

ORDINANCE NO. 1008

AN ORDINANCE OF THE CITY OF MONTROSE, COLORADO,  
PROVIDING FOR CONTROL OF ANIMALS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
MONTROSE, COLORADO AS FOLLOWS:

Section 1. Chapter 2 of Title 6 of the Official Code  
of the City of Montrose, Colorado, as amended, is repealed  
in its entirety and re-enacted to read as follows:

CHAPTER 2

ANIMAL CONTROL REGULATIONS

Section:

- 6-2-1: General Provisions
- 6-2-2: Rabies Control
- 6-2-3: Animal Attacks
- 6-2-4: Limit on Dogs and Cats
- 6-2-5: Revocation or Suspension of License
- 6-2-6: Running at Large Prohibited
- 6-2-7: Poultry Running at Large Prohibited
- 6-2-8: Releasing Restrained Animals Prohibited
- 6-2-9: Vicious Animals
- 6-2-10: Cruelty to Animals
- 6-2-11: Nuisance
- 6-2-12: Female Animals in Heat
- 6-2-13: Farm Livestock
- 6-2-14: Penalty for Violation

6-2-1: GENERAL PROVISIONS

(A) This Chapter shall be applicable to all property  
within the City.

(B) For purposes of this Chapter "custodian" shall  
mean any person possessing, harboring, keeping or exercising  
control over any animal.

(C) The City Manager may issue such regulations as may  
be necessary for the enforcement, administration and inter-  
pretation of this Chapter, and any amendment thereto.

(D) For purposes of this Chapter "City" shall mean the  
City of Montrose, Colorado, and any agent or employee thereof  
authorized by the City Manager to administer or enforce the  
provisions of this Chapter.

(E) For the purpose of this Chapter "animal" shall  
mean any mammal, bird or reptile.

6-2-2: RABIES CONTROL

(A) VACCINATIONS. It shall be unlawful to own or have custody of any dog six (6) months of age or cat nine (9) 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 vaccination 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.

(B) The Rabies Vaccination and Tag required by this Section must be obtained within five (5) days of the acquisition of any dog over six (6) or cat over nine (9) months old.

(C) CERTIFICATE OF VACCINATION. The veterinarian administering the vaccine shall execute and furnish to the owner or custodian of the animal a certificate of vaccination, keeping a duplicate copy for his files. Forms for such certificates shall be provided by the City and require information appropriate for the administration and enforcement of this Chapter, including the description of the animal.

(D) Certificates of Vaccination issued shall be good for twelve (12) months and must be reissued annually.

(E) 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.

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

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

(H) 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.

(I) It is unlawful to make any fraudulent statement or misrepresentation with respect to any rabies vaccination application.

6-2-3: ANIMAL ATTACKS

(A) Anyone, including physicians, having knowledge of any case of an attack or bite caused by any dog, cat or other animal occurring within the Montrose City Limits shall notify the City as soon as possible.

(B) Any dog, cat, or other animal which is known to have bitten or injured any person, causing an abrasion or cut 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 or custodian's premises 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 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 and the animal will not be returned until such costs are paid. The animal may be sold or destroyed if such costs are not paid by the owner or custodian.

(E) Any animal infected with rabies shall be destroyed.

6-2-4: LIMIT ON DOGS AND CATS

(A) It shall be unlawful to keep, maintain, harbor or possess upon the premises of any one household more than two (2) dogs and two (2) cats.

6-2-5: 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.

6-2-6: RUNNING AT LARGE PROHIBITED

(A) It shall be unlawful for any owner or custodian of any animal to fail to confine it or cause it to be confined to the premises of the said owner or custodian, unless the animal is under effective and immediate control of the owner or custodian by a leash, cord, chain, or other restraining device.

(B) Any animal in violation of Subsection (A) above may be impounded or caused to be impounded by the City.

