

PART II - CODE OF ORDINANCES
Chapter 4 - ANIMALS
ARTICLE VI. - RESERVED

Chapter 4 - ANIMALS ^[14]

⁽¹⁴⁾ **Cross reference**— Administration, Ch. 2; solid waste and recycling, Ch. 10; health and sanitation, Ch. 11; police, Ch. 19; streets, sidewalks and other public places, Ch. 21; zoning districts and zoning map, Ch. 27, Art. 4; animal regulation, Ch. 27, § 10-6.

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⁽¹⁴⁾ **State Law reference**— Estrays, C.R.S. § 35-44-101 et seq.; cruelty, C.R.S. § 18-9-201 et seq.; rabies control, C.R.S. § 25-4-601 et seq. (Back)

ARTICLE I. - IN GENERAL

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Sec. 4-1. - Definitions.

When used in the chapter, the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:

Abandoned means not provided with water, shelter or necessary sustenance within a twenty-four-hour

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period, unless withheld under direction of a doctor of veterinary medicine.

Animal means dogs, cats, rabbits, rodents, birds, reptiles, livestock, exotic species, endangered species, threatened species and wild animals.

Animal control officer means any person designated by the city to enforce the provisions of this chapter or any other ordinance or law of the state pertaining to animals and shall include police officers.

Cat means a domestic feline of either sex, including one neutered or sterilized.

Cat, spayed/neutered means any cat upon which spaying or other neutering procedure has been performed by a licensed veterinarian and accompanied by a certificate asserting such operation or other procedure has been performed.

Commercial kennel means a facility open to the public for the purpose of breeding, boarding or training dogs or cats.

Designated licensing agency means the La Plata County Humane Society.

Dog means a domestic canine of either sex, including one neutered or sterilized.

Dog, spayed/neutered means any dog upon which spaying or other neutering procedure has been performed by a licensed veterinarian and accompanied by a certificate asserting such operation or other procedure has been performed.

Endangered species means any species of animal, bird or reptile which is found on the threatened or endangered list of animals issued by the United States Department of Interior or the Colorado Department of Natural Resources.

Exotic animal means any monkey, or other non-human primate, skunk, elephant, raccoon, jaguar, leopard, lynx, tiger, lion, ocelot, bobcat, cheetah, mountain lion, wildcat, panther, bear, wolf, coyote, fox, or other carnivorous or poisonous animal, bird or reptile.

Game animal means any wild animal for which a division of wildlife hunting license must be issued in order for the animal to be hunted and killed.

Guard dog means any dog which has been trained to attack on command or to attack when provoked.

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

Law-enforcement animal means a dog documented as having been appropriately trained and actively used by law enforcement agencies for law enforcement or rescue activities.

Livestock means any species of animal commonly kept, bought, sold or boarded as herd or flock animal as a source of food or as a source of income through agricultural sales. This shall include any hoofed animal or rodent; provided, however, that chicken hens numbering six (6) or fewer may be kept pursuant to section 10-1-30 of this Code and shall not be considered livestock or farm animals.

Owner means any person who has right of property in an animal or who harbors an animal or allows an animal to remain about his premises for a period of seventy-two (72) hours or longer, claims responsibility for an animal or is documented on paper as the responsible party for an animal.

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Pet animal means any species of animal which is sold or owned as a household pet, but shall not include wild animals, exotic animals, endangered species, threatened species or livestock as defined in this section.

Rabies vaccination means vaccination of a domestic animal with an antirabies vaccine approved by the state department of health and administered by a veterinarian licensed by the state.

Running at large means an animal off the property of the owner and not under the control of the owner, possessor or his authorized agent, or otherwise in violation of section 4-41.

Service animal means a dog documented and actively used as a guide, signal or service dog.

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

Threatened species means any species of animal, bird or reptile which is found on the threatened list of animals issued by the United States Department of Interior or the Colorado Department of Natural Resources.

Vicious animal means any unprovoked animal which has bitten or attacked a person or other domestic animal, a threatened or endangered wildlife or game animal, or which has demonstrated tendencies that would cause a reasonable person to believe that the animal may inflict injury upon or cause the death of any person or other domestic animal or a threatened or endangered wildlife or game animal within the city, other than a person trespassing upon the premises of the animal's owner or any person intervening in an animal fight in which the animal is involved.

Wild animal means all species of animals which exist in a natural, unconfined state and that are usually not domesticated.

