(c) Imposition of reasonable conditions. The Town ~~Administrator~~ Clerk is authorized to impose reasonable conditions upon the issuance of a permit under this Article, ~~including requiring a deposit to offset any actual costs incurred by the Town in administering the event, including but not limited to providing any additional law enforcement services and providing any additional public works services pursuant to Section 11-4-110 of this Article.~~ The Town Clerk may reasonably rely upon the Chief of the Elizabeth Fire Protection District, the Chief of Police and the Public Works Director in imposing any reasonable conditions upon any event. These conditions may include without limitation:

(1) Requiring the applicant to pay a deposit to offset any actual costs incurred by the Town in administering the event, including without limitation providing any additional law enforcement services and providing any additional public works services pursuant to Section 11-4-110;

(2) Requiring the applicant to demonstrate the ability to hire or retain volunteers or paid staff to administer the event by providing private security and laborers to offset the work that might otherwise be conducted by the Town's Police Department or Public Works Department; or

(3) Requiring the applicant to pay a deposit to offset any actual costs incurred by the Elizabeth Fire Protection District in providing any emergency services during the event.

(d) Standards for denial. The Town ~~Administrator~~ Clerk shall deny ~~an~~ the application for a permit available under this Article and notify the applicant of such denial if the Town ~~Administrator~~ Clerk finds the following:

(1) The Town ~~Administrator~~ Clerk makes any finding contrary to the findings required to be made for the issuance of a permit set forth in Subsection (a) or (b) above;

* * *

Section 25. Section 11-4-70 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 11-4-70. – Contents of permit.

(a) In each permit the Town ~~Administrator~~ Clerk shall specify:

* * *

(4) A map, sketch, drawing, or other exhibit assisting in identifying the route of the parade or a description of the location of the rally, special event or block party;

~~(4)~~(5) The disbanding area and time therefor;

~~(5)~~ (6) The nature of the police protection, or a finding that no police protection is necessary; and

~~(6)~~ (7) Such other requirements as are found by the Town ~~Administrator~~ Clerk to be reasonably necessary for the protection of persons or property.

~~(b) All conditions of the permit shall be complied with so far as reasonably practicable.~~

Section 26. Section 11-4-80 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 11-4-80. – Appeal procedure.

Upon denial by the Town ~~Administrator~~ Clerk of an application made pursuant to this Article, the applicant may file a written notice of appeal from the determination of the Town ~~Administrator~~ Clerk with the Town ~~Clerk~~ Administrator within five (5) days thereafter. Such appeal shall be forwarded and heard before the Board of Trustees. Upon such appeal, the Board of Trustees may reverse, affirm or modify in any regard the determination of the Town ~~Administrator~~ Clerk. Pursuit of an appeal under this Section is a prerequisite to seeking judicial relief. The determination of the Board of Trustees shall be final and shall be a prerequisite to seeking judicial relief.

Section 27. Section 11-6-10 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 11-6-10. – Definitions.

* * *

Parking lot means those parking areas owned and maintained by the Town.

* * *

Section 28. Section 11-6-20 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 11-6-20. – Hours of operation.

Park lands shall be open for daytime use only, between the hours of sunrise and ~~sunset~~ 10:00 p.m., unless the time is extended by means of a Special Event Permit or Park Rental Agreement.

Parking lots shall be open for use by the public, but overnight parking and camping within any of the Town's parking lots, regardless of location, is strictly prohibited.

Section 29. Section 11-6-30 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 11-6-30. – Vehicles.

It is unlawful for any person to operate any motorized vehicle on any park lands, public recreation lands, parks, open spaces, trails and pathways, owned, leased, or operated by the Town ~~except on designated roadways which are specifically designated as open for use by such vehicles.~~ This Section shall not apply to those individuals making use of personal power mobility devices including motorized wheelchairs or ~~This Section shall not apply to~~ motorized vehicles owned by the town or the Elizabeth Fire Protection District, or any other authorized emergency services provider.

Section 30. Section 13-2-120 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 13-2-120. – Delinquent accounts must be paid.

* * *

(e) In addition to the charges set forth in Subsection (d) above, a charge of ~~twenty-five~~ fifty dollars (~~\$25.00~~ \$50.00) shall be imposed for an actual disconnection and ~~twenty-five~~ fifty dollars (~~\$25.00~~ \$50.00) for reconnection following the

disconnection of water service. Such charges shall be paid prior to reconnection to the Town.

* * *

Section 31. Section 13-2-125 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 13-2-125. – Water service connection.

The Town hereby imposes a charge of ~~twenty-five~~ fifty dollars (~~\$25.00~~50.00) for any disconnection and ~~twenty-five~~ fifty dollars (~~\$25.00~~50.00) for any reconnection for such services provided by the Town that are not a result of an account delinquency as set forth in Section 13-2-120. Such charges shall be due and payable when Town staff responds to such a request for disconnection or reconnection.

Section 32. Section 13-3-170 of the Elizabeth Municipal Code is hereby repealed in its entirety.

Section 33. Section 13-4-100 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 13-4-100. – Renewable water resource fee.

(a) In order to defray the cost incurred by the Town in the acquisition and development of renewable water resources consistent with this Chapter, there is imposed a renewable water resource fee, as may be amended from time to time, as a condition to the right to connect to the municipal water system or to the municipal wastewater system. Under no circumstances shall the renewable water resource fee be charged for connection to both the municipal water system and the municipal wastewater system.

* * *

Section 34. Section 13-6-20 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 13-6-20. – Jurisdiction.

These standards shall apply to all water and sewer services within the Town, and to any connections made to either the Town's municipal water system or the Town's municipal wastewater system. If a different sections of the standards should require materials, methods of construction or other requirements, the most restrictive shall apply.

Section 35. Section 13-6-60 of the Elizabeth Municipal Code is hereby amended to read as follows:

Section 13-6-60. – Adoption.

The Town, through its Board of Trustees, hereby adopts the *Town of Elizabeth Water and Sewer Standards*, dated ~~September 2015~~ April 2025. One (1) copy of said *Standards* shall be maintained on file at the office of the Town Clerk, and upon the Town's website, and may be inspected during normal business hours.

Section 36. Severability. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or enforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 37. The Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislature object south to be attained.

Section 38. The Ordinance shall become effective 30 days after publication.

Read and approved at a meeting of the Board of Trustees of the Town of Elizabeth, Colorado this ____ day of _____, 2025.

Passed by a vote of _____ for an _____ against and ordered published.

Angela Ternus, Mayor

ATTEST

Michelle M. Oeser, Town Clerk

From: [Patrick Davidson](#)
To: [Angela Ternus](#); [Tracy Hutchins](#); [Loren Einspahr](#); [Michael Schroder](#); [Dave Conley](#); [Steve Gaither](#); [Cynthia Thye](#)
Cc: [Patrick Davidson](#); [Hannah Bruce](#); [Michelle Oeser](#)
Subject: Presentation of Draft Budget to the Board of Trustees
Date: Monday, October 13, 2025 11:34:53 AM
Attachments: [DRAFT 2026 Combined Budget.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Good morning, Mayor, Mayor Pro Tem, and members of the Elizabeth Board of Trustees. In keeping with Colorado Statute 29-1-105, attached please find the draft budget for 2026. This item will be published on the website for public distribution. As of today, we are calendaring the following budget specific dates for the balance of the year:

November 12th – Public Hearing on the Elizabeth Budget for 2026

November 20th – Budget Appropriation, Mill Levy

Have a great day and see you tomorrow for the Board meeting.

