

Title 6

ANIMALS

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Chapter 6.04

ANIMAL CONTROL REGULATIONS

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6.04.010 General provisions.

A. This Chapter shall be applicable to all property within the City, and to City owned park property located outside of the City limits.

B. The terms in this Chapter, unless otherwise indicated, shall have the same meanings defined in C.R.S. § 18-9-201, as now existing or as hereafter amended.

C. The City Manager may issue such regulations as may be necessary for the enforcement, administration and interpretation of this Chapter, and any amendment thereto. (Ord. 6 §1, 1996; Ord. 4, 2022)

6.04.020 Rabies vaccinations.

A. Proof of rabies vaccination, or equivalent required: All owners applying for a license must show, as provided herein, that the animal for which the license is being obtained has current rabies vaccinations.

B. Vaccinations: It shall be unlawful to own or have custody of any dog six (6) months of age or cat six (6) months of age or older, unless such dog or cat has been vaccinated against rabies with an approved vaccine by a licensed veterinarian and such vaccine is currently effective. No rabies vaccination is required for a dog or cat temporarily within the City for less than thirty (30) days if said dog or cat is currently licensed by another governmental licensing authority or such dog or cat has a current rabies vaccination.

C. A treatment or practice administered by a licensed veterinarian as an alternative to traditional rabies inoculations, and having effectiveness against rabies similar to traditional vaccinations, shall be an acceptable alternative to such vaccinations.

D. The rabies vaccinations and tag required by this Section must be obtained within twenty (20) days of the acquisition of any dog over six (6) months or cat over six (6) months old.

E. Certificate of Vaccination: The veterinarian administering the vaccine shall execute and furnish to the owner or custodian of the animal a certificate of vaccination, and shall maintain records of such vaccinations. Such certificate shall provide information appropriate for the administration and

enforcement of this Chapter, including the description of the animal.

F. Certificates of vaccination issued shall be good for the duration as identified by manufacture requirements.

G. Proof of vaccination: It shall be unlawful for any person who owns or has custody of any dog or cat to fail or refuse to produce the certificate of vaccination upon request by any person charged with the enforcement of this Chapter.

H. All dogs shall have a collar or harness to which the required rabies tag shall be attached.

I. It shall be unlawful for any person to make use of, or have in their possession or under their control, a stolen, counterfeit or forged rabies tag or rabies vaccination certificate.

J. Vaccination certificates and tags are not transferable and it shall be unlawful for any person to attach any rabies tag to any animal other than the animal for which such tag was originally issued.

K. It is unlawful to make any fraudulent statement or misrepresentation with respect to any rabies vaccination application. (Ord. 6 §1, 1996; Ord. 2, 2013)

6.04.030 License required.

A. License required: It shall be unlawful for any person to own, keep, harbor or have custody of any dog or cat over the age of six (6) months within the City unless such dog/cat is licensed as provided in this Chapter.

B. License Application: Application for such license shall be made by the owner or custodian on a City form within ten (10) days after acquiring any dog over six (6) months of age or within ten (10) days after a dog becomes (6) months of age; provided that any owner or custodian moving to the City for the purpose of establishing residence or becoming a resident as a result of any annexation, and otherwise required to obtain a license, shall have until ten (10) days after moving or annexation to obtain such as license.

C. Place of Application: The Delta Police Department shall be the primary location of application and administration for pet animal licenses, except when notice is provided to the public of another location at which pet licenses may be obtained.

D. All dogs and cats kept within the City which are required to have a rabies vaccination pursuant to subsection 6.04.020(B) shall be licensed.

E. Applications for licenses shall be submitted on forms provided by the City and must be accompanied by proof of current rabies vaccination and a license fee as set by the City's annual fee schedule.

F. Licenses issued by the City shall be valid for the life of the animal.

G. License tags shall be attached to a collar or harness of the dog. A collar or harness shall be worn when a dog is not on the owner's property. Lost tags may be replaced for a fee as set by the City's annual fee schedule.

