

ORDINANCE NO. 2020-10

AN ORDINANCE OF THE TOWN OF SEVERANCE, COLORADO, AMENDING THE PROVISIONS OF ITS ANIMAL CONTROL CODE LOCATED IN CHAPTER SEVEN OF THE SEVERANCE MUNICIPAL CODE

WHEREAS, the Board of Trustees (“Board”) of the Town of Severance, Colorado, (“Town”) has an interest in maintaining the public safety and welfare of the citizens of the Town; and

WHEREAS, regulating the licensing, vaccination, control, and type of animals within the Town is necessary to preserve and protect the safety and welfare of the citizens of the Town; and

WHEREAS, the Board previously enacted ordinances governing the keeping and control of animals within Town, including without limitation, ordinances governing the licensing, vaccination, control, and type of animals; and

WHEREAS, the Board now desires to amend some of the previously enacted ordinances to further the public interest in the licensing, keeping, and vaccination of animals; and

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

Section 1. Chapter 7, Article 6, Section 10 of the Severance Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

Sec. 7-6-10. - Animals.

- (a) The only animals allowed to be kept by any person within the Town are domesticated dogs, domesticated cats, rodents, fish, birds, reptiles, and amphibians. All other animals are prohibited unless the property where the animal to be kept is specifically zoned for the purpose of keeping that type of animal (such as livestock animals on agriculture land), or as otherwise allowed by permit issued by the Board of Trustees; including without limitation, family poultry for personal use.
- (b) Any person desiring to keep an animal pursuant to subsection (a) shall: (1) apply to the Board of Trustees for a permit to keep such animal or (2) if applicable, comply with the provisions of this Article related to family poultry for personal use. With respect to permit applications submitted to the Board of Trustees, the Board of Trustees shall issue a permit if the location where the animal is to be kept, number of animals, and type of animals is compatible with the size of the lot, zoning, character of the neighborhood, and such other criteria as the Board of Trustees may determine. In reviewing permit applications, the

Board of Trustees may consult with homeowners associations or metro districts of which the applicant's property is a part to ensure the keeping of animals on the property will not disturb the character and feel of the neighborhood.

- (c) In rural residential zones, a permit contemplated in this section shall not be required for horses, mules, goats, pigs, sheep, and donkeys (collectively "livestock animals") if the property where such animals are kept is at least three acres in size, and the cumulative number of livestock animals on said property does not exceed ten. Notwithstanding the foregoing, the Town Board, may limit the number and types of livestock animals on properties located within rural residential zones to ensure the character and feel of the neighborhood remains intact, and the Board, in making its decision, may consult with any homeowners associations or metro districts of which the property in question is a part.

Section 2. Chapter 7, Article 6, Section 20 of the Severance Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

Sec. 7-6-20. – Control of Animals.

- (a) All animals shall be kept under control. No owner, harbinger, keeper or other person who has assumed responsibility for an animal shall allow such animal to 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 the owner, the owner is presumed to have violated this Section.
- (b) An animal shall be considered running at large when the animal is outside of a fence or other enclosure which restrains the animal to a particular premise and is not attached to a leash being held by the owner, harbinger, or keeper.

Section 3. Chapter 7, Article 6, Section 30 of the Severance Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

Sec. 7-6-30. - Dog and Cat License Required.

The owner, keeper, harbinger or other person who has assumed responsibility for any dog or cat within the Town shall obtain, from the Town, a license for such dog or cat. However, no license shall be required for any dog or cat while under the age of six (6) months, for seeing-eye dogs, or for dogs or cats which are brought into the Town for a temporary period of ten (10) days or less.

Section 4. Chapter 7, Article 6, Section 40 of the Severance Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

Sec. 7-6-40. - Term of Dog or Cat License.

Licenses issued for dogs and cats in this Town shall be good for a period of twenty (20) years. Unless otherwise exempt as provided in 7-6-30, dogs or cats brought into the Town shall be licensed no later than thirty (30) days from the date they are brought into the Town.

Section 5. Chapter 7, Article 6, Section 50 of the Severance Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

Sec. 7-6-50. - License Fee and Vaccination.

- (a) All dogs and cats within the Town over the age of six (6) months shall be vaccinated by a licensed veterinarian. It shall be a violation of this section for the owner of any dog or cat to allow such dog or cat in Town unless the dog or cat has been so vaccinated and said vaccination is current.
- (b) Every owner of an animal required to be vaccinated pursuant to this section shall maintain said animal's vaccination for the duration of animal's life. Every owner of an animal required to be vaccinated pursuant to this section shall provide proof to the Town that said animal's vaccination is current, and shall follow all procedures and requirements set by the Town Clerk for providing said proof.
- (c) Each applicant for a license shall be required to pay to the Town Clerk a fee as set forth in in the current fee schedule to this Code.
- (d) No license shall be issued to any applicant for a dog or cat license until such applicant has produced and displayed to the Town Clerk a certificate issued by a licensed doctor of veterinary medicine certifying that such dog or cat has been vaccinated for rabies.
- (e) If an owner fails to adhere to any provision set forth in this section, then, in addition to any other fine or penalty that may be imposed, the license for the animal(s) in question shall be voided, and new licenses shall be required to be obtained pursuant to the provisions in this section.

Section 6. Chapter 7, Article 6, Section 60 of the Severance Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

Sec. 7-6-60. - Issuance of license.