(Code 1962, § 6-2-1; Ord. No. 1985-8, § 1(6-2-1), 4-2-85; Ord. No. O-2002-9, § 2, 5-7-02; Ord. No. O-2006-17, § 1, 9-5-06; Ord. No. O-2009-23, § 1, 12-1-09)

Cross reference— Definitions and rules of construction generally, § 1-2.

Sec. 4-2. - Poultry prohibited; exception.

Poultry shall be prohibited in the city except in the Residential- Agricultural (R-A) zone; provided, however, that chicken hens numbering six (6) or fewer may be kept pursuant to section 10-1-30 of this Code.

(Ord. No. O-2009-23, § 2, 12-1-09)

Cross reference— Zoning districts and dimensional requirements, Ch. 27, § 4-3; animal regulations, Ch. 27, §§ 10-6-1—10-6-4.

Sec. 4-3. - Certain animals prohibited.

(a) It shall be unlawful for any person to import, offer for sale, keep, maintain, harbor or permit in the city any exotic animal as defined in section 4-1.

(b) It shall be unlawful for any person to import, offer for sale, keep, maintain, harbor or permit in the city any endangered species or threatened species of animals as defined in section 4-1.

(c) This section shall not apply to any person who has been licensed by the state or the United States

government or by variance by the city council for the use, possession or ownership of such animals.

(Ord. No. 1985-8, § 1(6-2-9), 4-2-85)

Sec. 4-4. - Cruelty to animals.

A person commits cruelty to animals if, except as authorized by law, he knowingly or with criminal negligence overdrives, overloads, overworks, tortures, torments, deprives of necessary sustenance, unnecessarily or cruelly beats, needlessly mutilates, needlessly kills, carries in or upon any vehicles in a cruel manner, or otherwise mistreats or neglects any animal, or causes or procures it to be done, or, having the charge and custody of any animal, fails to provide the animal with proper food, drink or protection from the weather, or abandons the animal.

(Ord. No. 1985-8, § 1(6-2-10(A)), 4-2-85)

State law reference— Cruelty to animals, C.R.S. § 18-9-201 et seq.

Sec. 4-5. - Poisoning.

It shall be unlawful for any person to poison any animal or livestock or to distribute poison or toxicants on public or private property in any manner whatsoever with the intent of poisoning any animal. This section shall not prohibit the poisoning of varmint-type rodents with household poison.

(Ord. No. 1985-8, § 1(6-2-10(B)), 4-2-85)

Sec. 4-6. - Abandoning.

It shall be unlawful for any person to wilfully abandon any animal; or to wilfully fail to provide food, water, shelter, or necessary sustenance for any animal such that its life, health or welfare is endangered, or such that it is caused to suffer unduly.

(Ord. No. 1985-8, § 1(6-2-10(C)), 4-2-85)

Sec. 4-7. - Display or sale of dyed, immature or unweaned animals.

It shall be unlawful for any person to possess, display, sell, barter or give away dyed, colored or artificially treated baby chicks, ducklings, fowl, rabbits or other animals.

(Ord. No. 1985-8, § 1(6-2-10(D)), 4-2-85)

Sec. 4-8. - Fighting animals.

It shall be unlawful for any person to cause, instigate or encourage any animal or fowl to fight with another of its own species or with another of a different species. It shall be unlawful for any person to train, instigate, encourage or allow or keep any animal for the purpose of fighting. It shall be unlawful for any person to maintain a place where any animal is permitted for exhibition to fight, for wager or for sport.

(Ord. No. 1985-8, § 1(6-2-10(E)), 4-2-85)

Sec. 4-9. - Leghold traps or snare traps.

It shall be unlawful for any person to use a leghold trap or snare trap within the city limits.

(Ord. No. 1985-8, § 1(6-2-10(F)), 4-2-85)

Sec. 4-10. - Hit and run prohibited.

It shall be unlawful for any person to use a motor vehicle to strike or collide with, knowingly or with criminal negligence, a pet animal, livestock or wild animal and to then leave the scene. Any person driving a motor vehicle which strikes or collides with a pet animal, livestock or deer or elk shall stop at the scene, if safe to do so, and shall immediately report the incident to the police department.

(Ord. No. 1985-8, § 1(6-2-10(G)), 4-2-85)

Sec. 4-11. - Limit on number of dogs and cats; exception.

It shall be unlawful to keep, maintain, harbor or possess upon the premises of any one (1) household more than three (3) dogs or three (3) cats unless the owner or person in charge thereof shall have obtained a land use permit pursuant to Chapter 27 of this Code.

