

TOWN OF EATON, COLORADO
ORDINANCE NO. 648

**AN ORDINANCE AMENDING CHAPTER XI OF THE EATON MUNICIPAL
CODE CONCERNING ANIMAL RULES AND REGULATIONS**

WHEREAS, the Town of Eaton, Colorado (“Town”) is a municipal corporation duly organized and existing under the Constitution and laws of the State of Colorado; and

WHEREAS, the Town Board of Trustees (“Town Board”) is vested with authority to administer the affairs of the Town; and

WHEREAS, Chapter XI of the Eaton Municipal Code regulates animal control and animal offenses; and

WHEREAS, while there have been amendments and revisions over time, Chapter XI of was initially adopted in 1980; and

WHEREAS, Town staff recommends that the Town Board update and amend Chapter XI; and

WHEREAS, on August 15, 2024, Town staff discussed potential revisions to Chapter XI with the Town Board, including amended provisions permitting the keeping of pets, prohibiting the keeping of wild animals, prohibiting the keeping of livestock unless authorized by the Town Board, and permitting the keeping of certain poultry with conditions; and

WHEREAS, based on Town staff’s recommendations, the Town Board desires to adopt updated and amended rules and regulations concerning animals and thus desires to repeal and reenact Chapter XI; and

WHEREAS, the Town Board hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of the public health, welfare, peace, safety and property and that this Ordinance is in the best interests of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES OF THE TOWN OF EATON, COLORADO, THAT:

Section 1. Chapter XI of the Eaton Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

CHAPTER XI – Animals

SECTION I – Animal Rules and Regulations

Sec. 11-1-1. Definitions.

As used in this Chapter, the following words have the following meanings:

Animal means *pet, poultry, livestock* or *wild animal*, all as defined herein.

Animal control officer means a peace officer, code enforcement officer or Town official designated by the Chief of Police or the Town Administrator to enforce the provisions of this Chapter.

Animal shelter means a facility in which to impound animals.

At large means off the premises of the owner and not under the control of the owner.

Control means physical restraint by use of a leash or lead.

Kennel means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire or training for a fee.

Leash and *lead* mean a thong, cord, rope, chain or similar device which holds an animal in restraint and which is not more than six (6) feet long.

Livestock means cattle, bison, mules, burros, llamas, alpacas, ostriches, horses, pigs, hogs, swine, sheep, and goats.

Owner means any person owning, keeping, or harboring any animal or animals, or having the same in his, her or its care, custody or control; or who causes, encourages or permits the same to remain upon his, her or its premises for a period of seven (7) consecutive days or more.

Pet means a nonvenomous species of reptile, domestic dog, domestic cat, domestic rabbit, rodent, and, except as otherwise prohibited in this Chapter, domestic bird.

Pet shop means the premises of any person, partnership or corporation, whether operated separately or in connection with another business enterprise that buys, sells or boards animals.

Poultry means chickens, turkeys, geese, ducks, Rock Cornish hens, game birds such as pheasant, squab and guinea fowl, and large birds such as ostrich, emu and rhea (ratites).

Premises means real property owned, rented, leased, used, kept or occupied by a person or persons, partnership, corporation or governmental unit howsoever described.

Wild animal means a monkey (nonhuman primate), raccoon, skunk, poisonous snake or reptile, jaguar, cheetah, mountain lion, wildcat, panther, margay or any other species of cats other than ordinarily domesticated house cats, a bear, nonpoisonous snake longer than eight (8) feet, crocodilia (e.g., crocodiles, alligators, etc.), gorillas, orangutans, baboons, chimpanzees, members of the class apes, falcons (e.g., hawks, eagles, vultures, etc.), badger, prairie dog, beaver, muskrat or bat, or any wolf, coyote, fox, or other species of canine other than ordinarily domesticated dogs.

Sec. 11-1-2. Licensing.

Except as otherwise provided herein, the owner of any dog over the age of six (6) months shall obtain a license for such dog.

