

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER DeMott
Council Bill No. 11
Ordinance No. 1540
Series of 2013

TITLE: AN ORDINANCE AMENDING SECTIONS 4-1, 4-8 AND 4-31 OF THE WHEAT RIDGE MUNICIPAL CODE CONCERNING THE LICENSING OF DOGS AND CATS

WHEREAS, the City of Wheat Ridge, Colorado (the "City"), is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-15-401(1)(m), the City, acting through its City Council (the "Council"), is authorized to regulate the keeping of animals within the City; and

WHEREAS, pursuant to this authority, the Council has adopted regulations concerning the mandatory licensing of dogs within the City, codified in Chapter 4 of the Wheat Ridge Code of Laws ("Code"); and

WHEREAS, by an Intergovernmental Agreement dated August 15, 2012, the City agreed to cooperate with the cities of Arvada, Lakewood, Golden, Edgewater, and Westminster and with Jefferson County (the "County") to fund and operate a centralized animal shelter, known as the Foothills Animal Shelter (the "Shelter"), for the use and benefit of all parties to the agreement (the "Intergovernmental Agreement"); and

WHEREAS, under the terms of the Intergovernmental Agreement, each party delegated its authority to issue dog licenses and to collect license fees, to be used to fund the Shelter, to a common licensing authority, currently the County; and

WHEREAS, the Intergovernmental Agreement further requires each party to adopt dog licensing requirements that are consistent with the County ordinance concerning the licensing of dogs; and

WHEREAS, the County is in the process of updating and amending its Animal Control Regulation Policy, known as Regulatory Policy 3.5.1 (Part 3 Regulations, Chapter 5 Animals, Section 1 Animal Control); and

WHEREAS, the Council finds and determines that certain amendments to the Code are necessary to render the City's dog licensing program consistent with the new County regulations concerning the same, as required by the Intergovernmental Agreement.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Section 4-1 of the Wheat Ridge Code of Laws, establishing defined terms for purposes of Chapter 4 of the Code, is hereby amended by the addition of the following new defined term, to be inserted alphabetically into the list of terms, as follows:

Licensing Administrator means the person or entity delegated the authority by the City from time to time to issue dog licenses and collect fees for such licenses.

Section 2. Paragraph 4-8(c)(4) of the Wheat Ridge Code of Laws, concerning off-leash dog park rules and regulations, is hereby amended as follows:

(4) All dogs belonging to city residents must display a current ~~Jefferson County dog~~ license ISSUED BY THE LICENSING ADMINISTRATOR as required by section 4-31(c).

Section 3. Paragraph 4-8(c)(10) of the Wheat Ridge Code of Laws, concerning off-leash dog park rules and regulations, is hereby amended as follows:

(10) The following dogs are not permitted within off-leash dog parks:

- a. Aggressive dogs, as defined by section 4-1.
- b. Female dogs in heat.
- c. Dogs without a current rabies tag affixed to the collar or without a current ~~Jefferson County dog~~ license ISSUED BY THE LICENSING ADMINISTRATOR, as applicable.
- d. Dogs under the age of four (4) months.
- e. Dogs exhibiting visible signs of illness or known by the owner or handler to be ill.
- f. Dogs that do not respond to and obey their owners' or handlers' sight or voice commands.

Section 4. Section 4-31 of the Wheat Ridge Code of Laws, concerning dog and cat licenses, is hereby amended as follows:

Sec. 4-31. Dog and cat licenses.

- (a) *Territorial application.* The provisions of this section shall apply to all dogs and cats, and all owners of all dogs and cats present within the jurisdictional boundaries of the city regardless of whether the owner or keeper of the dog or cat resides within the city.
- (b) *Violations and penalty.* Any dog or cat owner who violates any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than one thousand dollars (\$1,000.00).

- (c) *Required; described.* A license is required for all dogs ~~or~~ AND cats in this city as follows: A valid cat license shall be a current Mile-Hi rabies tag and registration certificate. A valid dog license shall be a dog license issued by the LICENSING ADMINISTRATOR ~~Jefferson County animal control division or such other agent as may be designated by Jefferson County from time to time.~~ A cat or dog owner may request an exemption to this requirement if, for medical reasons, his/her cat or dog cannot be vaccinated. In this event, a cat or dog owner must submit an affidavit from a licensed veterinarian stating the reasons why the cat or dog is unable to be vaccinated.
- (d) *Wearing of tag; availability of certificate.* A current and valid Mile-Hi rabies tag shall be worn on a collar or harness by the dog at all times, unless a current and valid tag from the LICENSING ADMINISTRATOR ~~Jefferson County animal control division,~~ which requires proof of current rabies vaccination for its issuance, is worn on a collar or harness by the dog at all times. A current and valid registration certificate, as above-described, shall be kept in the possession of the owner of any dog or cat within the city, and such registration certificate or a copy of it shall be produced or producible by the owner as proof of current registration in the event of loss or the correspondingly numbered tag.
- (e) *When to obtain license – Initially.* A cat owner shall obtain a license as above-described for his cat within ten (10) days after the cat reaches four (4) months of age, ~~or within ten (10) days after the cat's first permanent teeth appear, whichever comes first.~~ A dog owner shall obtain a license as above-described for his dog on or before the date the dog reaches the age of FOUR (4) ~~six (6)~~ months, or within thirty days of acquisition of said dog, whichever occurs last.
- (f) *Same – Renewal.* The owner of any dog or cat shall have his dog or cat relicensed, as such licensing is required in subsection (c), above, annually. Such license shall be considered current for a twelve-month period from the date of issue.
- (g) *Obtainment from licensed veterinarian.* Mile-Hi rabies tags and registration certificates are only to be issued by and obtained from veterinarians currently licensed to practice veterinary medicine in the state ~~after vaccination of the cat with a U.S.D.A. licensed rabies vaccine.~~
- (h) *New residents.* New residents of the city may be issued a current Mile-Hi rabies tag and registration certificate for their cat OR DOG by a veterinarian licensed to practice in the state, upon proof of having had the cat OR DOG vaccinated for rabies by a licensed veterinarian ~~with a current U.S.D.A. licensed rabies vaccine.~~
- (i) *Nontransferability.* No person shall affix to the collar or harness of any dog or cat, or permit to remain affixed, a tag evidencing licensing and vaccination except for the specific dog or cat for which the tag was assigned at the time the tag was issued.

Section 5. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public

and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 6. Severability; Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 7. Effective Date. This Ordinance shall take effect 15 days after final publication.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 6 to 0 on this 22nd day of July, 2013, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for August 12, 2013, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of 8 to 0, this 12th day of August, 2013.

SIGNED by the Mayor on this 12th day of August, 2013.



ATTEST:

Janelle Shaver
Janelle Shaver, City Clerk

Approved As To Form

Jerry DiTullio
Jerry DiTullio, Mayor

Gerald E. Dahl
Gerald E. Dahl, City Attorney

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