Patrick

Patrick G. Davidson, Town Administrator
151 S. Banner Street
Elizabeth, CO 80107
(720) 351-4504
pdavidson@townofelizabeth.org



From: [Patrick Davidson](#)
To: [Angela Ternus](#); [Tracy Hutchins](#); [Loren Einspahr](#); [Michael Schroder](#); [Dave Conley](#); [Steve Gaither](#); [Cynthia Thye](#)
Cc: [Patrick Davidson](#)
Subject: Weekly Update for 10-10-2025
Date: Friday, October 10, 2025 10:23:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Good morning, Mayor, Mayor Pro Tem, and Members of the Board of Trustees. Here is your newest weekly update:

PD After Action Reports. The PD generate documents internally for notable actions or arrests. Because this have become more common in our Town, as well as an increase in the severity of what is ultimately involved, I have asked the chief to provide these as part of his packet to the Board. In some instances, there may be a delay to allow the legal process to advance prior to their release. However, because these are items that I receive frequently, I want to pass them along for your information and understanding as well.

DOLA Small Communities Workshop. I will be out of the office on October 16-17th to attend the DOLA "Small Communities Workshop". The workshop is designed for communities with a population of less than 5,000 and will be addressing issues for small communities in Colorado such as workforce housing, upkeep and maintenance of infrastructure, and related topics. I will be available by phone or email, as necessary.

Draft Budget. Colorado law requires the draft budget be provided to the Board no later than October 15th. While we have been working on this budget for several months and it is basically complete, the step of presenting the draft budget to the Town's governing body is statutorily required as well as triggers the publication of the "Notice of Budget" by the Town. In addition, this year you will be receiving the draft of the Budget Message for review and comment. For those who have served previously on the Board, you will note that the Budget Message is substantially different this year, and provides more information for not only the Board, but the public. I hope you have an opportunity to spend some time walking through the Budget Message and the Budget prior to formal action in November.

Main Street Streetscape. We are having Triple M finalize several of the remaining punch-list items. To date we have not received a second pay request from Triple M and obviously have not received a final pay request. As a reminder, until the initial contractual work is completed, and approved by the Board, the 2-year warranty does not start. Additionally, until the Board accepts the work, any final payment cannot be processed. As such, the Town is still protected.

The Depot. Clean up work is proceeding along the site. You will note that the initial grass has sprouted and begun growing so that it should be somewhat established before winter. It will,

of course, be reseeded in the Spring to encourage additional growth. This is true too of the detention pond. We are waiting for utility locates prior to installation of the trees. The hope is for at least the main tree to be installed Monday. Finally, we will be working to have The Depot identified on Google Maps and related programs to identify public parking in Elizabeth.

CORE Electric. We are waiting for a final easement survey by Aztec Surveying to complete the legal work for the electrical. CORE is aware of the priority as is Aztec. The soonest Aztec anticipates having it completed is the 21st or 22nd of this month. As is the case with the Streetscape and with The Depot, we are waiting for others to complete their steps prior to project completion.

Mayor's Tree Lighting. The tree lighting this year will occur on Gesin Lot this year but recall this is the last time it is expected to be at this location, without further direction. We will have a "temporary" tree in place for the event. The Clerks have arrangements for Santa, reindeer, the train, and other children's activities. Main Street is going to be closed, with access into The Depot for parking.

Friday Night Market. Public Works, PD, and I have met with representatives of EBC regarding next year's markets. I do not anticipate any material changes to operations next year, and with a few minor changes to the agreement, we should have it ready for Board action on November 12th.

Have a great weekend!

Patrick

Patrick G. Davidson, Town Administrator
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pdavidson@townofelizabeth.org



From: [Patrick Davidson](#)
To: [Angela Ternus](#); [Tracy Hutchins](#); [Loren Einspahr](#); [Michael Schroder](#); [Dave Conley](#); [Steve Gaither](#); [Cynthia Thye](#)
Cc: [Patrick Davidson](#)
Subject: Weekly Update for 10-17-2025
Date: Friday, October 17, 2025 10:58:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Good morning, Mayor, Mayor Pro Tem, and members of the Board of Trustees. Here is your newest weekly update.

DOLA Conference. I attended the DOLA conference in Breckenridge on Thursday. It was a good event with about 100 small municipalities being involved. I will have a more formal update to the Board soon. I am waiting for the slides from the various presentations.

Black Hills Gas Easement. As a follow up to prior emails, we are still working with Black Hills regarding the additional gas lines they want to run east toward Kiowa. We are working to ensure that those lines, if disrupted/fail, will not cause water or sewer issues for the Town. I presume they will follow up with a CDOT permit, but we will see.

2026 Draft Budget Adjustment. We have received the final numbers for dispatch and radio maintenance from ECCA. With an upward adjustment in salaries and benefits for Douglas County dispatch, the EPD share of dispatch will be \$24,558. The Town's costs of the record management system will be \$5,555.00 and the update for New World Mobile Reporting will be \$1,700.00. The Town's share for radio tower maintenance [previously covered by the State] will be \$3,000.00 for 2026. The placeholder we included in the draft budget was \$19,500 for ECCA, the correct amount for 2026 will be \$32,500.00. We will adjust in the final budget.

Have a great weekend.

Patrick

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Elizabeth Police Department

Special Report

FOR INTERNAL USE ONLY

Report Date	Report Time	Date Occurred	Time Occurred	Primary Jurisdiction	Case Number
10/07/2025	1630	10/06/2025	1248	Elizabeth Police	CFS 25-6300

Location of Occurrence
425 S. Main St, Elizabeth, Colorado, 80107

Major Criminal Event	Transportation Incident	Notable Incident/Arrest
Inmate Injury	Police Vehicle Accident	X General Information Item
Death Investigation	Discharge of Police Weapon	Other

After Action Report Completed (required for all incidents involving natural or man-made disasters, pandemics, civil disturbances, mass arrests, credible bomb threats, hostage or barricaded person situations, acts of terrorism, and other unusual incidents)

Incident Report

Date/Time: Monday, 10/06/2025, at approximately 1248 hours

Reporting Officer: Officer Lamas

Location: [Insert Police Department Address]

On Monday, October 6, 2025, at approximately 1248 hours, Officer Lamas was at the police department when he was notified by William, a contractor, to evacuate the building. William advised that while his crew was removing the concrete ramp at the rear of the building, they had accidentally cut a natural gas line.

Officer Lamas immediately evacuated the building and contacted the Elizabeth Fire Department. The Elizabeth Fire Department responded, secured the area, and notified Black Hills Energy. Black Hills Energy personnel arrived on scene and were able to shut off the gas within approximately three hours. Repairs to the line were completed, and the building was cleared and released back to the police department at approximately 1630 hours.

Nothing further to report.

Deputy/Supervisor Name & Number Sgt. Sean Bigler #1504	Page 1 of 1
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Elizabeth Police Department

Special Report

FOR INTERNAL USE ONLY

Report Date	Report Time	Date Occurred	Time Occurred	Primary Jurisdiction	Case Number
10/18/2025	2254	10/18/2025	1717	ELIZABETH POLICE DEPARTMENT	25-6518

Location of Occurrence
S. ELIZABETH ST.

☒	Major Criminal Event	☐	Transportation Incident	☒	Notable Incident/Arrest
☐	Inmate Injury	☐	Police Vehicle Accident	☐	General Information Item
☐	Death Investigation	☐	Discharge of Police Weapon	☐	Other

☐	After Action Report Completed (required for all incidents involving natural or man-made disasters, pandemics, civil disturbances, mass arrests, credible bomb threats, hostage or barricaded person situations, acts of terrorism, and other unusual incidents)
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On Saturday, 10/18/2025, Officers with the Elizabeth Police Department (EPD), responded to the Pine Ridge Crossing Apartment, S. Elizabeth St., within the Town of Elizabeth, County of Elbert, and State of Colorado, on a report of a subject with a weapon.

While En Route, dispatch advised the suspect, who was later identified as _____ was inside the construction site and had a handgun. Dispatch advised that _____ had pulled the handgun out of his pants and set it on the ground. _____ was described as a white male with a black shirt and blue jeans. Dispatch advised _____ was in a west unit in the construction zone,

A quarter mile Code Red was launched to warn residents to stay inside and avoid the area.

Elbert County Sheriff's Office (ECSO) Deputies were dispatched to assist EPD.

