

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2018

COUNCIL BILL NO. CB18-0672
COMMITTEE OF REFERENCE:
Safety, Housing, Education & Homelessness

A BILL

For an ordinance repealing and reenacting with amendments Articles I through VIII of Chapter 8, Denver Revised Municipal Code concerning animals and for conforming amendments to Chapters 2 and 24, Denver Revised Municipal Code.

BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That Chapter 8 of the Revised Municipal Code be and the same is hereby repealed and reenacted to read as follows:

ARTICLE I. IN GENERAL

Sec. 8-1. Purpose.

This chapter is enacted to protect, preserve and promote the health, safety and welfare of the citizens and animals of the City and County of Denver.

Sec. 8-2. Definitions.

For purposes of this chapter, the words, phrases and terms found in this section shall be defined as follows:

- (a) *Altered or sterilized* shall mean a dog or cat that has been spayed or neutered.
- (b) *Animal Protection Officer* shall mean an employee of the Department of Public Health and Environment authorized by the Executive Director to enforce provisions of this chapter.
- (c) *Animal shelter* shall mean any business which collects stray, abandoned or owner-surrendered pet animals for redemption, adoption, sale or disposal.
- (d) *Approved animal adoption or humane organization* shall mean any organization that meets all the criteria set out in subsection 8-153.5(g) and has agreed to participate in the Denver Animal Shelter animal adoption network.
- (e) *Attack* shall mean violent or aggressive physical contact with a person or animal, or violent or aggressive behavior that confines the movement of a person, including, but not limited to, chasing, cornering, or encircling.

- 1 (f) *Board* shall mean the Board of Public Health and Environment of the City and County of
2 Denver.
- 3 (g) *Bodily Injury* means physical pain, illness, or any impairment of physical or mental condition.
- 4 (h) *Business* shall mean any profit or nonprofit individual, partnership, company, or corporation
5 doing business within the corporate limits of the city.
- 6 (i) *Denver Animal Shelter* means the municipal animal shelter that is operated by Denver
7 Animal Protection.
- 8 (j) *Dwarf goats* shall mean Nigerian Dwarf or African Pygmy breeds of goats.
- 9 (k) *Executive Director* shall mean the Executive Director of the Department of Public Health and
10 Environment or the Executive Director's designee.
- 11 (l) *Keeper* shall mean any person who exercises care, custody or control over an animal, but is
12 not an owner. A keeper must be eighteen (18) years of age or older.
- 13 (m) *Kennel* shall mean any business which is involved with the boarding of pet animals.
- 14 (n) *Leash* shall mean a physical restraint held by, or attached from, a person to an animal.
- 15 (o) *Owner* shall mean any person who possesses, exercises control over, or who has a right in
16 property over an animal. An owner must be eighteen (18) years of age or older. If a person
17 under the age of eighteen (18) possesses, exercises control over, or has a property right in
18 an animal, the minor's parent(s), guardian(s), or legal custodian(s) shall be deemed to be
19 the owner(s) of such animal. If an animal has more than one owner, all owners eighteen
20 (18) years of age or older shall be jointly and severally liable under this chapter.
- 21 (p) *Permit* shall mean to allow or let happen and shall not include a state of mind requirement.
- 22 (q) *Pet animal* means fish, small domestic mammals, birds, reptiles, cats and dogs, not
23 otherwise prohibited by this chapter.
- 24 (r) *Pet grooming shop* shall mean any business which is involved in the grooming of pet
25 animals for profit.
- 26 (s) *Pet hospital* shall mean any business operating as a veterinary hospital or clinic which is
27 involved in the diagnosis, treatment, or care of any pet animal.
- 28 (t) *Pet shop* shall mean any retail or wholesale business which is involved in the selling or
29 trading of pet animals.

