



WESTMINSTER

Staff Report

TO: The Mayor and Members of the City Council
DATE: June 3, 2015
SUBJECT: Briefing and Post-City Council Briefing Agenda for June 8, 2015
PREPARED BY: Don Tripp, City Manager

Please Note: Study Sessions and Post City Council briefings are open to the public, and individuals are welcome to attend and observe. However, these briefings are not intended to be interactive with the audience, as this time is set aside for City Council to receive information, make inquiries, and provide Staff with policy direction.

Looking ahead to Monday night's Briefing and Post-City Council meeting briefing, the following schedule has been prepared:

Dinner **6:00 P.M.**

Council Briefing (The public is welcome to attend.) **6:30 P.M.**

POST BRIEFING (*The public is welcome to attend.*)

PRESENTATIONS

1. Proposed Update to Westminster Municipal Code, Title VI, Chapter 7 – Animal Ordinances

CITY COUNCIL REPORTS

None at this time.

EXECUTIVE SESSION

1. Discuss strategy and progress on negotiations related to economic development matters for the Downtown Westminster, disclosure of which would seriously jeopardize the City's ability to secure the development; discuss strategy and progress on the possible sale, acquisition, trade or exchange of property rights, including future leases; and provide instruction to the City's negotiators on the same as authorized by WMC Sections 1-11-3(C)(2), (4), and (7) as well as Colorado Revised Statutes, Sections 24-6-402 (4)(a) and 24-6-402(4)(e). – **Verbal**

INFORMATION ONLY

None at this time.

Items may come up between now and Monday night. City Council will be apprised of any changes to the post-briefing schedule.

Respectfully submitted,

Donald M. Tripp
City Manager

NOTE: Persons needing an accommodation must notify the City Manager's Office no later than noon the Thursday prior to the scheduled Study Session to allow adequate time to make arrangements. You can call [303-658-2161](tel:303-658-2161) /TTY 711 or State Relay) or write to mbarajas@cityofwestminster.us to make a reasonable accommodation request.



Staff Report



City Council Post Meeting
June 8, 2015

SUBJECT: Proposed Update to Westminster Municipal Code, Title VI, Chapter 7 -
Animal Ordinances

PREPARED BY: Kim Barron, Police Commander
Kelli Jelen, Animal Management Supervisor

Recommended City Council Action

City Council is requested to review the attached proposed amendments to the City's existing animal code and provide feedback to Staff prior to considering an ordinance that would contain these changes to formally amend Westminster Municipal Code, Title VI, Chapter 7.

Summary Statement

The following is a brief summary of the major changes Staff is proposing:

- Addition or revision of several definitions to help clarify, provide consistency with other jurisdictions and state law, and eliminate redundancy.
- Change the age for rabies vaccinations from six (6) to four (4) months pursuant to the Rabies Compendium established by established by the National Association of State Public Health Veterinarians.
- Reword requirements for reporting animal bites, to include any future changes made by the Colorado Department of Health, without requiring revisions to the ordinance.
- Add clarification that dog licensing is required of Westminster residents who reside in either Adams or Jefferson County.
- Change the age when dog licensing is required from six (6) to four (4) months to be consistent with rabies vaccination requirements.
- Add wording that would allow Animal Management Officers to enter private property to remove obviously injured or sick animals when the owner of the property is not available.
- Add wording regarding impounded animals to reference the State Statute that sets the time limit for impounding.
- Add wording to include the Colorado Department of Agriculture as a governing body over kennel licenses with the City of Westminster.
- Redefine section on "Restrictions on Sale and Possession of Animals." This section been historically difficult to interpret for citizens, enforcement and prosecution.
- Add wording to prohibit the sale of animals on public property, or when an animal is of poor health, underage, or un-weaned.
- Add wording to better define what constitutes cruelty to animals and who is responsible for the welfare of the animal.
- Add to the conditions of owning a guard dog the requirement of posting signs to alert others to the presence of a guard dog, and the requirement that the dog is under the control of a handler at all times when not confined to an enclosed area where it cannot escape.
- The proposed amendments to WMC Municipal Code, Title VI, Chapter 7, have been reviewed and approved as to legal form by the City Attorney's Office.