H. It shall be unlawful for any person to make use of, or have in their possession or under their control, a stolen, counterfeit or forged license tag.

I. It shall be unlawful for any person to attach any license tag to any animal other than the animal for which such tag was originally issued. If a dog or cat is sold to a different owner, the new owner shall purchase a new license for that dog or cat.

J. It is unlawful to make any fraudulent statement or misrepresentation with respect to any license application. (Ord. 6, §1, 1996; Ord. 2, 2013; Ord. 4, 2022)

6.04.040 Animal attacks.

A. Anyone person(s) including physicians, having knowledge of any bite or injury caused by any animal occurring within the Delta City limits shall notify the Delta Police Department within 24 hours.

B. Any animal which is known to have bitten or injured any person, causing cut or puncture of the skin shall be quarantined for a period of not less than ten (10) days from the date of the incident. It is unlawful for any person to refuse to produce such an animal for quarantine.

C. The animal shall be quarantined and observed at either the owner's residence or animal shelter, or at any veterinary clinic or hospital of the owner or custodian's choice, whichever the City determines is necessary for proper observation. Such confinement shall be at the expense of the owner or custodian. Stray animals whose owners cannot be located may be confined at city animal shelter or at any veterinary clinic or hospital.

D. The owner or custodian of the dog, cat or other animal shall be liable for the costs of confinement, which is determined by City Council and the animal shall not be returned until such costs are paid. The animal may be sold or destroyed if such costs are not paid by the owners or custodian and the City may recover such costs in any lawful manner.

E. Pets placed under home quarantine at the discretion of the City animal control officer must be physically confined to the owner's property for the duration of the quarantine period by a city approved fence, chain, cage, or other restraint, or confined indoors. Contact with people and other animals shall be minimized.

Any animal under home quarantine shall not leave the owners property for any reason except when being transported for veterinary medical care. If an animal or the owner is found in violation of this section there shall be just cause for impoundment of the animal at the owner's expense. The owner violating this section may be subject to a summons and complaint to municipal court.

F. Pets with no rabies vaccination or with an expired rabies vaccine may be home quarantined at the discretion of the City animal control officer after consulting with a license veterinarian.

G. Any animal deemed to be suspected or infected with rabies shall be destroyed. (Ord. 6 §1, 1996; Ord. 2, 2013)

6.04.050 Limit on dogs and cats.

A. It shall be unlawful to keep, maintain, harbor or possess upon the premises of any one household or other premises, other than a veterinary hospital, more than four (4) dogs and cats over the age of three (3) months, in the aggregate in any combination. Provided, however, animals in excess of this limit lawfully kept upon a premises at the time of annexation to the City may continue to be kept if all animals on the premises are licensed with the City within 30 days of annexation. Such excess animals cannot be replaced upon death or other disposition. Provided further, however, within the A-1 Zoning District, and on lawful, but nonconforming farms and ranches, at least 10 acres in size, it is lawful to keep additional working dogs which are used in conjunction with farming and ranching activities such as herding and guarding livestock.

B. Dog kennels, breeding kennels, veterinary hospitals, boarding kennels, catteries or any similar such facilities, which keep more animals than allowed in Subsection A above are prohibited within the City except if any required State license is in effect, and the facility is lawfully located pursuant to City zoning regulations. (Ord. 6 §1, 1996; Ord. 31, §9, 2000; Ord. 2, §1, 2002; Ord. 9, §1, 2004; Ord. 2, 2013)

6.04.060 Revocation or suspension of license or tags.

A. The City Council may revoke or suspend any license or tags issued in accordance with the provisions of this Chapter upon a finding that the licensee has violated any provision of this Chapter. A hearing shall be held and reasonable notice given of the hearing to the licensee or custodian. (Ord. 6 §1, 1996)

6.04.070 Running at large prohibited.

A. It shall be unlawful for any owner or custodian of any animal to fail to have the animal under effective and immediate control of the owner or custodian by a leash, cord, chain or other restraining device at all times that such animal is within the City, unless the animal is upon the premises of said owner or custodian with adequate and proper supervision.

