

**CITY OF SHERIDAN, CO
ORDINANCE NO. 11-2019**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHERIDAN,
COLORADO, AMENDING ARTICLE V OF CHAPTER 14 OF THE SHERIDAN
MUNICIPAL CODE PERTAINING TO VICIOUS ANIMALS**

WHEREAS, in the realization of the public safety concerns as to both persons and animals, the City of Sheridan desires to enact mandatory terms and conditions imposed upon those persons convicted of a charge of vicious animal as set forth in Article V of Chapter 14 of the Sheridan Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHERIDAN, COLORADO, THAT:

Section 1. Section 14-120.5, Vicious animal conviction permit required, of the Sheridan Municipal Code is enacted to provide as follows:

Sec. 14-120.5. - Vicious animal conviction permit required.

- (a) Upon conviction or entry of plea of guilty or no contest to a charge of vicious animal and in addition to any terms and conditions imposed by the municipal court judge, the owner shall be subject to the terms and conditions of a vicious animal permit issued by code enforcement. The owner may keep the animal within the city only upon the owner's compliance with the conditions set forth in the permit, which include the following:
- (1) The owner shall, at the owner's expense, have the animal spayed or neutered and shall provide proof to code enforcement from a licensed veterinarian that the sterilization has been performed.
 - (2) The owner shall, at the owner's expense, have a microchip, conforming to the city's standards implanted into the animal and provide such information to code enforcement. Code enforcement shall maintain records containing the registration number and name of the animal and name and address of the owner. The owner shall be responsible for immediately notifying code enforcement of any change in address.
 - (3) At all times when the animal is at the property of the owner, the owner shall keep the animal confined. When outdoors, the animal shall be confined in a securely enclosed and locked structure, except when leashed and muzzled. Such structure shall have minimum dimensions of five (5) feet by ten (10) feet per animal housed, secure nonwooden sides of at least six (6) feet in height and a secure top attached to the sides. All structures must be locked with a key or combination lock when the animal is within the structure. Such structure shall have a secure and safe bottom or floor attached to the sides of the structure or the sides of the structure shall be embedded in the ground no less than two (2) feet below grade. All structures erected to house such animal must comply with all zoning and building regulations. All such structures must be adequately lighted and ventilated, kept in a clean and sanitary condition and provide shelter for the animal. No animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure. The secure structure requirement of this section may be waived upon the owner demonstrating to the satisfaction of code enforcement that because of homeowner covenants or property owner lease requirements,

or the lack of a yard, the owner is unable to construct a conforming structure. The animal must however, be leashed and muzzled whenever outdoors upon the owner's property.

- (4) The owner shall present code enforcement proof that the owner has procured liability insurance in a minimum amount of one hundred thousand dollars (\$100,000.00) covering any damage or injury caused by the animal.
 - (5) At all times when the animal is off the property of the owner, the animal shall be muzzled and either placed within a secure temporary enclosure, or secured by a leash of no longer than four (4) feet in length. Extension leashes are not permitted and leashes may not be attached to inanimate objects.
 - (6) The owner shall post, at each entrance to the owner's property where the animal is kept, a conspicuous, reflective, lettered and clearly legible weather resistant sign of at least eight (8) by ten (10) inches, which shall contain the words "BEWARE, VICIOUS ANIMAL" in lettering at least two (2) inches in height.
 - (7) The owner shall not sell or transfer the animal to any person residing within the city without first notifying code enforcement of the name, address and telephone number of such person who shall then be deemed the owner and subject to all requirements of this section.
 - (8) The owner shall immediately notify the police department or code enforcement in the event that the animal is at-large, stolen, has acted in a vicious manner, has been sold or conveyed to a person living outside the city or died.
 - (9) The owner may temporarily transport the animal through the city. During travel the animal shall be muzzled and confined either within a secure temporary enclosure or by a leash no longer than four (4) feet in length. Extension leashes are not permitted and leashes may not be attached to inanimate objects.
 - (10) If the owner has no other animal offense convictions within two years of the issuance of the permit the owner may petition code enforcement seeking the termination or modification of the permit requirements. In consideration of the request code enforcement must be permitted to inspect the animal and observe it in its habitat. Any decision regarding termination or modification of the permit is within the sole discretion of code enforcement. An owner may request termination or modification of the permit on an annual basis after the initial two-year period and code enforcement may in its sole discretion modify or terminate the permit as it deems appropriate.
- (b) It shall be unlawful for any owner to fail to comply with the requirements set forth in this section.

Section 2. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The city council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 4. The repeal or modification of any provision of the Sheridan Municipal Code by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well

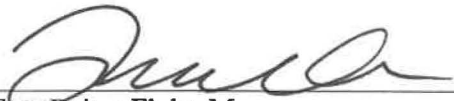
as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 5. This ordinance is deemed necessary for the preservation of the public property, health, welfare, peace and safety.

Section 6. Violations of this ordinance shall be punishable in accordance with the provisions of Section 1-14 of the Sheridan Municipal Code.

PASSED AND APPROVED on first reading the 25th day of November, 2019, and ordered published.

PASSED AND APPROVED on second reading the 9th day of December, 2019, and ordered published.



Tara Beiter-Fluhr, Mayor

ATTEST:


Arlene Sagee, City Clerk



APPROVED AS TO FORM:


William P. Hayashi, City Attorney