(Code 1962, § 6-3-11; Ord. No. 1985-8, § 1(6-2-11), 4-2-85; Ord. No. O-2002-9, § 3, 5-7-02)

Cross reference— Zoning districts and dimensional requirements, Ch. 27, § 4-3; household pets, Ch. 27, § 10-6-2.

Sec. 4-12. - Injured animals.

Animals injured on public property may be impounded and given adequate veterinary medical treatment pending notification of the owner. If the injured animal is treated or impounded, the owner of such animal shall be liable for all expenses of the treatment or impoundment.

(Ord. No. 1985-8, § 1(6-2-5(E)), 4-2-85)

Sec. 4-13. - Noisy animals deemed public nuisance.

It shall be unlawful for any owner, possessor or authorized agent of any owner to allow his animal to disturb any person by unreasonable barking, howling, yelping or vocal sound. In addition to being a violation of this section, the same is hereby declared to be a public nuisance which may be abated by the court on appropriate order directed to the owner of any animal.

An animal control officer may impound an animal or animals pursuant to section 4-96 if the officer, after making reasonable efforts to locate the owner, possessor or keeper, reasonably believes that impoundment constitutes the only available alternative for restoring the peace, comfort, safety or health of the neighborhood. The owner of the animal or animals shall be liable for all expenses arising from such impoundment.

(Ord. No. 1985-8, § 1(6-2-6), 4-2-85; Ord. No. O-2006-17, § 2, 9-5-06)

Cross reference— Nuisances, § 11-16 et seq.

Sec. 4-14. - Vicious animals.

No person shall own or harbor a vicious animal, as defined in section 4-1, within the city. Such animal may be summarily impounded when an animal control officer reasonably believes the animal is a present threat to the health or safety of the community. Such animal is hereby declared a public nuisance which may be abated by the court. If impoundment of such animal cannot be made safely by an animal control officer, or other persons, the animal may be destroyed by authorized police officials or

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animal control officers without notice to the owner or harborer.

(Ord. No. 1985-8, § 1(6-2-7(A)), 4-2-85; Ord. No. O-2006-17, § 3, 9-5-06)

Cross reference— Nuisances, § 11-16 et seq.

Sec. 4-15. - Penalties and fines.

(a) Any person who violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

(b) Pursuant to Colorado Municipal Court Rule 210 (b)(4), the court may by order, which may from time to time be amended, supplemented or repealed, designate violations of this chapter, the penalties for which may be paid at the office of the court clerk.

(c) The court, in addition to any other notice, by published order to be prominently posted in a place where fines are to be paid, shall specify by suitable schedules the amount of fines to be imposed for violations of this chapter, designating each violation specifically in the schedules.

(d) In addition to any other penalties, fines and costs that may be imposed for any violations of this chapter, the judges of the municipality may order any defendant who pleads guilty or no contest to any provision of this chapter or who enters into a deferred judgment or deferred prosecution for any violation of this chapter to pay restitution to any person who incurred any damages to his or her person, animal or other property caused by the animal owned or harbored by the defendant, and may order the defendant to complete an owner-responsibility course.

(Ord. No. 1985-8, § 1(6-2-12), 4-2-85; Ord. No. O-2004-26, § 1, 8-17-04; Ord. No. O-2006-17, § 4, 9-5-06)

Cross reference— General penalties, § 1-16; municipal court judge, § 15-31 et seq. [Secs. 4-16—4-25. - Reserved.](#)

ARTICLE II. - LIVESTOCK ^[15]

⁽¹⁵⁾ **State Law reference**— Estrays, C.R.S. § 35-44-101 et seq.

[Sec. 4-26. - Running at large.](#)

[Sec. 4-27. - Keeping of animals.](#)

[Sec. 4-28. - Riding horses restricted.](#)

[Secs. 4-29—4-40. - Reserved.](#)

Sec. 4-26. - Running at large.

It shall be unlawful for any owner, possessor or authorized agent of any livestock to fail to retrain such

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livestock by physical means from running at large. This chapter shall not be construed as prohibiting stockmen from driving herds through the city when necessary to transfer them from one pasture to another, or for the purpose of shipping. Stock shall be driven through the city in as short a time as possible and with reasonable notice given to the manager or his designee.

(Code 1962, § 6-2-3; Ord. No. 1985-8, § 1(6-2-5(B)), 4-2-85)

Sec. 4-27. - Keeping of animals.