B. Unaltered animals impounded by the City animal control officer shall be subjected to additional fees.

C. Any animal in violation of subsection (A) above may be impounded or caused to be impounded by the City. It shall be unlawful for the owner of an impounded animal to fail to reclaim it and pay all applicable charges.

D. A list of all impounded animals shall be posted in the City Clerk's office.

E. The owner or a custodian of any animal so impounded may reclaim it within five (5) working days from the date the notice is posted with the City Clerk upon payment of an impounding fee plus a daily fee for care and feeding per day impounded, which fee shall be set by City Council, plus any veterinary charges. No unlicensed dog or cat will be released to the owner or custodian without obtaining a license if one is required by this Chapter and obtaining any required rabies vaccinations.

F. The City shall keep all animals so impounded for a period of five (5) working days from the date the notice is posted unless sooner reclaimed by the owner. If at the expiration of said period, the owner or custodian has not reclaimed the animal, it may be destroyed or disposed of by sale or transfer, or transferred to an adoption facility. Any purchaser shall pay all charges imposed by this Chapter. No unclaimed dog or cat shall be adopted without being vaccinated for rabies, spayed or neutered and licensed, if required. (Ord. 6 §1, 1996; Ord. 2, 2013)

6.04.080 Releasing restrained animals prohibited.

A. It shall be unlawful for any person to release any animal impounded or quarantined pursuant to this Chapter without permission of the City.

B. It shall be unlawful for any person to set any animal free of any restraint or confinement without consent of the owner or custodian. (Ord. 6, §1, 1996)

6.04.090 Vicious animals.

A. It shall be unlawful for the owner or custodian of any vicious animal to fail to confine it within a building or secure enclosure or to fail to have it securely muzzled or caged and on a leash or other restraining device, capable of providing

effective and positive restraint and control of the animal, whenever off the premises of the owner or custodian.

B. A vicious animal is any animal that, without provocation, bites, or attacks persons or other animals; approaches any person or other animal with vicious or terrorizing behavior or an apparent attitude of attack, whether or not the attack is consummated or is capable of being consummated; or has acted in a manner that causes or should cause its owner or custodian to know that the animal is potentially vicious.

C. It shall be an affirmative defense to charges under this Subsection that the actual or intended victim of any attack has made an unlawful entry into the residential dwelling structure of the animal's owner or custodian, or has threatened or attacked a person or animal lawfully within said dwelling structure, or has threatened or attacked an owner or custodian of the animal. "Dwelling structure", for the purposes of this Subsection, shall mean any enclosed building, or portion thereof, which provides actual living facilities.

D. Any animal which is reasonably believed to be vicious and which is not properly confined in accordance with the provisions herein may be impounded if it constitutes a danger to any person or animal. The animal shall remain impounded until the completion of legal proceedings. The owner or custodian shall be responsible for costs of impoundment, the animal may be destroyed if such costs are not paid as determined by the court.

E. The owner or custodian of a vicious animal shall post a warning of the presence of such animal at the entrances to the building or enclosure in which the animal is kept. (Ord. 6, §1, 1996; Ord. 2, 2013)

6.04.100 Cruelty to animals.

A. It shall be unlawful for any person owning or having custody of any animal to fail to provide any animal with adequate food, water, shelter and veterinary care when reasonably required.

B. It shall be unlawful for any person to beat, ill-treat, poison, 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, or destroy any animal belonging to another.

C. It shall be unlawful for the owner or custodian of any animal to abandon such animal. (Ord. 6, §1, 1996 Ord. 2, 2013)

6.04.110 Nuisance.

A. Any animal which produces or creates any unreasonable disturbance by excessive vocalization including continuing screeching, barking or other noise, or which on more than one occasion, chases vehicles, attacks other animals, damages property, is at large without control, or is otherwise in violation of the provisions of this Chapter, is hereby declared to be a nuisance.