Upon EPD Officer's arrival, a perimeter was set, and an Unmanned Aerial System (UAS) was utilized to ensure scene safety. The suspect was located pacing around the empty apartment structure.

The suspect exited the apartment building and was compliant with commands. Officers approached and secured _____ without incident. A loaded Springfield XDS 9mm handgun was recovered from his waistband with two full magazines of hollow point rounds.

Deputy/Supervisor Name & Number	Page 1 of 2
Sergeant Sean Bigler #1504	

The investigation revealed that [redacted] was experiencing [redacted] medical episode.
This was confirmed by Elizabeth Fire Rescue (EFR).

Several witnesses confirmed [redacted] did not threaten anyone, nor pointed the firearm in anyone’s direction. Though, it was reported that the firearm was unholstered at one point. [redacted]

[redacted] was released without incident and with no charges pending.

Nothing further to report at this time.



Elizabeth Police Department

Special Report

FOR INTERNAL USE ONLY

Report Date	Report Time	Date Occurred	Time Occurred	Primary Jurisdiction	Case Number
10/15/2025	1418	10/15/2025	UNKNOWN	ELIZABETH POLICE DEPARTMENT	25-6472

Location of Occurrence
STATE HIGHWAY 86 AND HINDS ST.

☒	Major Criminal Event	☐	Transportation Incident	☒	Notable Incident/Arrest
☐	Inmate Injury	☐	Police Vehicle Accident	☐	General Information Item
☐	Death Investigation	☐	Discharge of Police Weapon	☐	Other

☐	After Action Report Completed (required for all incidents involving natural or man-made disasters, pandemics, civil disturbances, mass arrests, credible bomb threats, hostage or barricaded person situations, acts of terrorism, and other unusual incidents)
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On Wednesday, 10/15/2025, at approximately 1400 hours, Officers with the Elizabeth Police Department (EPD), observed criminal mischief in the area of State Highway 86 and Hinds St., within the Town of Elizabeth, County of Elbert, and State of Colorado.

It was discovered that a large local candidate for the Elizabeth School Board sign was vandalized at this location with a large black swastika.

In a search of calls for service and speaking with duty officers, it appears that the vandalism occurred in the early hours of 10/15/2025.

This appears to be related to an ongoing investigation in both Douglas and Elbert Counties regarding similar vandalism with this same school board candidate.

This investigation is ongoing, and this special report will be updated when more information is available.

Nothing further to report.

Deputy/Supervisor Name & Number Sgt. Sean Bigler #1504	Page 1 of 1
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TOWN OF ELIZABETH POLICE DEPARTMENT

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Town of Elizabeth Police Department Monitoring Report

October 28, 2025

Staffing updates:

- A background investigation is nearing completion for a prospective reserve officer. The applicant is a tenured law enforcement professional currently serving at a local institution of higher education. Due to his existing schedule—having Sundays and Mondays off—he has committed to volunteering one day per week to support patrol operations during his time off.
 - The applicant has expressed interest in transitioning to a full-time role with the Town of Elizabeth should a vacancy arise. Given his qualifications and familiarity with the department, he would be a strong candidate for such a position.
 - Leveraging this opportunity would significantly reduce hiring-related costs. Specifically, the department could forgo a full recruitment process and psychological evaluation, incurring expenses only for a medical examination and one uniform.

Departmental Updates:

- The Community of Care program will be featured at the upcoming Senior Luncheon on Friday, November 17, 2025. This presentation will highlight the department's efforts to support vulnerable community members, particularly those who are missing or endangered.
 - Presenters:
 - PattyAnn will introduce the Community of Care program, focusing on its purpose and implementation in connecting residents with essential services.
 - Officer Steven Herbel will discuss the law enforcement response to missing and endangered persons, including the use of technology to assist families and officers in locating individuals with dementia or cognitive disorders.
 - Reserve K-9 Officer Frank Hurst will present on the role of tracking K-9s in search operations for missing and endangered individuals.
 - Program Overview:
 - The Community of Care program is a rebranded and expanded version of the Citizen Welfare Program initiated in 2024. Its mission is to strengthen



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TOWN OF ELIZABETH POLICE DEPARTMENT

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the department's connection with the community through engagement and support.

- Program Goals:
 - Conduct regular wellness checks for residents identified as needing additional support.
 - Connect individuals with local resources such as healthcare, transportation, and food assistance.
 - Provide a direct line of communication between residents and the police department for concerns or emergencies.
- This initiative reflects the department's continued commitment to community-oriented policing and proactive service delivery.
- In response to community feedback, the Elizabeth Police Department will be hosting an Open House. The event, titled "Bites and Blue," was inspired by Sgt. Alex Allen's presentation during his assessment for promotion to Sergeant, reflecting a commitment to community connection.
 - Event Highlights:
 - **Refreshments:** Light snacks and beverages ("bites") will be provided to create a welcoming and informal atmosphere.
 - **Facility Tour:** Attendees will be invited to tour the newly renovated police department, offering a behind-the-scenes look at operations and infrastructure.
 - **Informational Presentations:** Officers will deliver brief presentations to share insights into department functions, community programs, and public safety initiatives.
 - This event is designed to foster positive relationships between the police department and the community, promote transparency, and showcase recent improvements in facilities and services.
- In alignment with ongoing efforts to expand specialized investigative capabilities, the Elizabeth Police Department has opened internal applications for the position of Internet Crimes Against Children (ICAC) Task Force Detective.
 - **Application Process:** The opportunity has been made available to current departmental members. Interested candidates are encouraged to apply.
 - **Interview Timeline:** Interviews are scheduled to begin within the next few weeks.
 - **Interagency Collaboration:** The Douglas County Sheriff's Office, which hosts the regional ICAC Task Force, will participate in the interview process to ensure alignment with task force standards and expectations.



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- This initiative reflects the department's commitment to proactive investigations and regional collaboration in addressing crimes against vulnerable populations.

Departmental Training:

- Departmental members participated in TIMS training. Coordinated by Commander Culter, multiple departments and agencies attended. Participants in the training included: Town of Elizabeth Public Works, Elbert County Sheriff's Office, and the Elizabeth Police Department.

Request for Board Feedback: Monitoring Report Alignment

The Elizabeth Police Department continues to provide a vital service to the community, and the Monitoring Report is designed to offer insight into ongoing efforts that align with our department's vision, mission, and values. While the report presents a snapshot of current events within the police department, it is inherently one-dimensional without input from the Town Board.

To ensure the information provided is meaningful, relevant, and supports transparency, we welcome feedback from board members regarding areas of interest or specific topics you would like to see addressed in future reports. Your guidance helps maintain open dialogue and ensures the department remains responsive to both board priorities and community expectations.



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TOWN OF ELIZABETH POLICE DEPARTMENT

CHIEF OF POLICE JEFF ENGEL

ELIZABETH POLICE DEPARTMENT ACTIVITY STATISTICS REPORT

Period: 10/05/2025 to 10/18/2025



ELIZABETH POLICE DEPARTMENT'S MISSION STATEMENT:

"The Elizabeth Police Department is committed to service excellence in protecting life and property, impartial enforcement of law, and building community with those who live, work, and visit, the Town of Elizabeth."

The following is an informational breakdown of EPD police activity from **10/05/2025 at 12:01 a.m. to 10/18/2025 at 11:59 p.m.** This information is compiled from our Records Management System (RMS), identified as New World (NW), as well as Douglas County Regional Dispatch (DCRD) records.