It shall be unlawful for any person to harbor, keep and possess any horse, cow, sheep, goat, pig or swine within the city except that horses may be harbored, kept and possessed within the confines of the La Plata County Fairgrounds, and livestock may be harbored, kept and possessed in R-A zone districts, provided there is a minimum of five thousand (5,000) square feet of open land per each head of livestock and a lot area of not less than one (1) acre. Any person who is unlawfully harboring or keeping any horse, cow, sheep, goat, pig or swine within the city at the time of the adoption of this article shall cease to do so within thirty (30) days after the ordinance from which this section was derived takes effect.

(Code 1962, § 6-2-1; Ord. No. 1985-8, § 1(6-2-5(C)), 4-2-85)

Cross reference— Zoning districts and dimensional requirements, Ch. 27, § 4-3; agricultural and other animals, Ch. 27, §§ 10-6-3, 10-6-4.

Sec. 4-28. - Riding horses restricted.

It shall be unlawful for any person to ride, lead or drive horses upon the public parks or public sidewalks of the city or upon any part of the parkway located in the center of Third Avenue in the city.

(Code 1962, § 6-2-2; Ord. No. 1985-8, § 1(6-2-5(D)), 4-2-85)

Cross reference— Parks and recreation, Ch. 18; public parks, § 18-31; streets, sidewalks and other public places, Ch. 21; sidewalks, § 21-16 et seq. [<p class="sec">Secs. 4-29—4-40. - Reserved.](#)

ARTICLE III. - DOGS AND CATS ^[16]

⁽¹⁶⁾ **Editor's note**— Ord. No. 1990-5, § 1, adopted Mar. 6, 1990, amended the title of Art. III to read "Article III. Dogs and Cats".

DIVISION 1. - GENERALLY
DIVISION 2. - LICENSING

⁽¹⁶⁾ **State Law reference**— Licensing of dogs, C.R.S. § 30-15-101 et seq.; rabies control, C.R.S. § 25-4-601 et seq.
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DIVISION 1. - GENERALLY

[Sec. 4-41. - Running at large.](#)

[Sec. 4-42. - Guard dogs.](#)

[Sec. 4-43. - Removal of dog defecation from public and private properties.](#)

[Sec. 4-44. - Cats.](#)

[Sec. 4-45. - Dogs at public events.](#)

[Secs. 4-46—4-55. - Reserved.](#)

Sec. 4-41. - Running at large.

(a) Except in areas officially designated for off leash activities, it shall be unlawful for any owner, possessor or authorized agent of any owner to fail to restrain a dog by physical means from running at large, as defined in this section, within the city limits. A dog shall be deemed to be running at large, and permitted by the owner, possessor or agent to run at large under any of the following circumstances:

(1) When the dog is off or away from the premises of the owner or keeper thereof and not under the direct control of such owner, keeper, or a member of his immediate family, either by leash, cord or chain, not more than six (6) feet long;

(2) If the dog is left unattended on any public property, whether or not the dog is secured by any leash, cord, chain or other means.

(3) If the dog is left unattended in any vehicle parked on public property, unless the dog is secured within such vehicle by means of the natural enclosure of the vehicle or by means of a leash, cord or chain not more than six (6) feet long.

(4) When on the private property of the owner, possessor or authorized agent of the owner, but not in the presence of the owner, possessor or authorized agent, and not restrained by a leash, fence or other enclosure. If said animal leaves the boundaries of the private property of the owner, possessor or authorized agent, it shall be deemed to be running at large and the owner of said animal shall be held responsible for any and all injury or destruction of property caused by the dog.

(b) Within areas that have been officially designated as off leash areas, dogs may be allowed to run at large, subject to such rules and regulations as may be determined by the director of parks and recreation, which rules and regulations shall be posted on site at the designated off leash areas. All dogs utilizing the off leash areas must be under visual and voice control of the owner or keeper at all times. It shall be the responsibility of the person taking a dog to an off leash facility to clean up and remove any fecal material deposited by such dog. Aggressive dogs shall not be permitted within the off leash areas. It shall be unlawful for any owner or person taking a dog to an off leash area to violate the provisions of this subsection (b) including any posted rules and regulations for the off-leash area.

(c) Any law enforcement animal or service animal during the performance of its duties under the supervision of its keeper shall be exempt from the provisions of this section.