B. It is unlawful for the owner or custodian of any animal to allow it to become a nuisance, or to create a nuisance.

C. The City may abate any such nuisance by an action in a court of proper jurisdiction or otherwise in accordance with law. (Ord. 6, §1, 1996; Ord. 2, 2013)

6.04.120 Female animals in heat.

A. Any female dog or cat in heat shall be confined in a building or secure enclosure adequate to prevent indiscriminate contact with any male dogs or cats. (Ord. 6, §1, 1996; Ord. 2, 2013)

6.04.130 Police dogs.

A. Police dogs, while on duty, or under authorized training with or for the Delta Police Department or any other law enforcement agencies shall not be subject to the provisions of Sections 6.04.040, 6.04.070, 6.04.090, 6.04.110 or 6.04.120.

B. It shall be unlawful for any person to hit, kick, strike, beat, injure, disable or kill any police dog on duty or under training, or to tease or torment any police dog in a manner likely to provoke a violent response or to interfere with the use of such police dog which such dog is being used by the Delta Police Department or other law enforcement agency for law enforcement duties or while under training. (Ord. 6, §1, 1996; Ord. 2, 1013)

6.04.140 Repealed (Ord. 2, 2013)

6.04.150 Enforcement.

A. It shall be unlawful to violate any provision of this Chapter.

B. Habitual violations of this Chapter are declared to be a nuisance.

C. The City may cause the destruction of any animal when it is injured or diseased, or when reasonably required to protect persons, property or other animals, or when an animal cannot be safely impounded. The Municipal Judge may, as a condition of any plea bargain or sentence, order the destruction of any animal which has attacked any person, or any animal when necessary to protect the public peace, health, safety, or welfare.

D. The Municipal Judge may, as a condition of any sentence or plea bargain, enter orders as appropriate to abate any nuisance and require restitution. (Ord. 6, §1, 1996; Ord. 2, 2013)

6.04.160 Pet store regulations.

A. No business or activity shall be established or conducted on property within the City limits which engages in the acquisition or raising of any type of animals for resale as domestic or household pets (whether known or referred to as a "pet store" or by any other name under which the essential functions of a pet sale business are conducted) except in compliance with the provisions of this Section 6.04.160.

B. No pet store or other pet sale business shall be opened or operated within the City except upon property located in a zoning district in which retail sales are permitted as a use by right or conditional use.

C. Animals kept by the owner of any pet store business shall, at all times, be kept or displayed only in pens or cages that 1) substantially conform as to size and materials with customs of the pet store industry for each respective animal species and that 2) are located exclusively within enclosed areas of the principal business building lawfully constructed on property within a permitted zoning district. No such animals may be temporarily or permanently kept in any type of garage, outbuilding, kennel, hutch, pen, cage or other structure located

outside of or apart from the principal business building, whether or not such structure is enclosed or ancillary to the use of the principal building.

D. No animals of any kind or description that are commonly known to be wild or undomesticated shall be deemed authorized under this Section 6.04.160 for keeping or sale by any person or business within the City limits.

E. All provisions of Chapters 6.04, 6.12, and 8.24 of the Delta Municipal Code, pertaining to the general imposition and enforcement of animal controls and the general prohibition and abatement of nuisances, shall remain fully applicable to owners of any pet store business that may be otherwise properly located in the City, with the exception of the individual pet license requirements and the maximum animal limits set forth in Sections 6.04.030, 6.04.050, and 6.12.020 of said Code. (Ord. 3, §1, 2006; Ord. 2, 2013)