***All suspects/defendants are presumed innocent until proven guilty in a Court of Law. ***



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CHIEF OF POLICE JEFF ENGEL

Total Calls for Service:

264

Traffic Stops:

Total Stops:

**Penalty Assessments
Issued:**

Warnings Issued:

53

28

25

Other Calls for Service:

Call Type:	Number of Calls:
911 Landline	2
911 Rapid SOS	6
Animal Complaint	1
Animal-Dangerous	1
Assist to Fire Department	1
Assist to Other Agency-Non-Urgent	5
Assist to Other Agency-Urgent	1
Attempt to Contact	1
Business Check	24



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Citizen Assist	6
Citizen Contact	5
Civil	2
Crime Prevention	12
Criminal Mischief	2
Domestic Violence-Verbal	2
Flock	2
Follow Up	16
Found Property	1
Harassment	2
Increased Patrol	51
Informational Report	3
Juvenile Complaint	1
Livestock Complaint	1
Medical Assist	4
Motorcycle Complaint	1
Motorist Assist	1
Municipal Ordinance Violation	7
Motor Vehicle Crash with Property Damage	3
Parking Complaint	1
Report Every Drunk Driver Immediately (REDDI)	2



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Restraining Order Violation	3
School Education	6
Special Assignment	2
Subject with a Weapon	1
Suicidal Subject	4
Suspicious Circumstance	4
Suspicious Vehicle	5
Theft	2
Traffic Complaint	5
Traffic Hazard	4
Traffic Stop	53
Unknown Trouble	1
VIN Verify	2
Warrant Pickup	2
Welfare Check	1
Wildlife	1
Training	1



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Open Patrol Division Criminal Investigations:

Case Number:	Call Type:	Details:
25-1130	Financial Crimes	Investigation into fraud of a resident.
25-5367	Motor Vehicle Theft	Investigation into a stolen motor vehicle.
25-6302	Theft	Investigation into theft of money from a resident.
25-5281	Financial Crimes	Investigation into a fraud involving cryptocurrency.
25-6472	Criminal Mischief	Investigation into vandalized property in Town.
25-6479	Financial Crimes	Investigation into fraud of a business.
25-6260	Theft	Investigation into theft of a local business.



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Open Community Services Division Municipal Ordinance Violations:

Case Number:	Call Type:	Notes:
25-2958	Municipal Ordinance Violation	Investigation into a Municipal Ordinance Violation that occurred in Town.
25-3484	Municipal Ordinance Violation	Investigation into a Municipal Ordinance Violation that occurred in Town.
25-6184	Municipal Ordinance Violation	Investigation into a Municipal Ordinance Violation that occurred in Town.
25-6356	Municipal Ordinance Violation	Investigation into a Municipal Ordinance Violation that occurred in Town.

**Please note that limited information regarding open investigations is available. This is to protect the integrity of the investigations. **

Closed Case/Incident Reports:

Case/Incident Number:	Call Type:	Details:
25-5950	Drug Violations	EPD Officers contacted a motorist for a traffic violation. During the investigation, Officers suspected that there were narcotics in the vehicle. After a K9 sniff, the vehicle was searched, and several items of drug paraphernalia were located.
25-6185	Drug Violations	EPD responded to a local school on a reported drug violation. After investigation,



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		narcotics were located. A Municipal Summons was issued to the suspect.
25-6216	Theft	EPD responded to a reported theft. After investigation, it was determined the matter was civil in nature and no crime occurred.
25-6217	Animal Complaint	EPD Community Services Division recovered a dog that was found at large. The owner was located, and the dog was returned home.
25-4349	Municipal Ordinance Violation	EPD Community Services closed an investigation into a property that was in violation of several Town Codes. The property owner came into voluntary compliance.
25-6259	Restraining Order Violation	EPD responded to a local business on a reported restraining order violation. After investigation, it was determined that no crime had occurred.
25-6085	Restraining Order Violation	EPD responded to a local school on a reported restraining order violation. After investigation, it was determined a crime did occur. The case was filed with the Elbert County District Attorney's Office
25-6298	Suicidal Subject	EPD Officers responded to a suicidal subject. After investigation, Officers had probable cause to believe the party was an imminent threat to themselves. The party was placed on a mental health hold and transported to a mental health facility.
25-6307	Restraining Order Violation	EPD responded to a local business on a reported restraining order violation. After investigation, it was determined that no crime occurred.



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25-6303	Suicidal Subject	EPD responded to a local school on a reported suicidal subject. A suicide risk assessment was completed and determined the subject was minimal risk. The party was evaluated by Centennial Mental Health and released to a guardian on a safety plan.
25-6194	Criminal Mischief	EPD closed a case of criminal mischief. After investigation, there was insufficient probable cause to pursue criminal charges.
25-5884	Menacing	EPD closed a case regarding a possible road rage that resulted in a felony menacing. After investigation, there was insufficient probable cause to pursue criminal charges.
25-6333	Domestic Violence	EPD responded to a residence on a reported domestic violence. After investigation, it was determined that no crime occurred.
25-5755	Theft	EPD closed a case regarding theft of government property. After investigation, probable cause existed that a crime had occurred. The suspect was issued a municipal summons for a criminal offense.
25-6350	Disturbing the Peace	EPD Officers responded to a reported of an intoxicated person. After investigation, it was determined that probable cause existed for a criminal violation. The suspect was issued a municipal summons.
25-6184	Municipal Ordinance Violation	EPD Community Services closed a case regarding a property in Town that was in violation of Several Town Codes. The owner came into voluntary compliance.



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25-6054	Animal Control	An EPD Officer located a dog running at large in the Town. The dog's owner could not be identified and thus was taken to the kennel. When the owner was identified, a municipal summons was issued.
25-6377	Theft	EPD Officers responded to a local business on a reported theft. The suspect was identified and contacted. The suspect chose not to turn himself in, and therefore a warrant was sought for their arrest.
25-5860	Harassment	EPD responded to a local school on a reported harassment. While probable cause did exist that a crime had been committed, the suspect was under the age of criminal culpability. As such, the Department of Human Services was notified, and the student was turned over to the school for discipline.
25-6424	Drug Offense and Warrant	EPD Officers located a vehicle associated with an arrest warrant. A traffic stop was conducted and the party with a warrant was arrested after the warrant was verified. Officers also observed drugs in plain view of the vehicle. As the party was already in custody, a municipal summons was issued and sent with them to the jail.
25-6445	Motor Vehicle Crash	EPD Officers responded to a motor vehicle crash. After investigation, the subject who violated Model Traffic Code was issued a Municipal Summons.



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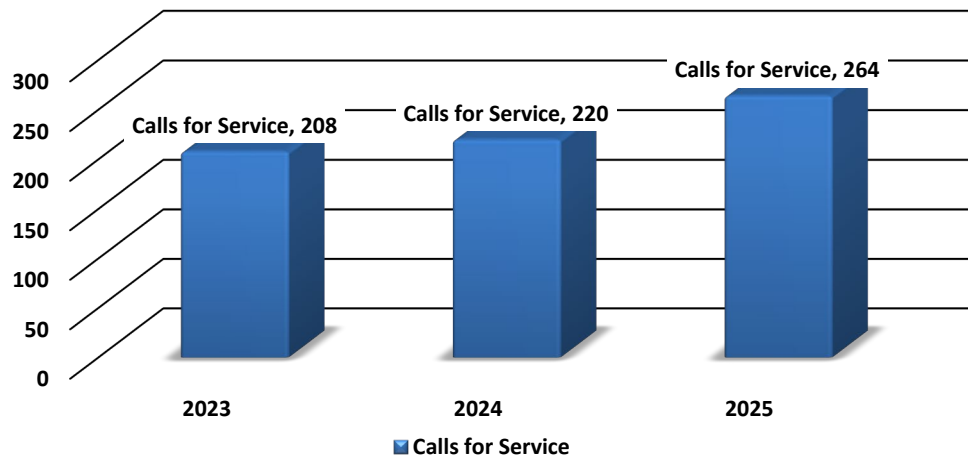