(d) Participants in organized, insured events such as dog shows, dog agility demonstrations or other

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professional dog exhibition may allow the participating animal off leash while performing within the designated confines of the event arena, provided that members of the general public not be allowed within the designated event area. Organizers of said event must obtain approval for the running at-large exemption provided by this section and demonstrate compliance with the stated requirements at the time of application for a special events permit from the city.

(Code 1962, § 6-3-2; Ord. No. 1985-8, § 1(6-2-5(A)), 4-2-85; Ord. No. O-2003-21, § 1, 8-19-03; Ord. No. O-2006-17, § 5, 9-5-06)

Sec. 4-42. - Guard dogs.

(a) It shall be unlawful to place or maintain any guard dog in any area for the protection of persons or property unless the guard dog is physically confined to a specific enclosed area and the area is posted as required. The area or premises in which a guard dog is confined must be conspicuously posted with warning signs no more than seventy-five (75) feet apart bearing letters not less than two (2) inches high, with the following legend:

"Warning: These premises patrolled by guard dogs trained to attack. In case of emergency call (guard dog owner and phone number)."

(b) It shall be accompanied by a decal that provides pictorial warning of a guard dog. The guard dog's owner must register his name, address and telephone number with the police department.

(Ord. No. 1985-8, § 1(6-2-7(B)), 4-2-85)

Cross reference— Police department, § 19-31

Sec. 4-43. - Removal of dog defecation from public and private properties.

Any owner or person having custody of any dog shall not permit said dog to defecate on any school ground, public street, alley, sidewalk, tree bank, park or any other public grounds or any private property within the city, other than the premises of the owner or person having custody of said dog, unless said defecation is removed immediately.

(Ord. No. 1987-23, § 1, 12-15-87)

Sec. 4-44. - Cats.

It shall be unlawful for any owner or keeper of any cat, or the authorized agent of any such owner or keeper, to fail to maintain reasonable control over such cat. For purposes of this section, a cat shall not be deemed under reasonable control when such cat inflicts damage or injury to the person or property of anyone other than the owner or keeper thereof, or his authorized agent.

(Ord. No. 1990-5, § 2, 3-6-90)

Sec. 4-45. - Dogs at public events.

(a) Dogs shall be prohibited from entering the boundaries of any city-authorized public events held on public property at which food will be vended or served to the public. Notice shall be posted at all entry points to such public events, advising that dogs are not allowed to enter, by order of the city.

(b) Exceptions may be permitted by the city through the special event permit process.

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(Ord. No. O-2006-17, § 6, 9-5-06) <p class="sec">Secs. 4-46—4-55. - Reserved.

DIVISION 2. - LICENSING

- [Sec. 4-56. - Required issuance.](#)
- [Sec. 4-57. - License tag display.](#)
- [Sec. 4-58. - Duplicate tags.](#)
- [Sec. 4-59. - False and stolen license documents.](#)
- [Sec. 4-60. - Nontransferability.](#)
- [Sec. 4-61. - Exemptions.](#)
- [Sec. 4-62. - Fees.](#)
- [Sec. 4-63. - Spay or neuter.](#)
- [Secs. 4-64—4-75. - Reserved.](#)

Sec. 4-56. - Required issuance.

(a) Any owner of a dog three (3) months of age or older shall procure a license for such dog in accordance with the provisions of this chapter.

(b) Upon proof of a current rabies vaccination certificate, signed by a veterinarian licensed by the State of Colorado, the designated licensing agency shall issue a dated and numbered receipt stating the name and address of the owner, rabies receipt number or the name of the issuing veterinarian, and a description of the dog, together with a La Plata County license tag stamped with a serial number, year, and demarcation identifying the issuing subdivision as La Plata County, Colorado. The license shall be procured concurrently with required rabies vaccinations of the licensed animal, and such licenses shall expire on either an annual or tri-annual basis, depending on the duration of the effectiveness of the rabies vaccine administered to such dog as set forth on the current rabies vaccination certificate.

(c) The identifying information, including dog license tag number, for every animal vaccinated and licensed in accordance with this chapter, shall be entered on a master control file kept by the La Plata County Humane Society. The designated licensing agency shall use the National Association of State Public Health Veterinarians (NASPHV) Form #50 to register the issuance of such licenses on the control file. This form will serve both as a rabies vaccination certificate and the county-wide license receipt.

(d) Should a dog required to be licensed by this chapter receive a rabies vaccination by a licensed veterinarian outside La Plata County, Colorado, the owner of such dog, within ten (10) days of arrival in La Plata County, shall obtain a La Plata County license for such dog from the designated licensing agency.