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- Staff is in the process of finalizing the ordinance changes that could allow for the keeping of chickens and/or bees by residents. These changes will be brought back for City Council consideration for action this summer.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City adopt the proposed amendments to the animal code?

Alternative

- 1) Take no further action and leave the Westminster Municipal Code, Title VI, Chapter 7, as is. This alternative requires no action by the City, and results in no additional expenditure of funds. This alternative is not recommended as some of the proposed changes are necessary in order to maintain compliance with State laws.
- 2) Recommend that Staff draft an ordinance to enact all of the proposed changes. This is the preferred alternative as it will provide the City with carefully researched changes that will aid our community in maintaining compliance with the Code and it will allow Animal Management Officers to enforce local ordinances that are clearer and more consistent with State laws.
- 3) Recommend that Staff draft an ordinance to enact some, but not all, of the proposed changes. The City Council may wish to adopt the currently proposed revisions with one or more changes.

Background Information

Over the past few years, changes in state statutes and regulations pertaining to animal welfare and management have been made. It has been over eight years since any housekeeping measures have been taken to keep our animal-related ordinances in concert with state statutes. This disparity can create confusion for citizens who realize there is a discrepancy between a statute and an ordinance. Animal management staff, the municipal court administrator, and the lead City prosecutor have reviewed Title VI, Chapter 7 in its entirety and are in support of the changes proposed herein.

As part of the review it was noted there were several words used in the ordinance that were not defined. Definitions have been added for key words that impact the intent of the ordinances. Clarification wording has been added to areas that have proven to be problematic for compliance, enforcement and prosecution purposes. Definitions that were formerly a part of the elements of an ordinance have been relocated to the "Definitions" section to provide consistency in formatting within the Title. Areas that were identified as being redundant have been removed to provide simplification and ease of reading.

Proposed substantive changes are as follows:

- The minimum age to obtain a rabies vaccination has historically been six (6) months based on protocols established by the National Association of State Public Health Veterinarians (NASPHV). The minimum age has been modified by NASPHV to four (4) months, and this change has been adopted by state law. Changes are proposed to adopt the four (4) month requirement within the City to be consistent with NASPHV and state law.
- Not all veterinarians who administer rabies vaccinations supply rabies tags. Changes are proposed to eliminate the requirement for dogs to display a valid rabies tag. Dogs that reside in the City will continue to be required to wear their dog license, which serves as proof of a current rabies vaccination.
- "Reporting Animal Bites" under W.M.C. 6-7-3 is proposed to be reworded to reference the Colorado Department of Health requirements for rabies and quarantine protocols. The updated

wording would eliminate the need to make ordinance revisions any time the Colorado Department of Health makes changes to the protocol.

- Several changes are proposed for W.M.C. 6-7-4, “Dog Licensing”:
 - Since the inception of the dog licensing program through the Foothills Animal Shelter and Jefferson County, there has been confusion for Westminster residents whose homes are located in Adams County. With the proposed changes, residences located within the Adams County portion of Westminster would be specifically named and required to obtain a license.
 - The dog licensing program was formerly referred to as the “Jefferson County Dog Licensing Program.” The Foothills Animal Shelter Board of Directors renamed the program to “Countywide Dog License Program,” in part to address the confusion noted above. Changes are proposed within the Code to reflect this change.
 - Wording is proposed to define the threshold for residency that triggers the dog licensing requirement.
 - Wording is proposed to allow for a medical exemption from vaccinations under the direction of a veterinarian, thereby still allowing the owner to obtain a dog license.
 - The County Wide Dog License Program requires proof of a current rabies vaccination in order to obtain a dog license. The age for when a dog license must be obtained is proposed to be changed to four (4) months to coincide with the age requirement for rabies vaccinations.
 - Clarification wording is proposed regarding assistance and service animals to coincide with state and federal statutes.
- New wording is proposed for W.M.C. 6-7-5, “Animals Running at Large,” to help clarify the ordinance as well as give the municipal court discretion due to age or health when deciding if an animal should be required to be spayed or neutered.
- Animal Management Officers often times encounter obviously injured or sick animals that are taking refuge on private property, need urgent medical care, and the private property owner cannot be located. Wording is proposed to be added to allow the officer to take the animal off private property in order to have emergency medical treatment rendered.
- Wording under W.M.C. 6-7-7, “Disturbance; Public Nuisance,” is proposed to be moved to the “Definitions” section to define “Potentially Dangerous Animal,” another portion of this section is proposed to be moved to W.M.C. 6-7-5, “Animals Running at Large,” where it is more appropriate.
- Colorado State Statute delineates the amount of time an animal must be held prior to being given a disposition. A proposed changes is to incorporate the time as set forth under C.R.S. 35-80-106.3, which will eliminate the need to change our ordinance (W.M.C. 6-7-9(B)) each time there is a change in the statute.
- There have been repeated instances noted over the past several years when Animal Management officers have had difficulty explaining the meaning of W.M.C. 6-7-12(A), “Restrictions on Sale and Possession of Animals.” Due to the current wording, determining the allowable number of animals is often difficult, and citizens have misinterpreted it when making decisions on obtaining multiple pets. Effective enforcement and prosecution has been jeopardized on occasion given the ambiguity of the section. Proposed revisions would clarify the current pet limit.