TOWN OF ELIZABETH POLICE DEPARTMENT

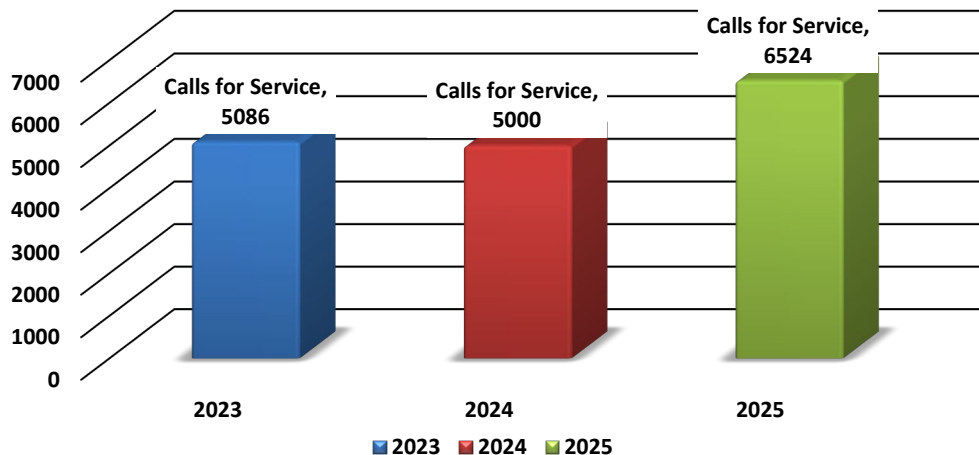
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Historical Data:

Calls for Service For Same Period:



Total Calls for Service Year to Date



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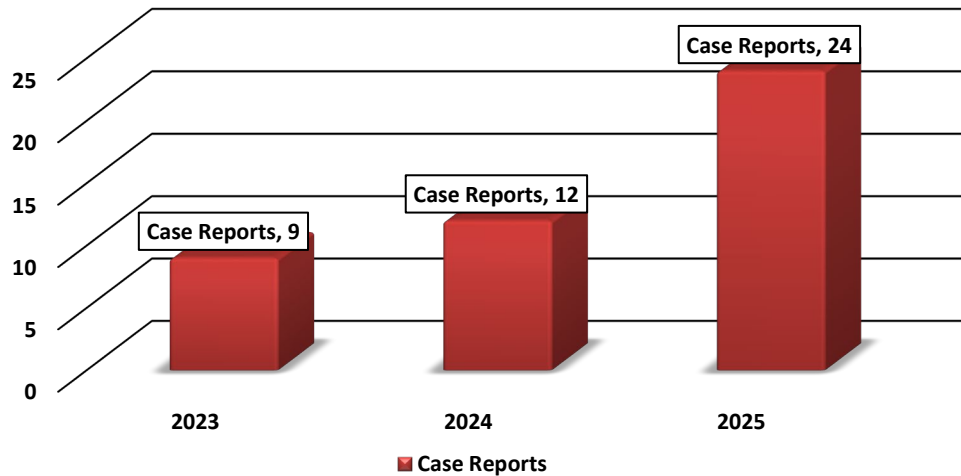
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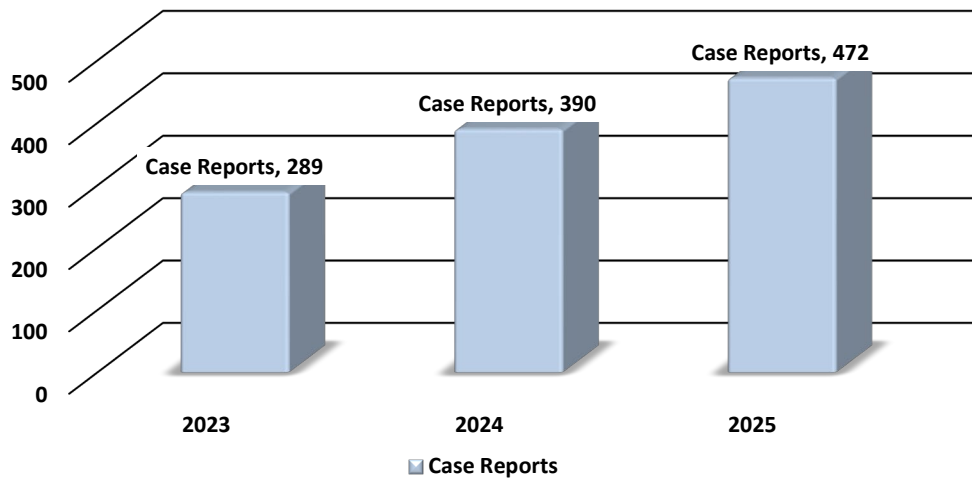
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Case Reports Pulled For Same Period:



Total Case Reports Pulled Year to Date:



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TOWN OF ELIZABETH

COMMUNITY DEVELOPMENT DEPARTMENT

October 28th, 2025

Management Team Updates

Community Development – Alexandra Cramer, AICP, Planner/Project Manager

- Consulting Services in the Community Development Department
 - At the workshop on October 20th, a comment was made that suggested eliminating SAFEbuilt consulting services as a budget cut, with the implication that Community Development staff should be doing this work instead. This assumes the work is not already being done in-house, which is incorrect. Community Development manages project coordination, stakeholder communication, code compliance, public engagement, Board presentations, and long-range planning. Consulting services provide technical input on specific matters, not ongoing project management or regular planning review.

Since the Planner/Project Manager position was filled in 2023, Community Development staff has managed and reviewed *all projects*. Multiple projects have been presented to and approved by the Board without any third-party consultation. This includes projects managed after the department was reduced by a third in December 2024. The 350 S Elbert Street Subdivision represents a *specific exception* where the former director established a third-party arrangement in 2022 for project management due to applicant difficulties, and this was kept in place for continuity with both staff and the applicant through the director's departure. With Walnut Grove, SAFEbuilt was used as a planning resource and second opinion through coordination with the applicant, engineering consultants, and staff on how planning and engineering considerations intersected. Plan review against code is *only one small part* of what planning and project management entails.

The reality is that the town's zoning code and PUDs are outdated and create situations that are rarely black and white. Relying on a single planner to interpret these ordinances without peer review at times is not responsible planning. SAFEbuilt has worked with the Town for over eight years and knows how things generally work here. Getting a second set of eyes on *certain* situations is standard practice and ultimately protects the Town.

- Main Street Board of Directors
 - Some members on the MSBOD will be assisting the Elizabeth Chamber of Commerce at their BooBash on October 25th. This cooperation came out of several meetings the MSBOD had with Chamber on how to better collaborate and assist with each organization's events and efforts. The MSBOD is also sponsoring a musician to play on

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Main Street during the event from 11am-1pm to encourage attendees to stay and patronize the businesses.

- **5K and Family Color Run** – The 5K and Family Color Run was a success this year. We had approximately 240 participants. We were sponsored by the following organizations/businesses: Waste Management, Independence/Craft Companies, Potestio Brothers, Bobo Bars, EBC, EPR District. We partnered with the Elizabeth Chamber of Commerce to help coordinate sponsorships to pay for the t-shirts this year. We received donations from the following businesses: RNK Running & Walking, Sprouts, Mountain Man, Randy's Antiques, IC Threads, The Nest, EBC, The Prickly Pear and Coffee House on Mainstreet, Carriage Shoppes.

5K & Family Color Run Budget 2025

Expense Categories		
Item	Budget	Actual 2025
Shirts	\$3,500.00	\$0.00
Bags		\$0.00
Medals	\$4,500.00	\$4,500.00
Signage		\$0.00
Advertisement	\$250.00	\$0.00
Breakfast	\$1,500.00	\$1,002.00
Drinks	\$100.00	\$88.75
Color Run	\$300.00	\$236.54
DJ	\$500.00	\$600.00
Photographer	\$200.00	\$200.00
Face Painter	\$300.00	\$345.00
Event Coordinator	\$3,500.00	\$3,500.00
EMT Services	\$300.00	\$330.00
Colorado Race Timing	\$1,500.00	\$1,166.00
Photo Booth	\$0.00	\$0.00
Miscellaneous	\$250.00	\$0.00

Budget Summary	
Category	Amount
Total Budget	\$8,000.00
Total Projected Expenses	\$16,700.00
Revenue	\$5,552.94
Total Spent to Date	\$6,415.35

We had volunteers from the following organizations: EHS Poms Team, Running Creek PTCO, Boy Scout Troop 636, Elbert Schools Booster Club, Elbert County Fair Royalty, Kiowa Schools, and Redstone Bank.