(e) It shall be a violation of this chapter for any owner to fail to comply with the licensing provisions set forth in this section.

(Code 1962, § 6-3-4; Ord. No. 1985-8, § 1(6-2-4(A)), 4-2-85; Ord. No. 1987-23, § 2, 12-15-87; Ord. No. O-2006-17, § 7, 9-5-06)

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Cross reference— Health and sanitation, Ch. 11; licenses and business regulations, Ch. 13; police department, § 19-31.

Sec. 4-57. - License tag display.

The license tag issued pursuant to this division shall be attached to a collar, harness or other device and worn by the licensed dog at all times unless on the property of the owner.

(Code 1962, § 6-3-4; Ord. No. 1985-8, 1(6-2-4(B)), 4-2-85)

Sec. 4-58. - Duplicate tags.

In the event of loss or destruction of the original license tag issued pursuant to this chapter, the owner shall, as soon as possible, and in any event not to exceed seventy-two (72) hours, obtain a duplicate license receipt and license tag from the Durango Police Department or from the veterinarian who issued the original license.

(Code 1962, § 6-3-4; Ord. No. 1985-8, § 1(6-2-4(C)), 4-2-85; Ord. No. 1987-23, § 3, 12-15-87)

Sec. 4-59. - False and stolen license documents.

It shall be unlawful for any person to make use of a stolen, counterfeit or forged dog license receipt, license tag, rabies vaccination certificate or similar form.

(Ord. No. 1985-8, § 1(6-2-4(D)), 4-2-85)

Sec. 4-60. - Nontransferability.

Dog licenses are not transferable and it shall be unlawful for any person to use any license or rabies license tag for any dog other than the dog for which such tag was originally issued.

(Code 1962, § 6-3-4; Ord. No. 1985-8, § 1(6-2-4(E)), 4-2-85)

Sec. 4-61. - Exemptions.

License fees shall be waived for dogs serving persons with hearing disabilities, persons who are visually impaired, and persons with disabilities, law enforcement agencies or that are owned by senior citizens sixty-five (65) years and over provided that such dog is sterilized. All other licensing provisions shall apply.

(Ord. No. 1985-8, § 1(6-2-4(F)), 4-2-85)

Editor's note— Section 4-61 of the Code has been updated to reflect compliance with the Americans with Disabilities Act pursuant to a letter from the city dated May 14, 1998.

Sec. 4-62. - Fees.

Costs for the issuance of dog licenses shall be determined by resolution adopted by the Durango City Council.

(Ord. No. 1987-23, § 4, 12-15-87)

Sec. 4-63. - Spay or neuter.

(a) It shall be unlawful to own, possess or keep in the city any dog or cat over the age of six (6) months that has not been spayed or neutered, except as provided in subsection (b) of this section.

(b) *Exceptions:* The following are exceptions to the spay or neuter requirements in subsection (a) of this section:

(1) *Medical.* A licensed veterinarian has determined that an animal is medically unsuited to undergo the surgical procedure. A signed statement from a licensed veterinarian is required and shall state specifically the medical grounds for the exemption.

(2) *Temporary medical.* When the animal's medical condition is temporary in nature, the licensed veterinarian shall sign a written statement as to the prognosis of when the surgery may be performed. The date given on that prognosis shall become the expiration date of the temporary medical exemption. After the period of the temporary medical exemption, spay or neuter shall be required unless a licensed veterinarian provides another temporary medical exemption and prognosis of when the surgery may be performed.

(3) *Intact permit.* An owner obtains an annual intact animal permit from the designated licensing agency and is in compliance with the city's annual licensing requirements contained in this chapter. The fee for an intact permit shall be established by the designated licensing agency, after consultation with the city council.

(c) Non-neutered or non-spayed animals shall be required by the municipal court to undergo sterilization upon conviction of three (3) at-large offenses in violation of section 4-41 of this chapter.

(Ord. No. O-2006-17, § 8, 9-5-06) <p class="sec">Secs. 4-64—4-75. - Reserved.

ARTICLE IV. - RABIES CONTROL ^[17]

⁽¹⁷⁾ **Cross reference**— Rabies control, C.R.S. § 25-4-601 et seq.

