

TOWN OF MONUMENT
ORDINANCE NO. 28-2013

AN ORDINANCE AMENDING TITLE 6 – ANIMALS

WHEREAS, the Board of Trustees has determined it to be reasonable and necessary to amend the Municipal Code regarding Animals; and

WHEREAS, such amendments are in the best interests of the citizens of the Town of Monument.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF MONUMENT AS FOLLOWS:

Chapter 6.04 ANIMALS GENERALLY

Sections:

6.04.010 Grazing upon public thoroughfares.

6.04.020 Hitching animals to public and private property.

6.04.030 Premises kept clean.

6.04.040 Keeping or grazing of livestock.

6.04.050 Cruelty to animals.

6.04.060 Poisoning domesticated animals.

6.04.070 Birds.

6.04.010 Grazing upon public thoroughfares.

It is unlawful for any person to picket, lead or hold any horse, cattle, or other livestock on or along any street, sidewalk or alley in this Town in such manner that any such animal may graze upon the grass, herbage, or trees growing upon or along any of the streets, sidewalks or alleys; for any person to picket, lead or hold any horse, cattle or other livestock in such manner as to obstruct or impede the full use of the streets, sidewalks or alleys.

(Prior code § 5-1-1)

6.04.020 Hitching animals to public and private property.

It is unlawful for any person to hitch a horse or any other animal to any ornamental fence or railing, tree or bush, whether private or public, or to allow such animal to stay upon property not owned by the owner of the animal, without the permission of the owner thereof. It is unlawful for any person to hitch any such animal to any lamp post, fire hydrant, gas meter or other public utility of this Town.

(Prior code § 5-1-2)

6.04.030 Premises kept clean.

Animals may be kept within the Town upon compliance with the following requirements:

1. All fecal waste shall be removed as necessary from premises and placed in closed flytight containers, at least every three (3) to seven (7) days. The Code Enforcement Officer has the authority to order more frequent removal depending on the number and size of the animals on the property. The contents of the containers shall be removed as necessary to prevent the contents from becoming a nuisance.
2. The premises upon which animals are kept shall be maintained in a clean and sanitary condition and shall be subject to inspection at all reasonable hours by the Code Enforcement Officer or a representative of the El Paso County Health Department.
3. Any person who owns or controls any lot, barn, stable, shed, building or other place where domestic fowl or animals are kept, shall keep the building and premises in a clean and sanitary condition and shall remove all manure from the premises at least once a week.

(Prior code § 5-1-4)

6.04.040 Keeping or grazing of livestock.

The keeping of livestock, including, but not limited to, sheep, cattle, goats, pigs, and horses within the Town limits, requires a livestock permit issued by the Town. The Development Services Department may issue a livestock permit if it determines that the following requirements will be adhered to. The person grazing the livestock (the permittee) must apply for a livestock permit and provide the landowner's written consent. A grazing and livestock management plan, including a manure management plan, and any other information needed for documentation, shall be submitted which demonstrates that the following criteria are met:

1. The livestock must be enclosed within a fence that can contain the animals.
2. The livestock owner will manage the livestock such that there will not be excessive odor, noise, flies, and/or cause a health hazard or nuisance to surrounding lands or residents. All areas shall be managed in such a manner so as to protect surface water and groundwater. Drainage facilities and erosion control measures may be required to protect

riparian areas and adjacent properties from runoff containing contaminants such as sediment or organic waste.

3. Corrals, and containment areas such as windbreaks, shelters, or other areas where livestock gathers such as near water tanks or troughs shall be kept in a clean condition with regular removal of manure that is disposed of in a manner acceptable to the El Paso County Department of Health and Environment Services. Any manure that is spread should be fully composted to minimize the breeding of flies and to control odors. Manure shall not be stored over a well, near riparian areas, or buried.
4. Animals may be allowed to graze until such time that no more than twenty-five (25) percent of the current pasture is devegetated. The remainder of the pasture should not have vegetation that is grazed down to a height less than three inches. Vegetation shall include native or introduced grasses and forbs.
5. The permit is valid for a time period not to exceed twelve (12) months, and may be revoked by the Department of Development Services if it is determined that the animals have broken loose from the pasture and have entered another property or road three times during the time period of the grazing permit, and/or the keeping or grazing of animals does not adhere to the requirements herein or is otherwise causing a public nuisance. A written warning shall be issued for the first offense, a one hundred dollars (\$100.00) fine will be assessed for the second offense, and the permit for keeping livestock will be revoked for the third offense and the livestock must then be removed within thirty (30) days from the date when written notification is provided to the property owner. If a documented accident caused by another party occurs that damages a fence, it will not be counted as an offense if the landowner and/or permittee repairs the fence in a timely manner.

(Prior code § 5-1-5)

(Ord. No. 30-2010, 11-1-2010)

6.04.050 Cruelty to animals.

Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., as amended, the Town of Monument adopts by reference the entirety of C.R.S. 18-9-202 regarding Cruelty to Animals. Anything defined in C.R.S. 18-9-202 as illegal or prohibited is deemed illegal or prohibited in the Town of Monument and punishable under the same provisions.

6.04.060 Poisoning domesticated animals.

It is unlawful for any person to poison or to distribute poison in any manner whatsoever with intent or for the purpose of poisoning any domesticated animals.