- **DOLA Colorado Main Street Manager Summit** – Staff attended the Colorado Main Street Manager Summit in Lyons, where Main Street communities across the state presented their recent work. Notable accomplishments included:
 - Windsor received the Colorful Colorado Choice Award for their Downtown Master Plan and launched a new 501(c)(3) Main Street Partnership to expand event programming
 - Silverton secured full funding for their Blair Street Revitalization Project after nearly 10 years of work, including \$260,990 from CDOT's Multimodal Options Fund and \$1,043,958 from a DOT TAP grant
 - Town of Lyons completed town-wide wayfinding signage fabrication and installation
 - Pagosa Springs supported downtown businesses through a two-year US 160 reconstruction by creating "Coney Z" (their construction mascot), installing



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additional wayfinding, and raising \$12,500 for their Business Assistance Grant Fund

- Rifle launched "Third Thursday on Third Street," growing attendance from 250 in June to approximately 650 by September
- Wellington completed two new downtown murals and launched their Walk of Fame project, providing custom yard signs to graduating seniors with scholarships funded through the program
- Victor adopted a new Land Use Code to facilitate downtown development and launched a Revitalization Program providing \$7,500 property improvement grants to 10 businesses

The MSBOD will review all accomplishments presented at the summit to identify programs and initiatives that could be adapted for Elizabeth.

- Main Street Car Show -- The Main Street Car Show took place on September 5th, 2025. There were over 80 cars that participated. We had 3 food trucks and a local musician. We received good feedback from both participants and attendees—some that were visiting Elizabeth Main Street for the first time. The MSBOD would like to explore another car show in the spring.
- Colorado Main Street Community of the Year Award – The MSBOD was named the Colorado Main Street Community of the Year in 2024. As part of this recognition, the Town was awarded professional services from DOLA Main Street with Ayres Associates to conduct a development analysis for the Gesin Lot. The analysis was completed in June with the report scheduled for presentation to the BOT in July.
- Oddfellows Building Mural -- Through DOLA mini grant funds, Staff and MSBOD members collaborated to install a mural on the Oddfellows building in May. The public art installation has received positive community reactions.
- Chamber of Commerce Partnership Development -- The MSBOD is working to build stronger partnerships with the Chamber of Commerce. Staff and MSBOD members have met with the Chamber several times over the past six months to identify collaboration opportunities and improve resources for the business community. Staff also coordinated a meeting with DOLA Main Street and the Chamber to further these discussions. All meetings have been successful, with the Chamber moving forward to assist with 5K sponsorships for the first time.
- Locable Website Development -- The MSBOD's Locable website continues to grow with approximately 40 local businesses and organizations registered in the directory. The website has been opened to all businesses within Town limits and features numerous

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events in the calendar. Staff and the MSBOD will continue promoting the website as the Elizabeth area's primary event calendar resource.

- Elbert County Artist Guild Partnership -- The MSBOD has been discussing enhanced partnerships with the Elbert County Artist Guild. Recent meetings between both groups have identified integration opportunities for ECAG participation in Main Street events. As an outcome, ECAG will have a presence at the Main Street Car Show, 5K, and Historic Walk and Talk. The MSBOD is also exploring ways to incorporate local art on Main Street and will continue developing these conversations over the next few months.
- ElizaBash Weekend Promotion -- During ElizaBash weekend, the MSBOD provided Main Street stickers, temporary tattoos, and bags to participating Main Street businesses for patron distribution. The businesses expressed appreciation for these promotional offerings.
- Networking Event -- The MSBOD held a networking event at Elizabeth Brewing Company in May with approximately 50 attendees from various boards, organizations, businesses, and the general public. The event was catered by the Elizabeth High School Culinary Class and was successful.
- Stampede Participation -- The MSBOD attempted to attend the Stampede, but their participation was cut short due to storms and tent malfunctions.
- Historic Advisory Board
 - The HAB is exploring grants to help fund new storyboards on Main Street.
 - **11th Historic Walk and Talk** -- The HAB held their 11th Historic Walk and Talk on September 27th at 9:30am with approximately 100 attendees. The event received positive feedback from both new and returning participants. Highlights included a tour of the Oddfellows building and a first-person historic character enactment performed by a Historic Advisory Board member, who dressed in historically accurate attire and portrayed Elsie Baner through monologue. Staff created brochures focusing on the town's historic figures for distribution at the event. American Legion provided lunch, and Elizabeth Brewing Company featured their "Elizabrew" commemorating the town's 135-year anniversary.



The Founding Vision: A Place from Afar
While Elizabeth was the name of Elizabeth City, Maryland, some in here to Colorado Territory Governor John Evans, the town's early had little direct involvement with the town or surrounding area. The family was simply passing through this beautiful location on the Platte River. Evans, who the Denver & New Orleans Railroad established a station here in 1863. The decision to name the new town Elizabeth honored Elizabeth, the first wife of building the community into a town, businessman, entrepreneur, and worker who are present in this strategic cultural location. This naming process was central to the cultural and economic success of the town. Upon this location in the future, some of the fascinating individuals who transformed Elizabeth from wilderness into a thriving frontier community.

Want to Learn More About Elizabeth's Historical Figures and Families?

If you enjoyed discovering the stories of Elizabeth's pioneers and personalities, explore our engaging Oral History Collection! We've recorded fascinating interviews with longtime residents like Warren Gresham (four generations on the same homestead), Orla Tarr (whose Swedish grandfather donated land for our cemetery), and many other families whose memories bring our town's history to life. These recorded conversations capture firsthand accounts of everything from the devastating 1935 flood to Main Street's bustling businesses, from community dances to severe winter storms, and from family ranching traditions to the evolution of our beloved town.

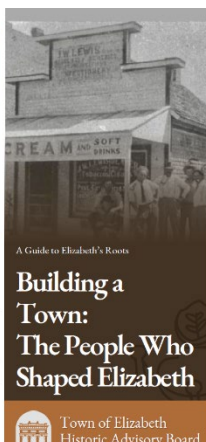
QR CODE

SCAN ME

Building a Town: The People Who Shaped Elizabeth

A Guide to Elizabeth's Roots

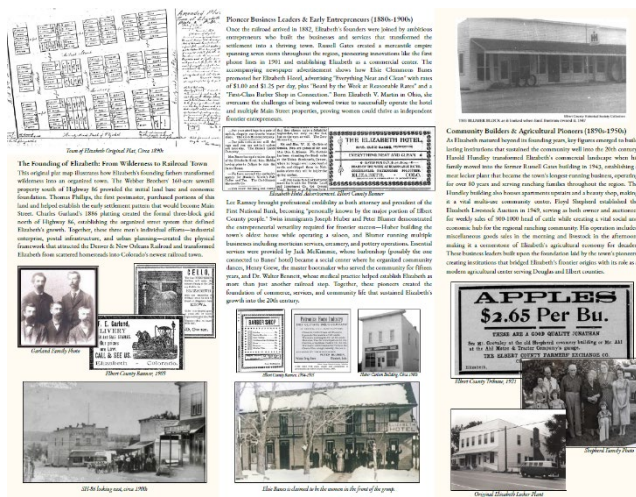
Town of Elizabeth Historic Advisory Board





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- Oral History Program -- The HAB continues to expand their oral history collection available at historicalizabetchco.org. Bob Rasmussen and Lynn Mitchell, with the assistance of Dianna Hiatt, have been conducting interviews and compiling oral histories. The website currently features 10 completed oral histories with a backlog of additional interviews to be posted. These have proven to be an effective community engagement tool, with social media generating 250+ engagements on Facebook.
- Historic Building Coloring Contest -- The HAB completed their first historic building coloring contest and received 14 entries. Community voting determined winners from each grade level (K-3rd). The four winners received award bags presented at the First Friday Night Market, and all participants were offered complimentary DQ ice cream cones. The Town thanks the Library District and Elbert County Artist Guild for their partnership on this project. All contest entries can be viewed on the HAB's website.
- Historic Property Research -- Historic property research efforts are ongoing with several properties completed. As research is finalized, properties are added to the virtual walking tour map on the HAB's website. Property owners receive completed packets of research findings. Staff has received positive feedback from property owners expressing gratitude for the opportunity to meet with HAB members and learn previously unknown history about their properties.
- Partnership Development -- The HAB is exploring new partnerships with the Library District as well as the Elbert County Historical Society and Museum.