6.04.170 Feral Cat Colony Management

A. The following definitions shall apply to this Section:

1. *Feral Cat* means any undomesticated variety of cat at for which no one claims ownership or rights of possession and which roams freely in a wild state in and about the Delta city limits.
2. *Feral Cat Colony* means any two or more feral cats which gather regularly at a food source.
3. *Feral Cat Caretaker* means any person who complies with the registration requirements of this Section and is otherwise dedicated to limiting interactions between feral cats and humans, and to controlling the growth of feral cat colonies through a humane process of feeding, trapping, neutering, vaccinating and returning the individual members of such a colony.
4. *Managed Feral Cat Colony* means a feral cat colony having one or more caretakers who maintain its health, sterility and separation from human populations.
5. *Ear Tipping*. The process of removing the top portion of a feral cats ear so as to identify and distinguish it as having been properly sterilized and vaccinated.

B. Any person who desires to be recognized as a bona fide

feral cat caretaker shall register as such with the animal control division of the Delta Police Department and, upon so doing, shall be exempt from the animal control regulations of Chapter 6.04 of the Delta Municipal Code with regard to any feral cats and colonies that are being managed by such caretaker. After completing registration, each caretaker shall submit semi-annual written reports to Delta's animal control division which describe the approximate size, location and general description of each feral cat colony being managed and which recite date-specific events of sterilization, vaccination and control of each feral cat being managed. All feral cats that have been sterilized and vaccinated shall be so identified by its caretaker through the process of ear tipping.

C. The purpose of this Section is to enable a practical alternative to indiscriminate destruction of free-roaming feral cats. It is nevertheless provided that nothing in this Section shall preclude or limit the destruction of any such cat that has become a public nuisance in the discretion of the animal control officer of the Delta Police Department or that has been ordered destroyed by the Delta Municipal Court. (Ord. 4, §1, 2009)

6.04.180 Dog Park

A. There is hereby established within the City of Delta a dog park for the purpose of allowing the off-leash exercise of dogs provided that such dog is under the control of an attendant who is competent and knowledgeable relative to the behavior of said dog(s).

B. Definitions:

Attendant: A person eighteen (18) years or older who brings a dog to the Dog Park. Such person is expected to be competent and knowledgeable relative to the behavior of, and have control over, said dog(s) at all times while at or inside the park.

Dog Park: An enclosed fence facility designated by the City of Delta for the purpose of allowing dogs, under the control of their owner or attendant, to exercise and socialize off-leash.

Owner: As defined as the relation of an owner to the animal possessed.

Vicious Animal: As defined in 6.04.090

Visual Control: The attendant/owner can see the dog(s) and is within 75-feet of the dog(s) at all times.

Voice Control: The attendant/owner is within 75-feet of the dog(s), is able to control and recall the dog(s) at all times, and is not allowing the dog(s) to fight with other dogs. A dog under voice control must immediately come to the attendant/owner when so commanded.

C. Park Operations: The Department of Parks/Recreation shall have authority to control the Dog Park and to make reasonable rules for its operation that are consistent with the Ordinance. The Dog Park will be operated year-round on a daily basis from sunrise to sunset, unless closed for maintenance or severe weather.

D. Responsibilities of Dog Park Users: The attendant/owner must ensure that their dog(s) are legally licensed and have documentation that their dog's vaccinations are up to-date. Current license and vaccination tags must be displayed on the dog's collar.

All dogs shall be free of contagious or infectious diseases, be parasite-free both externally and internally, and have no visible wounds or injuries.

No more than two (2) dogs per attendant/owner are allowed in the Dog Park.

The attendant/owner of the dog(s) must be inside the enclosed Dog Park and have visual and voice control of their dog(s) at all times. Dogs shall not be left unattended at or inside the park.

All dogs must be wearing a collar. Spiked collars are prohibited.

The attendant/owner of any dog(s) using the park must have in his possession a leash that must be attached to said dog(s) when outside.

The attendant must fill-in any holes dug at the facility by their dog(s).

The attendant/owner must remove from the park their dog(s) when they become engaged in excessive barking or are fighting or attempting to fight with other dogs.