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- Animals that are underage, of poor health or un-weaned from their mother are sometimes solicited for sale either on the internet or in public areas, such as parks and parking lots. In order to prevent these practices, amendments to the ordinance under W.M.C. 6-7-12, "Restrictions on Sale and Possession of Animals," are proposed. Current state statute prohibits the sale of dogs and cats that are younger than eight (8) weeks of age. The proposed amendments will adopt the state standard and also assist Animal Management officers in identifying unregistered breeders who are selling animals for profit.
- Wording regarding the required acceptable care and treatment of animals is proposed to address cruelty, poisoning, neglect, abandonment, confinement and fighting animals as prohibited activities. Wording is also proposed to restrict the feeding of wild animals to assist in limiting behavior that attracts dangerous or bothersome wildlife on or near private property.
- Guard dogs have gained popularity in more than just commercial environments. The ordinance as currently written is not broad enough to address guard dogs in a residential setting. The proposed changes would require posting of signs on any premises where a potentially dangerous dog may reside. This notice is especially important to alert first responders.

Due to the number of revisions that are proposed, Staff will be available during the Post Council meeting to answer any questions Council may have. The attached proposed code modifications may incur additional modifications prior to returning to City Council for final consideration. Staff will highlight all significant adjustments to the code when the final proposed document is submitted to council for official consideration.

It is recommended that Staff proceed to draft an ordinance to enact the changes to Title VI, Chapter 7, of the Westminster Municipal Code discussed above. This will result in a local animal control ordinance that adds clarity and is more consistent with state laws. Enacting these proposed amendments would further the City's strategic plan goal of excellence in city services through ordinances that enhance public safety.

Respectfully submitted,

Donald M. Tripp
City Manager

Attachment:

- Proposed Revisions – Title VI, Article 7, Westminster Municipal Code

Proposed Revisions
Excerpts from Title VI, Article 7, Westminster Municipal Code

6-7-1: DEFINITIONS: *(only new definitions or those proposed to be significantly changed shown)*

“ABANDON” SHALL MEAN THE 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 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.

“Cat” shall mean a domestic cat (*felis catus*) REGARDLESS of sex, that can be vaccinated against rabies.

“COMMON AREA” SHALL MEAN AREAS THAT INCLUDE, BUT ARE 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.

“Dog” shall mean a domestic dog (*CANIS LUPUS FAMILIARIS*) REGARDLESS of sex, that can be vaccinated against rabies.

“DOG LICENSE” SHALL MEAN A CURRENT LICENSE INDICATION THAT THE DOG HAS BEEN REGISTERED WITH THE LICENSING ADMINISTRATOR WITHIN THE PREVIOUS 365 DAYS.