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- The HAB recently took a tour of the Elbert County Museum and got to meet some of their board members.
- Greater Elizabeth PROST Master Plan—The master plan was approved by the Town’s BOT, EPR District, and Elizabeth School District.
- 2025 Neighborhood Block Parties -- Neighborhood block parties are underway with three scheduled for 2025. Events are planned for June, July, and August.
- Board Onboarding Packets -- Staff is working on developing onboarding packets for all three boards: Planning Commission, Historic Advisory Board, and Main Street Board of Directors.
- Permit Document Updates -- Staff is updating permit documents and creating a one-stop shop informational packet to streamline the permitting process.
- Planning Commission
 - Strong Towns Workshop Series -- The Planning Commission participated in Strong Towns workshops on 08/20/2024 and 09/03/2024. More information can be found on the Town's website under Community Development and Planning Commission. Key Takeaways include:
 - Cities/Towns, like businesses must run a profit to effectively serve the community
 - It is hard to break even on infrastructure projects (streets, sidewalks, water, sewer, etc) unless the adjacent properties contribute enough/significantly in property and/or sales tax (general rule of thumb is 30:1 private to public investment)(\$1million in public improvements should generate \$30million in private investment)
 - Cash infusions from large development projects create the illusion of solvency but generally don't cover long term maintenance of additional infrastructure (infinite timeframe/life of a Town)
 - Suburban development pattern tends to be a larger scale with less productivity when compared to pre-WWII development pattern
 - Towns, Cities, human settlements have developed in similar ways over thousands of years until post WWII suburban expansion
 - The Federal and some State approaches to development, in particular in response to the Great Depression, were top down and provided fuel for accelerated growth (New Deal)
 - The pre WWII development pattern Town/City were complex organisms that could adapt with changing variables vs the suburban development pattern is largely a complicated system which is less adaptable to different inputs (resilient vs fragile)(rainforest vs monocrop)

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- Incremental development patterns or "little bets" create flexibility in the system versus large scale developments that are completed to a finished state all at once. (Historic Main Streets versus new outdoor shopping malls on the outskirts of a Town/City)
- Incremental development allows for feedback and adaptation during the maturation and thickening up of the community
- Financial Solvency is ESSENTIAL for long-term prosperity
- Land must NOT be squandered (non-renewable resource)
- Job creation and economic growth are the results of a healthy local economy, not substitutes for one
- Local government is the highest level of collaboration (some of the biggest impacts can be made at local level, not state or national for day-to-day life in your Town)
- Incremental investments or "little bets" are ideal way to see sustainable development occur (small local investments versus top-down large scale investment projects)
- Resiliency is key to Strong Towns over efficiency (may be more cost effective to build extra mile of infrastructure because of economies of scale but you ultimately have to pay to maintain that added infrastructure before you need it) Smaller development scale projects and blocks/neighborhoods with many owners and uses can withstand economic impacts better than large scale projects with single or fewer owners and uses
- Adaptability is key to complex system survival (Towns with the ability to adapt to changing wants and needs over time are more resilient than those that are unable to change with varying conditions) Future and current generations may want or need different working, shopping, or living environments than in 1900, 1950, or 2000. Are we allowing for adaptability?
- Additional PC training will be researched to help prepare them for a potential comprehensive plan update.



TOWN OF ELIZABETH

MICHAEL DEVOL/PUBLIC WORKS DIRECTOR

To: Honorable Mayor, Mayor Pro-Tem, and Town Board of Trustees
From: Mike DeVol, Public Works Director
Date: October 28, 2025
Subject: Public Works Monitoring Report

Town Street Paving Improvements Project:

1. Ongoing projects for the year 2025.
2. Receiving Price quotes for Chip Seal County Road 13 from school water tank North.
3. Terracina/Martin and Aztec Survey in Hillside presently to build data for the upcoming re-paving RFP and Wade Park drawings. RFP will be on December 9, 2025 BOT Agenda for approval to post in January 2026.

Town Main St. Decorations:

1. Main Street Banners have been installed on the new Light Poles.

Town Wells, Tanks, and Effluent:

1. Plant Effluent (waste treated outflow) for September 2025 = 5,439,792 gallons; Avg. Daily 181,326 gallons (gpd) or .181 mgd and Plant is rated for 500,000 gpd or .5mgd.
2. Macquire Tank Company has the drawings and approval for the tank vents at 85% completion to satisfy CDPHE and remove our 1- Deficiency Violation during our CDPHE Inspection of all water facilities.
3. Drawings have been submitted by Macquire Tank to CDPHE for review, comments and approval.

Town Water Line (NON) Emergency Repair:

1. 2 locations of plastic Black irrigation pipe used have been repaired for service lines and small leaks.

Town Hall Repairs/Landscaping Plan:

1. No report.

Town Walkway Repairs:

1. PW has been completing repairs to various locations throughout town where heaving has occurred.
2. PW has replaced 2 sidewalk areas that received chase drains for sidewalk issues.

Town Street Maintenance/Striping Projects:

1. Striping will take place in the Spring of 2026 as needed.

Town Snow Plowing and Street Sweeping: SNOW Season is right around the corner.

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1. PW has been sweeping the streets and mowing Parks and Right of Ways.
2. PW has completed the cleaning of Storm Sewers ROW areas throughout town.

Town New Wells at Ritorio/Gold Creek Valley:

1. The new well building is complete, and PW is planning an Open House in the Spring of 2026.
2. Landscaping will take place in 2026, and PW will work with the 4 adjacent property owners for their approval of the landscape sketch from Terracina to ensure that we conceal as much of the building as possible from their views.

Town Trail Project:

1. The Depot Lot is Open for full use.
2. Town trails are completely open for use.
3. PW has seen increased parking in the Depot Lot for trail enthusiasts.
4. PW has received several compliments on the addition of "RED" the Moose art on the Depot lot provided on loan from Karyl and Matt Lawrence of Hillside Subdivision. Several citizens complimented the location being close to the Art Studio.
5. PW has contracted with a prairie dog control company for the South 40 Town property. The first round of two or three treatments was completed last week.

Town Police Department:

1. Siding is at 95% complete for installation, painting will take place after installation.
2. The incorrect ADA access has been removed. The concrete for the new ADA access will be poured the Monday 13th and Tuesday 14th as per engineered drawings.
3. The ADA Police station access has received engineering approval and the handrails are being installed this week.

Gold Creek Lift Station Improvements:

1. Eligibility surveys for Water and Wastewater Capital projects have been completed for 2025/2026 and accepted by Colorado Department of Public Health and Environment (CDPHE). The eligibility surveys allow the town to be in line for any funding that may be available for future projects.