- (1) Time for application. An applicant for a dog license shall apply for a license within thirty (30) days after having become the owner of the dog; provided, however, that this requirement does not apply to a nonresident keeping a dog within the Town for not longer than sixty (60) days.

- (2) Application. The applicant shall complete an application on the form provided by the Town Clerk and shall submit a rabies vaccination certificate issued by a licensed veterinarian that is valid until at least December 31 of the licensing year.
- (3) License Fee. The applicant shall pay a license fee in the amount set forth by resolution of the Town Board. To be eligible for payment of the neutered male dog or spayed female dog license fee, the owner shall provide the Town Clerk with written proof from a licensed veterinarian stating that the dog has been neutered or spayed
- (4) License issuance. Upon receipt and acceptance of a completed application and rabies vaccination certificate, and after payment of the license fee, the Town Clerk shall issue a durable tag stamped with an identifying number and year of issuance. The license shall be an annual license for the period beginning on January 1 of each year and expiring on December 31 of said year; provided, however, that a license issued in December of any given year shall be valid through December 31 of the following year on the condition that the rabies vaccination certificate is valid through such date.
- (5) License use.
 - a. Dogs shall wear their license tags at all times while outside of the owner's premises.
 - b. No person shall use or permit the use of a license tag for an animal other than the animal for which such tag was duly issued.
- (6) Duplicate license. A duplicate license may be obtained upon payment of a replacement fee in the amount set forth by resolution of the Town Board.
- (7) Revocation of license. The Town Clerk may revoke a previously issued license if the applicant has made a misrepresentation in the license application.

Sec. 11-1-3. Control.

- (a) Animals subject to impoundment. Any animal that constitutes a public nuisance or is at large may be taken by the animal control officer and impounded in an animal shelter.
- (b) Medical treatment for injured animals. Animals killed or injured on or along public streets are deemed to have been running at large; and the animal control officer may remove such animals therefrom and take those needing medical attention to the animal shelter or a veterinarian. The owner of any animal receiving such medical attention shall be liable for the cost thereof. The Town is not and will not be liable for the costs of treatment for such animals.
- (c) Animals running at large. All animals shall be kept under control. No animal shall run at large within the Town. If any animal is found at large at any place within the Town other than upon the premises of its owner, the owner shall be liable for a violation of this section.
- (d) Disturbance of peace and quiet. No animal shall disturb the peace and quiet or the quiet enjoyment of the premises of any person or neighborhood by barking, whining, howling or making any other noise in a manner which, under non-mitigating circumstances, could be considered by persons of ordinary sensibilities as excessive or continuous, or in such a manner as to interfere with the sleep of any person or persons. If an animal disturbs the peace and quiet as provided herein, the owner or the resident or occupant of the premises upon which the animal is located shall be liable for a violation of this section.
- (e) Animals in heat. An animal control officer may order any unspayed female dog that is in a state of estrous (heat) and is not properly confined to be removed to an animal shelter, kennel or veterinary

clinic until the period of estrous is finished. All expenses incurred as a result thereof shall be paid by the owner.

Sec. 11-1-4. Rabies control.