The Town Clerk shall issue a dog or cat license to each person making proper application and payment of fees as provided in this Article. The Town Clerk shall keep a suitable book for the registration of dogs and cats, shall register therein all dogs and cats whose owners, keepers or harborers have paid the license fee as provided in this Article, and shall keep a record of: (1) the date of registration and the name, sex, breed and color of each dog or cat, (2) the expiration date of the rabies vaccination required by this Article, and (3) the place where the dog or cat shall be kept.

Section 7. Chapter 7, Article 6, Section 70 of the Severance Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

Sec. 7-6-70. - License Tag Required.

- (a) The Town Clerk shall furnish to the person causing a dog or cat to be licensed, a suitable tag bearing a number corresponding to that of the license issued for such dog or cat and the year for which such license is issued. Each dog so licensed shall be provided by its owner, keeper or harborer with a collar or harness of suitable material to which such tag shall be securely fastened, and its owner shall keep such collar or harness with such tag fastened to the dog at all times.
- (b) It is unlawful for any owner, keeper, harborer or other person who has assumed responsibility for a dog or cat to permit such dog or cat to wear any license tag other than the one issued by the Town for the dog or cat.

Section 8. Chapter 7, Article 6, Section 130 of the Severance Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

Sec. 7-6-130. – Vicious Dog Prohibited.

- (a) No person shall own, keep, harbor or possess any vicious dog within this Town except as provided in Section 7-6-140; provided, however, that an animal shall not be considered vicious if it has attacked or bitten under any of the following circumstances:
 - (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;
 - (3) Any person engaged in attempting to stop a fight between such animal and another animal;
 - (4) Any person engaged in attempting to aid such animal when it is injured; or

(5) Any person engaged in playing with the animal or intentionally provoking the animal.

(b) “Vicious animal” as used in this section means any animal that has acted in a violent manner towards a human being, or has bitten or attacked another human being or animal without provocation.

Section 9. Chapter 7, Article 6, Section 170 of the Severance Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

Sec. 7-6-170. – Impoundment Authorized.

It is lawful for the Town Administrator or police officer or other designated officer of the Town to impound any animal which has been found running at large or return said animal to the owner, keeper, harbinger or other person who has assumed responsibility of the animal, and to issue such person a penalty assessment or summons and complaint for a violation of this Article. Any animal so impounded shall not be returned to the owner until a redemption fee has been paid and any applicable license is made current, which redemption fee shall consist of the fee contained in the current fee schedule to this Code plus an additional daily fee for the feeding and care of such animal, as contained in in the current fee schedule to this Code.

Section 10. Chapter 7, Article 6, Section 210 of the Severance Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

Sec. 7-6-210. - Family poultry for personal use.

(a) The keeping of chickens as family poultry for personal use in any zone district where such is a permitted use shall be allowed so long as the keeping of poultry is in accordance with the provisions of this Section.

(b) The keeping of up to six (6) chicken hens per residence is permitted.

(c) The keeping of a chicken rooster or more than six (6) chicken hens is prohibited.

(d) Chickens shall be housed in a coop that may not exceed sixty (60) square feet.

(e) Chickens may not be housed in any automobile, camper, trailer, recreational vehicle, or other converted vehicle.

(f) The coop shall provide proper protection from any seasonal climatic condition.

(g) The coop shall have an attached yard allowing the birds to roam and gain access to sunlight and open air.

(h) The yard shall provide a minimum of four (4) square feet per bird excluding the coop and be enclosed on all four (4) sides and at the top with fencing adequate to prevent the chickens from escaping and protect the chickens from predators.

(i) Free-range chickens are prohibited.

(j) Animal health must be maintained with proper feed and water.

(k) Aid from a veterinarian must be given if deemed necessary.

- (l) Animal cruelty laws pertain to chickens.
- (m) On-site slaughtering, within public view, is prohibited.
- (n) Coops and yards must be located at least ten (10) feet from any neighboring property line unless the application includes written approval of the adjacent property owner.
- (o) Coops may not be attached to residential dwellings.
- (p) Coops must be in accordance with other land use regulations pertaining to outbuildings.
- (q) There will be an annual permit fee as set in the Town fee schedule to register up to six (6) chickens, which may be issued by the Town Clerk without special application to the Board of Trustees or any further approval of the Board of Trustees.
- (r) The fee for the annual permit may be revised from time-to-time in the discretion of the Board of Trustees by resolution.
- (s) Unless an individual owning or possessing chickens pursuant to this section violates any provision of this Article, then said individual may renew the permit contemplated by this section annually. If an individual owning or possessing chickens does violate any provision of this Article, and said violation is not promptly cured, or if said individual violates this Article on more than one occasion, then in addition to any other remedy available under the Town Code, the permit contemplated by this section may be rescinded or renewal denied.
- (t) The following sections of this Article, without limitation thereto, shall be applicable to chickens kept pursuant to this Section:
 - Section 7-6-20 pertaining to control of animals;
 - Section 7-6-110 pertaining to noisy animals;
 - Section 7-6-150 pertaining to nuisance;
 - Section 7-6-170 pertaining to impoundment;
 - Section 7-6-180 pertaining to disposition of unredeemed animals;
 - Section 7-6-190 pertaining to inhuman treatment; and
 - Section 7-6-200 pertaining to animals in parks.

Section 11. Effective Date. The provisions of this Ordinance shall become effective on January 1, 2021.

PASSED, ADOPTED, SIGNED AND APPROVED this the 22nd day of September, 2020.

TOWN OF SEVERANCE

By: _____
Donald M. McLeod, Mayor

ATTEST:

By: _____
Michael Jenner, Town Clerk