“Domestic Animal” shall mean domesticated OR HOUSEHOLD dogs, cats, rabbits, guinea pigs, hamsters, rats, mice, ferrets, birds, reptiles, amphibians, ARACHNIDS, and invertebrates, THAT ARE COMMONLY FOUND IN A PET STORE AND ARE NOT AN ENDANGERED SPECIES OR A PROHIBITED ANIMAL. IT SHALL ALSO INCLUDE POT-BELLIED PIGS. ~~except livestock and exotic endangered and prohibited animals.~~

“FERAL” SHALL MEAN ONE THAT HAS ESCAPED FROM DOMESTICATION AND RETURNED, PARTLY OR WHOLLY, TO A WILD STATE.

“Guard Dogs” shall mean any dog DISCIPLINED THROUGH TRAINING TO PROTECT persons or property by attacking or threatening to attack any person found within the enclosed area patrolled by such dog.

“Potentially Dangerous Animal” shall mean any animal that may reasonably be assumed to pose a threat to public safety as demonstrated by any of the following behaviors:

- (1) Causing an injury to a person or domestic animal that is less severe than a serious injury;
- (2) Without provocation, chasing or menacing a person or domestic animal in an aggressive manner; or
- (3) ACTING in a highly aggressive manner WHICH MAY INCLUDE SNARLING OR GROWLING WHILE ENCROACHING ONTO PUBLIC OR PRIVATE PROPERTY EITHER

FROM AN OPEN AREA OF A VEHICLE OR FROM THE OWNER'S YARD THROUGH, ON OR OVER A FENCE.

"SHELTER" SHALL MEAN A MOISTURE-PROOF STRUCTURE MADE OF DURABLE MATERIAL, OF SUITABLE SIZE TO ACCOMMODATE THE ANIMAL AND ALLOW RETENTION OF BODY HEAT.

"WILD ANIMAL" SHALL MEAN ALL WILDLIFE, INCLUDING BUT NOT LIMITED TO, RAPTORS, FURBEARERS, ALL GAME ANIMALS, AND ALL OTHER SPECIES OF ANIMALS WHICH EXIST IN THEIR NATURAL, UNCONFINED STATE AND ARE USUALLY NOT DOMESTICATED.

6-7-2: RABIES CONTROL: *(only provisions proposed to be amended shown)*

(A) VACCINATIONS: It shall be unlawful for any owner, IN EITHER ADAMS OR JEFFERSON COUNTY RESIDING IN THE CITY OF WESTMINSTER, of a dog or cat FOUR (4) ~~six (6)~~ months of age or older to fail to have such animal vaccinated against rabies. All dogs and cats shall be vaccinated at FOUR (4) ~~six (6)~~ 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 thirty (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 (10) days, the owner of said ANIMAL ~~dog~~ shall report such fact to a veterinarian, and no rabies vaccine shall be administered until after THE DESIGNATED ~~a ten (10) day observation period.~~

(B) PROOF OF VACCINATION: It shall be unlawful for any person who owns a vaccinated animal to fail or refuse to exhibit his 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 VACCINATION, shall be attached to a collar, harness or other device and shall be worn by the vaccinated dog or cat at all times. The requirement for a dog to display a current rabies tag shall not apply to a dog that is displaying a current dog license tag affixed to a collar, harness or other device worn on the dog in compliance with Section 6-7-4, W.M.C.

6-7-3: REPORTING ANIMAL BITES: *(only provisions proposed to be amended shown)*

(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 SAID ANIMAL MUST REMAIN IN CONFINEMENT BASED UPON THE GUIDELINES AND REQUIREMENTS OF THE COLORADO DEPARTMENT OF HEALTH. ~~may either be observed for a period of ten (10) days from the date of the bite, or analyzed for rabies virus by a laboratory. Ferrets, potbellied pigs, wolf hybrids, wolves and other wildlife that have bitten a person must be observed for a period of not less than thirty (30) days, or tested for rabies if required by Colorado Division of Wildlife or Department of Health regulations.~~ 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, as prescribed in this Section or for laboratory analysis. Refusal to produce said animal constitutes a violation of this Section, and each day of such refusal shall constitute a separate and continuing violation.

6-7-4: DOG LICENSING: *(only provisions proposed to be significantly amended shown)*

(A) DOG LICENSE REQUIRED:

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(1) It shall be unlawful for any owner of any dog over the age of FOUR (4) ~~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. ANY DOG THAT IS KEPT OR HARBORED IN THE CITY OF WESTMINSTER FOR 30 DAYS OR MORE WITHIN THE PREVIOUS 365 DAY PERIOD SHALL BE REQUIRED TO HAVE A CURRENT LICENSE ISSUED BY THE LICENSING ADMINISTRATOR.