- (a) Inoculation required. The owner of every dog and cat over the age of six (6) months shall cause such dog or cat to be inoculated against rabies and said owner shall obtain a rabies vaccination certificate from a licensed veterinarian.
- (b) Reporting animal bites. The owner of any animal that bites a human being or domestic animal shall, upon discovery thereof, promptly report the occurrence to the animal control officer and provide any additional information requested by the animal control officer.
- (c) Quarantine of dangerous animals. Any animal that bites a human being or domestic animal shall be quarantined pursuant to one (1) of the following procedures for a period of not less than ten (10) days:
 - (1) If the owner of the animal shows a valid rabies vaccination certificate and provides written assurances that the animal shall be and remain quarantined, the animal may be quarantined on the owner's premises; or
 - (2) In any other event, the animal shall be quarantined at an animal shelter or at a veterinary clinic at the expense of the owner.
- (d) Handling rabies cases.
 - (1) Every person having knowledge of any suspected or positively diagnosed occurrence of rabies or any biting by any suspected or confirmed rabid animal shall promptly report such information to the animal control officer.
 - (2) No person shall kill any suspected or confirmed rabid animal except upon the prior written approval of the animal control officer, in defense of a human being or other animal, or to prevent the escape of such suspected or confirmed rabid animal.
 - (3) No person shall remove the dead body of any suspected or confirmed rabid animal from where the animal was killed or found without the prior written approval of the animal control officer.
- (e) Area-wide quarantine. When there has been a positive diagnosis of rabies within the Town, the Chief of Police or the Town Administrator may declare a Town-wide quarantine for a reasonable period of time not to exceed six (6) months. During the period of such quarantine, every owner of animals shall confine the animals within the owner's premises and shall not transport, take or remove the animal from the Town without the prior written consent of the animal control officer.

Sec. 11-1-5. Vicious animals.

- (a) *Vicious animal* means:
 - (1) Any animal with a prior record of having attacked or bitten a human being or domestic animal;
 - (2) Any animal which, because of its vicious propensity as determined by an animal control officer by prior warning to the owner, is capable of inflicting serious physical harm or death to human beings or domestic animals and which would constitute a danger to human life, domestic animals or property if it were not kept in the manner required by this ordinance;
 - (3) Any animal which, without provocation, attacks or bites a human being or domestic animal; or

- (4) Any animal owned or harbored primarily or in part for the purpose of fighting, or any animal trained for fighting.
- (b) Except as permitted by the animal control officer, requiring compliance with requirements (e) through (h) below, or as ordered by the Municipal Court Judge, no person shall own, keep, harbor or possess any vicious animal in the Town; provided, however, that an animal shall not be deemed a vicious animal because it has attacked or bitten any of the following persons:
 - (1) Any person engaged in the unlawful entry into or upon the animal owner's property where such animal is kept;
 - (2) Any person engaged in the unlawful entry into the animal owner's automobile or other vehicle wherein such animal is confined; or
 - (3) Any person engaged in attempting to stop a fight between such animal and another animal.
- (c) For the purpose of this section, a person is lawfully upon the private property of the owner when performing any duty imposed by law or by postal regulations of the United States, or at the invitation, expressed or implied, of the owner.
- (d) If the animal control officer deems an animal to be vicious, the animal control officer may issue a written notice to the owner of such animal stating the determination that such animal is vicious and require the owner to comply with requirements (e) through (h) below for vicious animals.
- (e) Confinement. Except as provided in section (f), the owner of a vicious animal shall not permit the animal to go unconfined. A vicious animal is "unconfined" if the animal is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the animal. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one (1) foot. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.
- (f) Leash and muzzle. The owner of a vicious animal shall not permit the animal to go beyond the premises of the owner unless the animal is securely muzzled and restrained by a chain or leash and under the physical restraint of a person. The muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration but shall prevent it from biting any human or other animal.
- (g) Signs. The owner of a vicious animal shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious animal on the premises. A similar sign is required to be posted on the pen or kennel of the animal.
- (h) Insurance. Owners of a vicious animal must provide proof to the Town Clerk of public liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), insuring the owner for any personal injuries inflicted by his or her vicious animal.

Sec. 11-1-6. Animal defecation.

A person taking an animal upon any public or private property, other than such person's own property, shall immediately remove and lawfully dispose of all fecal matter deposited by the animal on such property.

Sec. 11-1-7. Number of pets allowed.

No person or owner of a household shall keep more than four (4) dogs and one (1) litter. A litter includes the offspring of a dog which are under six (6) months of age. This restriction shall not apply to an animal shelter, veterinary clinic, kennel or pet shop.

Sec. 11-1-8. Public nuisances; duty of owner.