- 1 (u) *Pit bull* shall mean any dog that is an American Pit Bull Terrier, American Staffordshire
2 Terrier, Staffordshire Bull Terrier, or any dog displaying the majority of physical traits of any
3 one (1) or more of the above breeds, or any dog exhibiting those distinguishing
4 characteristics which substantially conform to the standards established by the American
5 Kennel Club or United Kennel Club for any of the above breeds. The American Kennel Club
6 and United Kennel Club standards for the above breeds are on file in the office of the clerk
7 and recorder, ex officio clerk of the City and County of Denver, at City Clerk Filing No.
8 89457.
- 9 (v) *Run at large* shall mean any dog (1) not on the premises of the owner or keeper thereof and
10 not controlled through use of a leash, cord or chain held by the dog's owner or keeper; or (2)
11 on the premises of the owner or keeper, but confined in such a way as to allow the dog to
12 have access to the public right-of-way.
- 13 (w) *Secure enclosure* means an enclosure which meets the following requirements:
- 14 (1) Is suitable to prevent the entry of children age ten (10) and under, and to prevent the
15 animal from escaping;
- 16 (2) Has secure sides and a secure top or secure sides which are of sufficient height to
17 prevent the animal from escaping over the sides;
- 18 (3) Has sides that are constructed at the bottom so as to prevent the animal's escape by
19 digging under the sides;
- 20 (4) Provides appropriate protection from the elements for the animal; and
- 21 (5) Complies with the Denver Zoning Code.
- 22 (x) *Secure temporary enclosure* means an enclosure used for purposes of transporting a pit
23 bull and which includes a top and bottom permanently attached to the sides except for a
24 "door" for removal of the pit bull. Such enclosure must be of such material, and such door
25 closed and secured in such a manner, that the pit bull cannot exit the enclosure on its own.
- 26 (y) *Serious bodily injury* means bodily injury which, either at the time of the actual injury or, at a
27 later time, involves a substantial risk of death, a substantial risk of serious permanent
28 disfigurement, a substantial risk of protracted loss or impairment of the function of any part
29 or organ of the body, or breaks, or fractures.
- 30 (z) *Shelter* means an enclosure that is structurally sound and in good repair, provides
31 convenient access to clean food and water, enables the animal to remain dry and clean, is

1 constructed and maintained so that it is impervious to moisture and can be readily sanitized,
2 is constructed so as to protect the animal from injury, and provides sufficient space to allow
3 each animal to turn around fully, stand, sit and lie in a comfortable position.

4 (aa) *Vaccination* shall mean the inoculation of a dog or cat with a vaccine licensed by the United
5 States Department of Agriculture for use in the prevention of rabies, distemper, parvovirus,
6 panleukopenia, Bordetella, and other diseases.

7 **Sec. 8-3. Complaint procedure.**

8 (a) Any police officer, Animal Protection Officer or person charged by the Executive Director
9 with enforcing the Code, acting in an official capacity, is hereby authorized to issue a
10 summons and complaint, pursuant to the provisions of article II of chapter 14, for violation
11 of this chapter or any provision of this Code pertaining to animals.

12 (b) Any Animal Protection Officer, or person charged by the Executive Director with enforcing
13 the Code, acting in an official capacity, is hereby authorized to issue an administrative
14 citation pursuant to section 24-5, in accordance with the rules and regulations adopted by
15 the Board.

16 **Sec. 8-4. Enforcement.**

17 (a) Animal Protection Officers shall have the power and duty to enforce all provisions of this
18 chapter or any other provision of this Code pertaining to animals.

19 (b) Animal Protection Officers are hereby designated as peace officers and shall be authorized
20 to enforce the provisions of this chapter, or any other provision of this Code pertaining to
21 animals, and to make all determinations within their discretion required by the provisions of
22 this chapter or other applicable law.

23 (c) It shall be lawful for an Animal Protection Officer to go upon private property to capture any
24 animal to be impounded for, or to investigate any report of, a violation of this chapter if:
25 (1) The officer has obtained consent of the person in possession of the property;
26 (2) The officer has obtained a valid search warrant;
27 (3) The officer is in pursuit of an animal which the officer has probable cause to believe
28 has bitten a person; or

1 (4) The officer is attempting to abate a continuing violation, involving a substantial risk to
2 the health or safety of the public or of the animal, when the owner of the property is
3 not available;

4 Nothing in subsections (3), or (4) of this section shall be deemed to authorize entry into any
5 enclosed building on private property.

6 (d) Notwithstanding subsection (c)(2) of this section, if the Animal Protection Officer has
7 probable cause to believe that the keeping or maintaining of any animal is so hazardous,
8 unsafe, or dangerous as to require immediate inspection to safeguard the animal or the
9 public health or safety, the Animal Protection Officer shall have the right immediately to
10 enter and inspect the property or vehicle in or upon which the animal is kept, and may use
11 any reasonable means required to effect such entry and make such inspection, whether the
12 property or vehicle is occupied or unoccupied and whether permission to inspect has been
13 obtained or not. If the property or vehicle is occupied, the Animal Protection Officer shall first
14 present proper credentials to the owner or occupant of the property or vehicle and demand
15 entry, explaining his reasons therefor and the purpose of the inspection.