[Sec. 4-76. - Vaccinations required.](#)

[Sec. 4-77. - Duty of veterinarian performing vaccination.](#)

[Sec. 4-78. - Proof of vaccination.](#)

[Sec. 4-79. - Reserved.](#)

[Sec. 4-80. - Harboring unvaccinated animals.](#)

[Sec. 4-81. - Nontransferability.](#)

[Sec. 4-82. - Reporting animal bites.](#)

[Sec. 4-83. - Suspected rabies.](#)

[Sec. 4-84. - Confinement and analysis of animals.](#)

[Sec. 4-85. - Removal of animals from confinement.](#)

[Secs. 4-86—4-95. - Reserved.](#)

Sec. 4-76. - Vaccinations required.

Every owner of a dog or cat three (3) months of age or older shall have such animal vaccinated against rabies. All dogs and cats vaccinated at three (3) months of age shall have a booster shot at the time said dog or cat attains the age of one (1) year, and shall be revaccinated every three (3) years thereafter. A person moving into the city from a location outside the city shall comply with this section within thirty (30) days after having moved into the city. If the dog or cat has inflicted a bite upon any person or other animal within the preceding ten-day period, the owner of the dog or cat shall report such fact to a veterinarian, and no rabies vaccination shall be administered until after a ten-day observation period has elapsed.

(Code 1962, § 6-3-3; Ord. No. 1985-8, § 1(6-2-2(A)), 4-2-85; Ord. No. 1987-23, § 5, 12-15-87)

Cross reference— Health and sanitation, Ch. 11.

Sec. 4-77. - Duty of veterinarian performing vaccination.

It shall be the duty of each veterinarian legally authorized to perform vaccinations on dogs or cats three (3) months of age and older which are presented in good health, and have not inflicted a bite within ten (10) days prior to inoculation or when inoculating any animal to fill out a certificate of inoculation obtained from the state department of health and immediately present a copy together with a rabies tag thereof to the owner or harbinger of the inoculated animal.

(Ord. No. 1985-8, § 1(6-2-2(B)), 4-2-85)

Sec. 4-78. - Proof of vaccination.

It shall be unlawful for any person who owns or harbors a vaccinated dog or cat to fail to obtain and preserve or refuse to exhibit a copy of the certificate of vaccination. Such certificate must be produced within a reasonable time after requested by any person charged with the enforcement of this article.

(Ord. No. 1985-8, § 1(6-2-2(C)), 4-2-85)

Sec. 4-79. - Reserved.

Editor's note— Section 6 of Ord. No. 1987-23, adopted Dec. 15, 1987, repealed § 4-79 in its entirety. Prior to repeal, § 4-79 pertained to rabies tag display and was derived from Ord. No. 1985-8, § 1(6-2-2(D)), adopted April 2, 1985.

Sec. 4-80. - Harboring unvaccinated animals.

It shall be unlawful for any person to harbor any dog or cat which has not been vaccinated against rabies, as provided in this article, or for which a current rabies vaccination certificate cannot be produced.

(Ord. No. 1985-8, § 1(6-2-2(E)), 4-2-85)

Sec. 4-81. - Nontransferability.

Vaccination certificates and tags are not transferable and cannot be used for any animal other than the animal which received the vaccination and for which the certificate was originally issued.

(Ord. No. 1985-8, § 1(6-2-2(F)), 4-2-85)

Sec. 4-82. - Reporting animal bites.

(a) Any person having knowledge that an animal has bitten a human shall immediately report the incident to the city police department and to the state department of health. Every physician or other medical practitioner who treats a person for such bites shall, within twelve (12) hours of such treatment, give to the police department and the state department of health, the name, age, sex and precise location of the bitten person and such other information as the officer or agency may require.

(b) Bites to humans from rodents, rabbits, birds and reptiles are excluded from the reporting requirements of this section, if specified by the state department of health.

(Code 1962, § 6-3-10, Ord. No. 1985-8, § 1(6-2-3(A), (B)), 4-2-85)

State law reference— Similar provisions, C.R.S. § 25-4-603.

Sec. 4-83. - Suspected rabies.

Any veterinarian who clinically diagnoses rabies or any person who suspects rabies in an animal shall immediately report the incident to the police department, animal control officer or to the state department of health stating precisely where such animal may be found. If a known or suspected rabid animal bites or attacks a domestic animal, such incident shall also be reported as required above.

(Ord. No. 1985-8, § 1(6-2-3(C)), 4-2-85)

State law reference— Similar provisions, C.R.S. § 25-4-602.

Sec. 4-84. - Confinement and analysis of animals.