(2) The LICENSING ADMINISTRATOR ~~Jefferson County Animal Control Division~~ will administer the City of Westminster's dog licensing program (the "dog license") and distribute the dog license tags. Application for a dog license shall be made to the LICENSING ADMINISTRATOR ~~Jefferson County Animal Control Division~~ or to such agents as designated by the ~~ADMINISTRATOR County of Jefferson~~. Dog licenses and tags shall be issued, renewed, replaced and expire in accordance with ~~Jefferson County's~~ THE LICENSING ADMINISTRATOR'S requirements, including, but not limited to, proof of CURRENT rabies vaccination and reduced dog license fee if the dog is spayed/neutered.

(A) A DOG OWNER MAY REQUEST AN EXEMPTION TO THESE PROVISIONS AND REQUEST A REDUCED LICENSE FEE IF, FOR MEDICAL REASONS, HIS/HER DOG CANNOT BE VACCINATED OR SPAYED/NEUTERED. IN THIS EVENT, A DOG OWNER MUST SUBMIT AN AFFIDAVIT FROM A LICENSED VETERINARIAN STATING THE REASONS WHY THE DOG IS UNABLE TO BE VACCINATED OR SPAYED/NEUTERED.

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(5) It shall be unlawful for an owner of an assistance/SERVICE dog to fail to obtain a dog license as required by this Section. A person with a disability is exempt from licensing fee that might otherwise apply in connection with owning an assistance/SERVICE dog as DEFINED IN STATE AND FEDERAL STATUTES.

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6-7-5: ANIMALS RUNNING AT LARGE: *(only provisions proposed to be significantly amended shown)*

(A) ANIMALS RUNNING AT LARGE PROHIBITED:

(1) It shall be unlawful for any owner of an animal to fail to restrain the animal by physical means from running at large. IT IS UNLAWFUL FOR AN ANIMAL TO BE CHAINED OR TIED IN PUBLIC PLACES OR COMMON AREAS IF UNATTENDED. In addition to being a violation of this Section, an animal running at large 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. This subsection (A)(1) shall not 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. It shall be unlawful for any owner of an animal running at large to allow the animal to remain in a non-neutered or un-spayed condition AT THE DISCRETION OF THE MUNICIPAL COURT.

...

(C) SICK OR INJURED ANIMALS: ANY ~~SS~~sick or injured animals found on public property OR SEVERELY SICK OR INJURED ANIMAL ON PRIVATE PROPERTY AND THE OWNER CANNOT BE LOCATED 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 police officer may humanely destroy any animal the officer reasonably believes to be so sick or injured that recovery is improbable, 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.

6-7-9: IMPOUNDED ANIMALS: *(only provisions proposed to be significantly amended shown)*

...

(B) DISPOSITION OF IMPOUNDED ANIMALS: As soon as practicable after impoundment, a bona fide effort shall be made to give notice of impoundment to the owner. Any impounded animal shall be released to the owner upon payment of the impoundment fee, boarding fee, veterinary care charges, and any other costs associated with impoundment. If such animal is not redeemed within THE TIME LIMIT AS DEFINED BY C.R.S. 35-80-106.3~~five (5) days~~, 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.

6-7-10: KENNELS: *(only provisions proposed to be significantly amended shown)*

...

(B) LICENSES: ISSUANCE; RENEWAL: Kennel licenses shall expire on the thirty-first (31st) day of December each year. No kennel license shall be issued until an inspection certificate has been issued by the animal management officer or designee. The license issued shall specify the maximum number of animals permitted. It shall be unlawful 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 AND/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.