The attendant/owner of dogs using the facility must use a suitable container to promptly remove any feces deposited by their dog(s) and properly dispose of such waste material in designated receptacles. Food items must be removed from the park and properly disposed of in a trash receptacle.

E. Children Regulations: While inside the park, children 8 to 17 years of age shall be accompanied by an adult who is solely responsible for the child's proper behavior and safety.

Such children are not permitted to excite or antagonize any dogs using the park by any means including, but not limited to, shouting, screaming, waving their arms, throwing objects, running at or chasing dogs.

F. Prohibited Actions: To ensure the safety of the dogs and attendants the following are not permitted at the Dog Park:

- Animals that are not dogs.
- Dogs under the age of four (4) months.
- Female dogs when in heat.
- Dogs deemed to be vicious, or who have a previous history of aggressive behavior toward other animals or humans,
- The use of bicycles, roller blades/skates, skateboards and similar types of exercise equipment,
- Motorized vehicles and devices, except for wheelchairs for the disabled.
- Glass bottles and similar breakable containers.
- Alcoholic beverages.
- Smoking

Professional dog trainers may not use the park in conjunction with the operation of their business.

G. Liability: Users of the Dog Park shall comply with all rules and regulations governing the use of the facility.

The owner and/or attendant is responsible for and liable for all injuries and damages caused by their dog(s).

Use of the Dog Park shall constitute the implied consent of the dog owner and/or attendant to all conditions of this ordinance and shall constitute a waiver of liability to the City of Delta. As such, users of the Dog Park agree and undertake to protect, indemnify, defend, and hold the City of Delta harmless for any injury or damage caused by or to their dog(s) during any time that said dog(s) is unleashed at the park. Posted at park entrances shall be rules and responsibilities.

H. Enforcement: A person found to be in violation of this Dog Park Ordinance and/or the Dog Park rules is subject to removal from the facility and may be prohibited from future use of the Dog Park.

A person who violates any provision of Dog Park Ordinance or Rules shall be subject to a fine of \$50.00 dollars (Ord. 2, 2013).

6.04.190 Animal Redemption

A. Pet owners may reclaim their impounded pet at the City of Delta animal shelter as long as the impounded animal has not been adopted out or euthanized. The owner of an impounded animal shall be responsible to pay applicable fees, fines and other expenses incurred by the animal while impounded even if the animal has been adopted by another party or if it has been euthanized.

B. The animal shelter may require that the owner is the only party who can reclaim an impounded animal. No one under the age of 18 years of age, unless emancipated, may reclaim an animal from the shelter. Failure of an owner to reclaim their animal and pay applicable fees can be cause for criminal charges being filed against the owner of the animal.

C. Providing false information to shelter personnel can be cause for criminal charges being filed against the party reclaiming the impounded animal. The City of Delta can require a pet owner/caretaker pay an impound/board fee bond for up to 10 days in advance for any impounded animal involved in an upcoming court case. The bond can be refunded if ordered by a Judge. This

bond may be used to cover care and other expenses incurred by the impounded animal during impoundment. Should an owner/care taker fail to pay the required bond within five business days, the animal becomes the property of the City of Delta (Ord. 2, 2013).

6.04.200 Found/Stray Animal Surrender

A. The animal shelter will accept found and/or stray animals. The animal must have been found running loose or as a stray inside the City limits of Delta Colorado. The finder must sign a finder surrender form. No found animals will be taken if the finder failed to contact the Animal Control Officer within 3 business days of finding the animal. If more than three business days have passed, the finder will be considered the custodian of the animal and is responsible for it. No found feral cats will be taken unless trapping arrangements have been made with shelter personnel. Only domestic animals will be accepted. No animal will be removed from private property without the owner or legal renter being present and signing a finder surrender form.

B. Providing false information can be grounds for criminal charges to be filed against the finder (Ord. 2, 2013).