Any animal which has bitten a person shall either be observed for a period of ten (10) days from the date of the bite, or analyzed for rabies virus by a laboratory at the option of the owner. If the animal is not confined on the owner's premises, confinement shall be by impoundment at the county humane society, or at any veterinary hospital of the owner's choice within the city limits. Such confinement shall be at the expense of the owner. Stray animals whose owners cannot be located shall be confined at the county humane society. The owner of any animal that has been reported to have inflicted a bite on any person shall on demand produce such animal for impoundment or laboratory analysis, as prescribed in this section. Refusal to produce the animal constitutes a violation of this section, and each day of such refusal shall constitute a separate and continuing violation.

(Ord. No. 1985-8, § 1(6-2-3(D)), 4-2-85)

State law reference— Similar provisions, C.R.S. § 25-4-604.

Sec. 4-85. - Removal of animals from confinement.

It shall be unlawful for any person to remove or release any animal which has been confined, impounded or is in the custody of the city or its agents as authorized under this article without the consent of the city or the impounding agency.

(Ord. No. 1985-8, § 1(6-2-3(E)), 4-2-85) <p class="sec">Secs. 4-86—4-95. - Reserved.

ARTICLE V. - IMPOUNDMENT ^[18]

⁽¹⁸⁾ **State Law reference**— Estrays, C.R.S. § 35-44-101 et seq.

[Sec. 4-96. - Authority.](#)

[Sec. 4-97. - Disposition of impounded animals.](#)

[Sec. 4-98. - Fee.](#)

[Sec. 4-99. - Disposition of vicious animal being held on complaint.](#)

[Secs. 4-100—4-110. - Reserved.](#)

Sec. 4-96. - Authority.

Animals owned or harbored in violation of this chapter or any other ordinance or law of the state shall be taken into custody by an animal control officer or other designated official and impounded. Stray animals shall be similarly impounded.

(Ord. No. 1985-8, § 1(6-2-8(A)), 4-2-85)

Cross reference— Police, Ch. 19.

Sec. 4-97. - Disposition of impounded animals.

As soon as practicable after impoundment, notice of impoundment shall be given to the owner if the owner is known or can be located. Any impounded animal shall be released to the owner upon payment of the impoundment fee, care and feeding charges, veterinarian charges, and such other costs as may have been incurred; provided, however, in addition to the payment of the foregoing fees, costs and expenses, no impounded dog shall be released until a license has been issued for such dog pursuant to the terms and provisions of this chapter or, alternatively, until the owner of said dog has been issued a citation or a summons and complaint for failure to license said animal in accordance with the requirements of this chapter.

If an impounded animal is not redeemed within four (4) days after impoundment and during which the impounding facility is open to the public, the impounded animal shall be considered abandoned and may be placed for adoption or humanely euthanized at the discretion of the La Plata County Humane Society.

(Ord. No. 1985-8, § 1(6-2-8(B)), 4-2-85; Ord. No. 1987-23, § 7, 12-15-87)

Sec. 4-98. - Fee.

An impoundment fee and daily board fee, where applicable, shall be required in addition to any other penalty imposed by the municipal court for violation of this chapter. Such fee shall be established by resolution of the city council after recommendation by the county humane society.

(Ord. No. 1985-8, § 1(6-2-8(C)), 4-2-85)

PART II - CODE OF ORDINANCES
Chapter 4 - ANIMALS
ARTICLE VI. - RESERVED

Sec. 4-99. - Disposition of vicious animal being held on complaint.

If a complaint concerning a vicious animal has been filed in the municipal court against the owner, the animal may not be released except on the order of the court which shall also direct the owner to pay any penalties for violation of this chapter in addition to all impoundment fees, care and feeding charges, veterinarian charges, and such other costs. Upon making a finding that such animal is vicious or that it represents a clear and present danger to the citizens or other animals in the community, the court may order such animal to be euthanized in a humane manner.

(Ord. No. 1985-8, § 1(6-2-8(D)), 4-2-85) <p class="sec">Secs. 4-100—4-110. - Reserved.

ARTICLE VI. - RESERVED ^[19]

⁽¹⁹⁾ **Editor's note**— Ord. No. O-2002-9, § 1, adopted May 7, 2002 repealed Art. VI, §§ 4-111, 4-112, 4-126, 4-127, 4-141 which pertained to kennel licenses and derived from Code 1962 § 6-3-11; Ord. No. 1985-8, § 1(6-2-11), adopted Apr. 2, 1985.