6-7-12: RESTRICTIONS ON SALE AND POSSESSION OF ANIMALS: *(only provisions proposed to be significantly amended shown)*

(A) ANIMALS IN RESIDENTIAL DISTRICTS:

(1) It shall be unlawful for anyone to knowingly possess, harbor, keep, maintain, or permit on any property within the City zoned for residential use MORE THAN TEN (10) DOMESTIC ANIMALS TO INCLUDE NO MORE THAN A COMBINATION OF THREE (3) DOGS OR CATS OVER THE AGE OF FOUR (4) MONTHS.:

~~(a) A combination of more than three (3) dogs or cats;~~

~~(b) More than one (1) potbellied pig;~~

~~(c) More than three (3) rabbits;~~

~~(d) More than five (5) exotic animals or a combination of more than five (5) domestic and exotic animals; or~~

~~(e) More than ten (10) domestic animals.~~

(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.

...

(D) PUBLIC SALE OF ANIMALS: IT SHALL BE UNLAWFUL FOR ANY PERSON TO KNOWINGLY SELL AN ANIMAL:

- (1) FROM ANY PUBLIC HIGHWAY, STREET, PARK, OR ANY PUBLIC PROPERTY ADJACENT TO A PUBLIC HIGHWAY, STREET OR PARK; OR
- (2) ANY COMMERCIAL PRIVATE PROPERTY WITHOUT THE EXPRESS CONSENT OF THE OWNER OR LESSEE OF THE PROPERTY; OR
- (3) THAT IS SICK, WEAK OR UN-WEANED; OR
- (4) THAT IS A KITTEN OR PUPPY UNDER THE AGE OF EIGHT (8) WEEKS.

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(FG) POTBELLED PIGS:

- (1) The owner of any potbellied pig four (4) months of age or older shall ~~procure a license for~~OBTAIN A PERMIT ISSUED BY THE CITY OF WESTMINSTER FOR the pig. Upon proof of registration and neutering, the City shall issue a ~~dated and numbered receipt and corresponding tag~~PERMIT. ~~In the event of loss or destruction of the original license tag, the owner shall obtain another tag from the City. 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.~~
- (2) ~~The license~~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.
- ~~(3) A potbellied pig shall be neutered prior to four (4) months of age.~~
- ~~(4) A potbellied pig shall not exceed ninety five (95) pounds in weight.~~
- ~~(5) No more than one (1) potbellied pig shall be permitted on any residential property.~~
- ~~(6) 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.~~

6-7-13: CARE AND TREATMENT: *(only provisions proposed to be significantly amended shown)*

(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. ANY NEGLIGENCE OF AN ANIMAL, AS DEFINED IN SECTION 6-7-13 (c) THAT RESULTS IN THE DEATH OF THAT ANIMAL SHALL CONSTITUTE CRUELTY. ~~or to otherwise mistreat or neglect any animal, or, having the charge or custody of any animal, fail to provide it with proper food, drink or protection from the weather, or to abandon it.~~

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.

...
(C) NEGLECT OF ANIMALS: It shall be unlawful for the owner OR ANY SUCH PERSON ENTRUSTED WITH THE CARE of any animal to deprive such animal of adequate and wholesome food and water, protection from the elements, opportunity for exercise, adequate veterinary care, or to otherwise neglect the animal in such a manner as to endanger its health or cause it to suffer.

...
(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 **NOT** prevent the animal from becoming entangled or injured, and permit access to adequate shelter, food and water.

(I) FEEDING WILD ANIMALS: IT SHALL BE UNLAWFUL TO KNOWINGLY PLACE OR PROVIDE FOOD FOR ANY WILD ANIMAL. THIS PROHIBITION SHALL NOT APPLY TO SQUIRRELS OR BIRDS.

6-7-18: GUARD DOGS: *(only provisions proposed to be significantly amended shown)*

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(A) It shall be unlawful to place or maintain A GUARD DOG ~~any 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 WHICH IS ADEQUATE TO ENSURE THAT IT WILL NOT ESCAPE; OR ~~at a commercial establishment, and is under complete and absolute control.~~
- (2) THE DOG IS UNDER THE COMPLETE CONTROL OF A HANDLER AT ALL TIMES; AND
- (3) WARNING SIGNS ARE CONSPICUOUSLY POSTED INDICATING THE PRESENCE OF THE GUARD DOG AND A CURRENT TELEPHONE NUMBER WHERE A PERSON RESPONSIBLE FOR CONTROLLING THE GUARD DOG CAN BE REACHED AT ALL TIMES.

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