- (a) The following animals are detrimental to the public health, safety and welfare of the inhabitants of the Town and each such animal constitutes a public nuisance. Any animal that:
- (1) Menaces or attacks persons or vehicles;
 - (2) Attacks other animals;
 - (3) Goes upon school premises without the permission of the person in charge thereof;
 - (4) Is at large;
 - (5) Barks, whines, howls or makes any other noise, in a manner which, under non-mitigating circumstances, could be considered by reasonable persons of ordinary sensibilities as excessive or continuous, or in such a manner as to interfere with the sleep of any such person or persons;
 - (6) Being a female in heat, because of the nature of its confinement or lack of the same, has attracted other animals and caused them to congregate or remain on or about any premises;
 - (7) Has not been duly licensed or vaccinated as required by this Chapter;
 - (8) Has been abandoned;
 - (9) Is not under control as required by this Chapter;
 - (10) Damages public property or private property not owned by the owner;
 - (11) Has contracted rabies or other contagious or pestilential disease and is not under the care of a veterinarian;
 - (12) Is a vicious animal;
 - (13) Is tied or otherwise physically fastened to any object on public property and the owner has departed from the immediate vicinity or location where the animal has been physically fastened, except that the owner may safely tie or physically fasten an animal on public property that is adjacent or near to a commercial establishment or similar such location for twenty (20) minutes or less; or is on private property and is tied or fastened so as to create an immediate danger to the physical well-being of the animal or any person;
 - (14) Is on premises open to the public where food or beverages are prepared, stored or sold; provided, however, that this subsection does not apply to seeing-eye dogs or dogs trained as ears for the deaf and in use for such purposes at the time; or
 - (15) Defecates upon public property or private property not owned by the owner, and such excreta is not immediately removed by the owner at that time.
- (b) The public nuisances set forth in this section are prohibited in the Town. The owner, custodian or possessor of any animal that causes or constitutes a public nuisance shall be in violation of this section and shall be deemed responsible for the actions of the animal.

Sec. 11-1-9. Animal care; inhumane treatment.

It is unlawful for any person to:

- (1) Fail to provide an animal owned or in the custody of such person with adequate food and water, proper shelter, veterinary services and humane care and treatment necessary to maintain the good health of the animal and to prevent suffering by the animal;
- (2) Physically abuse any animal;
- (3) Torment, overload, overwork or otherwise abuse an animal, or cause, instigate or permit any dog fight, cockfight, bull fight or other combat between animals, or between animals and humans;
- (4) Abandon an animal;
- (5) Intentionally or maliciously kill or injure an animal, unless such act is necessary to defend a human being or other animal from immediate attack or as otherwise authorized by law;
- (6) Confine any animal within a parked, closed vehicle in a manner or under circumstances that may cause the animal to suffer heat exhaustion, heat stroke or death; and under no circumstances shall such person confine such animal in any parked, closed vehicle on any public street or way for more than one (1) hour. An animal control officer observing any animal kept in violation of this subsection may enter said vehicle, leaving written notice in said vehicle, and impound such animal to protect its well-being. Any such animal control officer making an entry into any such vehicle for the purposes of this subsection is immune from suit or liability, criminal or civil, for, caused by or arising out of such entry;
- (7) Fail to provide for the physical needs of an animal owned;
- (8) Take and deliver to an animal shelter or elsewhere an animal, not his or her own, from any enclosed lot, premises or other building not his or her own, unless he or she shall have first received permission from the owner of such animal, as well as the owner or person in possession of said premises, or as otherwise authorized by this Chapter;
- (9) Without the consent of the owner, release any dog from restraint except when necessary to preserve the life of such dog; provided, however, that when a dog has been released under such necessity, the person making such release shall immediately inform an animal control officer that he or she has done so or, in the alternative, shall immediately return the dog to the custody of its owner;
- (10) Tie or otherwise physically fasten an animal to any object on a public way, or so near to a public way that the animal may go upon the same, and leave the animal and depart the immediate vicinity thereof;
- (11) Tie or otherwise physically fasten any animal in such a manner as to create an immediate physical danger to the well-being of the animal;
- (12) Expose any known poisonous substance, whether mixed with food or not, so that a reasonable person would know or should know that such substance would probably cause animals to be attracted thereto, eat thereof and be poisoned thereby; provided, however, that this subsection does not make unlawful the poisoning of rats or mice with commercial poison; or