(Prior code § 6-6-6)

6.04.070 Birds.

It is unlawful for any person, at any time within the corporate limits of the Town, to frighten, shoot at, wound, kill, take, capture, ensnare, net trap or in any other manner molest or injure any robin, lark, whippoorwill, finch, sparrow, thrush, wren, martin, swallow, snow-bird, bob-o-link, red-winged blackbird, crow, raven, oriole, kingbird, mockingbird, song sparrow, or other song bird, or insectivorous bird; or in any manner molest or injure the nest, eggs or young of any such bird, or have in their possession the nest, eggs, young or body of such bird.

Chapter 6.08 ANIMALS SPECIFICALLY

Sections:

6.08.010 Adoption.

6.08.020 Deletions and modifications.

6.08.030 Application.

6.08.040 Number of Dogs Limited.

6.08.050 Prohibited Pets.

6.08.060 Chickens.

6.08.010 Adoption.

Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., as amended, there is adopted by reference Sections 2 through 23, inclusive of Exhibit A of El Paso County Resolution No. 12-384 regarding pet animal control and dog licensing rules and regulations ("pet rules"), promulgated by the Board of County Commissioners of the County of El Paso, state of Colorado on November 20, 2012 and recorded with the Clerk and Recorder of El Paso County on December 5, 2012 at Reception No. 212145315. The subject matter of the pet rules relates primarily to pet animal control and dog registration for the Town. One copy of the pet rules adopted by this chapter, certified to be a true copy by the mayor and the Town Clerk, is filed in the office of the clerk of the Town of Monument, Colorado, and may be inspected during regular business hours.

(Ord. 06-2005 § 1: Ord. 15-2004 § 1: prior code § 5-2-1)

6.08.020 Deletions and modifications.

The adopted pet rules are subject to the following modifications:

1. The terms "Board," "Board of County Commissioners," and "Board of County Commissioners of the County of El Paso" shall be deleted and replaced with the "Town board of trustees."
2. The terms "County" and "El Paso County" shall be deleted and replaced by the term "Town of Monument."
3. The term "resolution" shall be deleted and replaced by the term "ordinance."

(Ord. 06-2005 § 3; Ord. 15-2004 §§ 2—4; Ord. 04-03 § 1; prior code § 5-2-2)

6.08.030 Application.

This chapter shall apply to all areas within the corporate limits of the Town.

(Prior code § 5-2-3)

6.08.040 Number of Dogs Limited.

The maximum number of dogs kept on the premises shall not exceed four (4) after attaining the age of four (4) months, except in properly zoned and licensed kennels.

6.08.050 Prohibited Pets.

In accordance with C.R.S. 33-6-109 - Illegal Possession of Wildlife, it shall be illegal to possess native wildlife. It shall be unlawful for any person to own, have custody of, sell, or in any other manner traffic in the following species of animals:

1. All poisonous snakes and poisonous reptiles,
2. Nonhuman primates;
3. Any species of feline other than ordinary domesticated house cats;
4. Bears of any species;
5. All crocodilians;
6. Raccoons, porcupines, skunks, badgers, or other like species;
7. Foxes, wolves, coyotes, or other species of canines other than dogs; or
8. Any other wild animal or wildlife that is not indigenous to the state or is not classified as a pet or domesticated animal.

Alleged domestication of any prohibited animal shall not affect its status under this section. In the event of uncertainty about whether a particular animal is a prohibited animal, it shall be presumed prohibited until proven not by a preponderance of the evidence to the satisfaction of the municipal court.

Nothing herein shall prohibit the bona fide activities of the following:

1. A wildlife rehabilitator, falconer, or scientific collection permit holder currently licensed by the Colorado Division of Wildlife, so long as such licensee or permit holder complies with all applicable Town code and zoning ordinance provisions; or
2. A veterinary hospital operated by a veterinarian currently licensed by the state which complies with all applicable Town code and zoning ordinance provisions.

6.04.060 Chickens.

The keeping of chickens is allowed pursuant to the following standards:

1. Chickens are permitted only in the R-1 and R-2 zone districts. Chickens are prohibited in any other zone district.
2. The maximum number of chickens permitted on one lot is four (4).
3. Roosters and other types of poultry including but not limited to ducks, turkeys, geese, pheasants, and guinea fowl, are prohibited within the Town limits.
4. Chickens must be kept in a chicken coop and run in the rear yard.
5. The required chicken coop and run must provide all chickens on the lot with adequate shelter against the elements and be reasonably predator proof.
6. The size of the chicken coop and run combined is limited to 120 square feet in area and six (6) feet in height. The chicken coop must be set back a minimum of 10 feet from the side and rear property lines.
7. The chicken coop must provide a minimum area of four (4) square feet per chicken. The chicken run must provide a minimum area of six (6) square feet per chicken.
8. The chicken coop and run must be fully screened from view from public right-of-way and adjacent properties by a six (6) foot opaque wood fence.
9. The retail sale of eggs or chickens, the breeding of chickens, and/or the slaughter of chickens is prohibited.
10. The area and building(s) used for the keeping of the chickens shall be kept in a clean and sanitary condition at all times.

INTRODUCED, APPROVED, AND ADOPTED this 2nd day of December, 2013 by the Board of Trustees of the Town of Monument by a vote of __ for and __ against.

TOWN OF MONUMENT

Travis Easton, Mayor

ATTEST:

Cynthia Sirochman, Town Clerk