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

(D) 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 ten dollars (\$10.00) impounding fees plus five dollars (\$5.00) for care and feeding per day impounded, plus any veterinary charges. No unlicensed dog or cat will be released to the owner or custodian without his obtaining a license if one is required by this Chapter.

(E) 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. Any purchaser shall pay all charges imposed by this Chapter. No unclaimed dog or cat shall be sold without being vaccinated for rabies and licensed, if required.

6-2-7: POULTRY RUNNING AT LARGE PROHIBITED

It shall be unlawful for any person to keep fowl or poultry unless such fowl or poultry are at all times kept in an enclosure upon the owner or custodian's premises or confined or caged when being transported.

6-2-8: RELEASING RESTRAINED ANIMALS PROHIBITED

It shall be unlawful for any person to release any animal impounded or quarantined pursuant to this Chapter without permission of the City. It shall be unlawful for any person to set any animal free of any restraint or confinement without consent of the owner or custodian.

6-2-9: VICIOUS ANIMALS

(A) It shall be unlawful for the owner or custodian of any vicious animals 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 the owner or custodian knows or reasonably should have known, has inflicted an unprovoked bite or attack upon any person or any other animal.

(C) The owner or custodian of a vicious animal shall post a warning of the presence of such an animal at the entrances to the building or enclosure in which the animal is kept.

6-2-10: CRUELTY TO ANIMALS

(A) It shall be unlawful for any person owning or in 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, cruelly ill-treat, 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.

(C) It shall be unlawful for the owner or custodian of any animal to abandon such animal.

6-2-11: NUISANCE

(A) Any animal which produces or creates any unreasonable disturbance by excessive or continuing screeching, barking or other noise, or which habitually threatens or molests persons, chases vehicles, attacks other animals, damages property, or is at large without control, 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 the law.

6-2-12: FEMALE ANIMALS IN HEAT

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.

6-2-13: FARM LIVESTOCK

(A) It shall be unlawful to keep livestock within the City except one such animal may be kept for each one acre of premises area. Premises devoted to agricultural use, including the keeping of livestock, at the time annexed to the City may continue to be so used unless such use is discontinued for a period of six (6) months. No such agricultural use may be materially enlarged from its extent existing at the time annexed.

(B) It shall be unlawful for anyone to herd or drive livestock through the street without having said animal under control as required by this Chapter, except that stockmen may drive stock through the City if no other route is practical, providing that the Montrose City Police Department is given twenty-four (24) hours prior notice of such activity. Such stockmen driving stock through the City

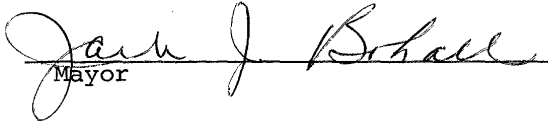
shall be liable for all damages done to private or public property by such stock whether or not such damage is caused by the negligence of the said stockmen or his agents. The City may specify the route to be used.

6-2-14: PENALTY

(A) Any person convicted of a violation of any of the provisions of this Chapter shall be punished by a fine not to exceed three hundred dollars (\$300) or by imprisonment of not more than ninety (90) days, or by both such fine and imprisonment, provided, however, that no person under the age of eighteen (18) years may be sentenced to any term of imprisonment.

(B) Upon a conviction of a violation of any provision of this Chapter which offense was committed within one year of the date of a previous conviction for a violation of a provision of this Chapter, the minimum penalty shall be a fine of fifty dollars (\$50.00), no portion of which may be suspended.

PASSED on first reading this 2 day of NOV, 1978.

  
Mayor

ATTEST:

  
City Clerk

You will please take notice that the Montrose City Council will hold a hearing upon the foregoing Ordinance and on the question of its passage on second reading on THURSDAY the 16 day of NOV, 19 78 at the hour of 7:30 p.m. at Montrose City Hall in Montrose, Colorado.

ADOPTED on second reading this 16 day of  
Nov, 19 28.

James J. Bohall  
Mayor

ATTEST:

Robert K. Ketchum  
City Clerk