- (13) Set any type of steel-jaw trap or any other inhumane trap which, by its nature, may kill or maim any animal; provided, however, that this subsection does not prohibit the use of common rat and mousetraps.

Sec. 11-1-10. Keeping of wild animals.

No person shall keep or permit to be kept any wild animal in the Town.

Sec. 11-1-11. Keeping of livestock.

Unless authorized by the Town Board, and then only after issuance of a permit and payment of a permit fee, no person shall keep or permit to be kept any livestock in the Town.

Sec. 11-1-12. Keeping of poultry.

- (a) Prohibition. Except as provided herein, no person shall keep or permit to be kept any poultry in the Town.
- (b) Chicken hens. Persons may keep up to six (6) chicken hens in the Town, subject to the following requirements and subject to all other applicable provisions of this Chapter:
 - (1) Chicken hens may only be kept on parcels with a single-family residence and enclosed yard. If a parcel has more than one (1) dwelling unit (single-family residence), all adult residents and the owners of the parcel must consent in writing to allowing the chicken hens on the property;
 - (2) Any person keeping chicken hens shall obtain a permit issued by the Town Clerk and pay a permit fee in the amount set forth by resolution of the Town Board;
 - (3) All chicken hens must be provided with a covered, predator-resistant chicken house that is properly ventilated, designed to be easily accessed, cleaned and maintained and at least two (2) square feet per chicken in size, and no portion of which shall exceed six (6) feet from grade;
 - (4) All chicken houses shall be located between the rear-most portion of the residence and the rear lot line of the parcel in question. The chicken house shall be located at least fifteen (15) feet from any abutting property line unless the owner or keeper of the chicken hens obtains the written consent of the owners of all abutting properties to which the enclosure is proposed to be more closely located; in which event, the agreed-upon location shall then be deemed acceptable to all such abutting property owners, notwithstanding any subsequent change in ownership of such abutting properties. No chicken hens shall be permitted within any other portion of the parcel;
 - (5) During daylight hours, chicken hens must have access to the chicken house, must have access to adequate fresh water and must also have access to an enclosure that is screened on all sides and on top and adequate to protect them from predators;
 - (6) From dusk until dawn, chicken hens must be protected from predators by being closed in the chicken house;
 - (7) Chicken hens shall be killed by or at the direction of the owner or keeper if so ordered pursuant to the lawful order of state or county health officials, or for the purpose of euthanasia when surrendered to a licensed veterinarian for such purpose, or as otherwise expressly permitted by law; and

- (8) If the parcel upon which the keeping of chicken hens is proposed falls within the jurisdiction of a homeowners' association or similar covenant-based property owners' association, the requirements of this section shall be considered minimum requirements. Any such association shall have the right to lawfully adopt more stringent chicken-keeping standards, including the outright prohibition of chicken-keeping, for any parcel within the regulatory authority of such association.
- (c) Public nuisance and unlawful acts; duty to maintain chicken habitat.
- (1) The unsanitary or unsafe keeping of chicken hens within the Town is unlawful and a public nuisance. It shall be the duty of every owner or keeper of chicken hens to maintain the chicken hen habitat in a secure, neat, tidy, methodical, systematic, clean and orderly condition, permitting no accumulation of odor, dust, droppings, feed, organic material, pests or loitering of predators.
- (2) Any person found to be in violation of this section shall, in addition to any other lawful measures the Town may pursue, be subject to immediate and permanent revocation of a permit issued to such person under this section.
- (d) Chicken roosters. Persons may keep chicken roosters younger than eight (8) weeks of age in the Town.
- (e) Ducks. Unless authorized by the animal control officer, no person shall keep ducks in the Town. If ducks are permitted in the Town as contemplated herein, the requirements of subsections (b) and (c) of this section, as applied to ducks rather than chicken hens, shall apply to the keeping of such ducks.
- (f) Town disposal of poultry found at large. In addition to all other remedies available at law or equity, the Town shall have the authority to seize, impound and dispose of any poultry found at large within the Town's corporate limits. Such seizure, impoundment and disposal shall not require notice to any owner or keeper or any attempt to locate the owner thereof.