Gold Creek Wastewater Treatment Plant:

1. No Report

Town Clean-Up Day/Paint Round-Up/Arbor Day:

1. No Report

Town Public Works News: Please Note Speed Limit for Main Street is 15MPH for Pedestrian Safety

1. Public Works is currently completing a new plat and easement agreement with CORE Electric (per CORE request) which should be completed and hand delivered to CORE Electric on October

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- 21st to allow for the placing of transformers and electric lines to tie in the Main Street and Depot lot lighting.
2. Retrofits for the drainage issue at the Hat shop area are installed and have worked flawlessly during several heavy rainstorms, with no effect on shop owners and standing water.
 6. Mainstreet Streetscape continues to address punch-list items and scheduling repairs as the CORE/Comcast poles have all been removed.
 7. Numerous questions and concerns continue to surface to the point of micromanaging by concerned person(s) on the Mainstreet Streetscape. Below is a partial list:
 - a. Narrow Streets and Bulb-Outs were approved to aid in slowing traffic making pedestrian safety a priority concern and allow for people to visit and gather along Main St to enhance their shopping and easy accessibility. Speed on Main St is posted at 15 MPH.
 - b. The Large Cottonwood tree that was removed from private property at Main St and Broadway St was a Life, Health Safety issue and needed to be removed.
 - c. Public Works resolved several small issues a day along Main St. and will continue to do so until project final acceptance.
 - d. Public Works is continuing to work with property owners at the Oddfellows and Alpaca shops to resolve issues arising from construction.
 - e. Resolution has been reached with CORE Electric for Main St lighting and should begin power line installation and service hook-up within the next 2-3 weeks.
 - f. Items brought to PW attention on main streetscape that are punch list items are being addressed.
 - g. One main street new light fixture will be replaced and is under warranty.

Town Farmers Market:

1. PW and Community development plan on a meeting with Elizabeth Brewing Company and Don Means agency for future events to discuss placement of Solar Lamp Posts, Electrical outlets, and trees to enhance the use for all parties.

Town Parks and Right of Way:

1. The NEW storm drainage system and detention pond have performed very well during several heavy downpours of rain and small hail over the last two weeks.
2. Seeded areas of the Depot lot and detention have progressed very well with heavy grass showing in all areas. Fencing around the detention pond will commence as weather allows.

Upcoming Projects:

1. PW has completed the 2025 CDPHE Annual Reporting.
2. Annual biosolids sampling will take place in October 2025 for CDPHE (state) compliance.
3. Regulation 85 Nutrient (federal) monitoring will be conducted in October of 2025 for acceptance by CDPHE.



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4. PW has completed a round of PFAFs (radiation/radiological). Results have been reported to CDPHE.
5. Water Augmentation and Recording.
6. Water lead and copper sampling.
7. Water constituents for heavy metals sampling.
8. Annual DMR (Daily Monitoring Report) Gold Creek Wastewater Plant.
9. Tree City USA Application accepted and approved by Tree City USA.
10. Trail DOLA findings and inspections. Addition of willow cuttings planted.
11. PW is conducting the Highway User Tax Fund (HUTF) reporting and data processing for 2025.
12. PW has completed lead and copper testing per CDPHE guidelines for 2025.
13. Flushing of entire town's water supply system is completed every 6 months.
14. Cleaning of the Storm Drainage systems.

Mike DeVol
Town of Elizabeth
Public Works Director
GCWWTP Operations
303-913-6453
mdevol@townofelizabeth.org



TOWN OF ELIZABETH

CLERK'S/FINANCE OFFICE MANAGER'S REPORT

October 28, 2025

The Clerk's / Finance report reflects updates provided by individual Staff members.

Hannah

Allison

- Hannah and I attended the Caselle conference a couple of weeks ago. I gained more knowledge about running reports and creating forms. We met other Caselle users from Colorado and other states. We also met with our Invoice Cloud representatives while in Utah and learned of their latest updates/upgrades.
- I will be covering for Michelle and Harmony this week as they attend the CMCA Conference. I will also be attending the awards dinner on Thursday evening. It will be a good chance to catch up with fellow Colorado clerks.
- I am working with Dianna on dressing up Red, the moose, for Halloween!

Harmony

- It's conference season! I've been spending a lot of time helping to cover other desks while coworkers are out at their various conferences and meetings. I will be out for the CMCA conference October 21st through October 23rd.

Michelle

- October Court docket day had 35 arraignments, 4 continuance, 11 reviews, and 1 trial.
- Colorado Municipal Clerks Conference is this week; Harmony and I will be attending. Harmony Tuesday through Thursday, and I will be there Wednesday through Friday.
- I took part in my first PSHRA event as a Board Member—it went great! We led a roundtable discussion with 35 participants.
- The Town successfully hosted another Estate Planning Class, continuing our effort to provide valuable community resources.
- This month's Senior Luncheon's topic was Medicare Changes and SSA Facts. We had a large response of 35 RSVP's and 30 number of attendees.
- Nicky Quinby with Elbert County News will be doing an article on the Senior Basket Project.
- It is wonderful that people are reaching out to me about volunteering to help assemble and deliver baskets. We appreciate that our community wants to help support such a valued project.



TOWN OF ELIZABETH

CLERK'S/FINANCE OFFICE MANAGER'S REPORT

- NOTICE TO THE BOARD OF TRUSTEES, pursuant to C.R.S. § 31-12-107(1)(f) a Petition for Annexation has been filed with the Town of Elizabeth. The property is identified as 889 South Elizabeth Street, Elbert County, Colorado. Currently, no further action is required by the Board of Trustees, and this information is provided to comply with Colorado Law.



Town of Elizabeth

Main Street Board of Directors Regular Meeting

Monday, July 14, 2025 at 8:30 AM

Town Hall, 151 S. Banner Street

Call to Order

The Regular Meeting of the Elizabeth Main Street Board of Directors was called to order on Monday, July 14, 2025, at 8:35 AM by President Carrie Wedel.

Roll Call

Present:

President Carrie Wedel

Vice President Brandon Jeffress via Zoom

Director Linda Bulmer

Director Jeff Struthers

Director David Cox

Director David Colleran

Absent:

Director Michael Hussey

There was a quorum to do business.

Also in Attendance:

Planner/Project Manager Alexandra Cramer

Permit Technician Dianna Hiatt

Deputy Town Clerk Harmony Malakowski

Public Comment

This is a meeting of the Main Street Board of Directors held in public. We welcome you here and thank you for your time and concerns. When you are recognized, please stand and state your name and address to the Board. Your comments will be limited to 3 minutes. The Main Street Board of Directors may not respond to your comments during this meeting. Rather, they may take your comments and suggestions under advisement and your questions will be directed to the appropriate person or department for follow-up. Personal attacks against Board Members, Administrative Staff, or Employees will not be recognized. If a response from Staff is requested, the President will direct Staff to have a response at the next regularly scheduled Board meeting.

There was no Public Comment.

Agenda Changes

Ms. Cramer requested that we add an item no. 5 under New Business to discuss the upcoming Board of Trustees and Main Street Board workshop.

No changes from the Board.

Agenda set.

Consent Agenda

1. Minutes of the May 12, 2025 Regular Meeting

Motion by Director Cox, seconded by Director Bulmer, to Approve the Consent Agenda.

Voting Yes: President Wedel, Vice President Jeffress, Director Bulmer, Director Struthers, Director Cox, Director Colleran

Voting No: None

Motion Passed Unanimously (6-0)

New Business

2. Discussion on Main Street Car Show

Ms. Cramer provided a report. Discussion followed.

3. Discussion on 2025 Ornament Design

Ms. Cramer provided a report. Discussion followed.

4. Discussion on Gesin Lot Redevelopment Report

Ms. Cramer provided a report. Discussion followed.

5. Discussion regarding the upcoming Board of Trustees and Main Street Board of Directors Workshop

Mr. Cramer provided a report. Discussion followed.

Director Bulmer left the meeting at 10:00 AM.

Staff Report

6. Staff Report

- Planner/Project Manager Alexandra Cramer:
 - Training Reminders
 - Facade Grant
 - Promotional Video
 - Elbert County Artist Guild partnership
 - 5K & Color Run

Board Reports

- Director Cox:
 - Confirmed participation from Mother Cluckers food truck for the car show event.

Adjournment

Motion by Director Cox, seconded by Director Struthers, to Adjourn the meeting at 10:18 AM.

Voting Yes: President Wedel, Vice President Jeffress, Director Struthers, Director Cox, Director Colleran
Voting No: None

Motion Passed Unanimously (5-0)


Deputy Town Clerk Harmony Malakowski


President Carrie Wedel