Sec. 11-1-13. Impoundment.

- (a) Animals subject to impoundment. Any animal that constitutes a public nuisance, has or is suspected of having rabies, is found running at large, is receiving inhumane treatment, whose life reasonably appears to be endangered or is otherwise acting in violation of this Chapter, may be taken into the custody of the animal control officer and be impounded in an animal shelter.
- (b) Disposition of impounded animals.
- (1) Upon impounding any animal, the animal control officer shall contact or, if the owner is unknown, endeavor to contact the owner.
- (2) In no event shall any animal be euthanized or adopted prior to the expiration of seventy-two (72) hours after notice is provided to the owner, or, in the event the owner is unknown, after expiration of one hundred twenty (120) hours after impoundment; provided, however, that such animal may be disposed of at any time pursuant to the direction or authorization of state or other health authorities.
- (3) Any animal not reclaimed by its owner within the time heretofore established may be humanely euthanized or adopted.
- (c) Release of impounded animals.

- (1) An animal that is dangerous or shows symptoms of rabies or other infectious or contagious diseases shall not be released.
 - (2) An animal receiving inhumane treatment as provided in this Chapter shall not be released absent an order of the Municipal Court Judge.
 - (3) Except as provided above, an animal may be released to its owner upon payment of all applicable fees and costs set for below.
- (d) Owner's liability for fees.
- (1) The owner reclaiming an impounded animal shall pay the fees and costs incurred on behalf of such animal for its care, subsistence, custody and impoundment.
 - (2) The owner of an impounded animal remains personally liable for, and shall pay, all impoundment and subsistence fees, notwithstanding that the owner may abandon the animal, or the animal is adopted or euthanized.

Sec. 11-1-14. Enforcement; safety; interference with animal control prohibited.

- (a) Animal control officers are authorized to enforce the provisions of this Chapter.
- (b) An animal control officer may, when reasonably necessary, to protect his or her own person or members of the public, immediately destroy an animal. The owner of any such animal has no recourse or cause of action against either the Town or the animal control officer.
- (c) No person shall knowingly resist, oppose, obstruct or interfere with any animal control officer acting within the scope of his or her authority under this Chapter, or use threats or intimidation, or attempts to intimidate, any animal control officer in the discharge of his or her official duty.
- (d) No person shall fail to obey a lawful order of an animal control officer.

Sec. 11-1-15. Penalty for violation.

Any person who violates any provision of this Chapter may be subject to a penalty as provided in Section III of Chapter I of the Code.

Section 2. Severability. If any 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 constitutionality or validity of the remaining portions of this Ordinance. The Town Board 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. Effective Date and Publication. This Ordinance shall be effective thirty (30) days after its publication. The Town Clerk shall certify the date of publication and such certification shall be maintained with the original of this Ordinance. The Town Clerk shall make not less than three copies of the adopted Town Code available for inspection by the public during regular business hours.

INTRODUCED, APPROVED AND ADOPTED by the Board of Trustees of the Town of Eaton, Colorado, this 19th day of September, 2024.

TOWN OF EATON, COLORADO

ATTEST:

By: _____
Margaret Jane Winter, Town Clerk

By: _____
Scott E. Moser, Mayor