16 **Sec. 8-5. Animal-related nuisance.**

17 (a) No person shall keep or maintain or permit the keeping of, on any premises owned,
18 occupied or controlled by such person, any animal otherwise permitted to be kept, which by
19 frequent or habitual howling, meowing, squawking or other noise, unreasonably disturbs the
20 peace and quiet of any neighborhood or causes discomfort or annoyance to any person.
21 This section shall not apply to dogs (see section 8-18).

22 (b) The county court, in addition to any penalty imposed pursuant to section 1-13, may order
23 the owner or keeper of the animal to abate the nuisance created under subsection (a) or
24 sections 8-18, 8-73, 8-74, 8-81 or 8-82 within five (5) days thereafter. Failure to abate the
25 nuisance after the expiration of the five-day period shall be deemed a violation of this
26 chapter of the Code.

27 **Sec. 8-6. Unlawful to give false information.**

28 It shall be unlawful for any person knowingly to make, convey, or cause to be imparted or
29 conveyed, false statements in applications, or to furnish, present, or exhibit any fictitious or false
30 documentation pursuant to this chapter.

1 **Sec. 8-7. Interference with Denver Animal Protection employees.**

2 (a) It shall be unlawful for any person to interfere with, molest, or hinder any employee of
3 Denver Animal Protection in the discharge of his or her duties as provided in this chapter.

4 (b) It shall be unlawful for any person to fail to obey a lawful order of an Animal Protection
5 Officer if such failure interferes with or hinders such Animal Protection Officer in the
6 discharge of his or her official duties. For purposes of this subsection, the term “lawful order”
7 shall be strictly construed and shall include only such orders that relate directly to matters of
8 substantial importance in the discharge of the official duties of Animal Protection Officers. It
9 is an affirmative defense to this subsection that failure to obey the lawful order did not
10 interfere with or hinder the Animal Protection Officer.

11 **Sec. 8-8. Limitation on keeping of animals.**

12 It shall be unlawful for any person to keep or house animals in violation of Denver Zoning
13 Code, unless the Zoning Administrator has issued a zoning permit expressly allowing such use.

14 **Sec. 8-9. Fees.**

15 The Board is hereby authorized to establish, by rules and regulations, a reasonable amount
16 to be assessed as the fees authorized by this chapter. The Executive Director may, in the
17 Executive Director's discretion, waive any and all fees authorized under the provisions of this
18 chapter, in whole or in part, where the payment of such fees is a demonstrated financial hardship,
19 or the waiver is otherwise in the public interest. Every three years, the Board may adjust the fee
20 structure based upon the change in the Consumer Price Index for the Denver-Boulder area.

21 **Secs. 8-10—8-15. Reserved.**

22 **ARTICLE II. - DOGS AND CATS**

23 **DIVISION 1. - GENERALLY**

24 **Sec. 8-16. Leash law.**

25 (a) It shall be unlawful for any owner or keeper of any dog to fail to prevent the same to run at
26 large.

27 (b) It shall be the duty of the chief of police, and all other police officers and all Animal
28 Protection Officers, to see that a dog found running at large is taken up and impounded in
29 the Denver Animal Shelter, and such dog may be so taken up without the necessity of filing

1 a complaint and shall be impounded and disposed of in accordance with provisions of article
2 VII of this chapter.

3 (c) Subsection (a) of this section shall not apply if the dog is within a designated off-leash
4 enclosure and is being supervised by an owner or keeper who is at least eighteen (18)
5 years of age.

6 (d) The Executive Director may, with the concurrence and consent of the chief agency
7 executive with control responsibility for the property involved, designate specific areas for
8 dog off-leash enclosures. The Executive Director shall, pursuant to article VI of chapter 2 of
9 this Code, propose to the Board rules and regulations for the construction and use of dog
10 off-leash enclosures.

11 **Sec. 8-17. Barking dog.**

12 (a) It shall be unlawful for an owner or keeper of any dog to fail to prevent such dog from
13 disturbing any person or neighborhood by loud and persistent or habitual barking, howling,
14 or yelping.

15 (b) An administrative citation or a summons and complaint issued for violation of this section
16 shall be:

17 (1) signed by an Animal Protection Officer that personally witnessed the violation;

18 (2) supported by at least two (2) identified complaining witnesses from separate
19 households; or

20 (3) supported by one (1) complaining witness if there also exists competent evidence
21 admissible at trial to prove a prima facie case of a violation of this section.

22 (c) In any prosecution for a violation of this section, the fact that any loud dog barking which
23 disturbed any person or neighborhood occurred either:

24 (1) Between the hours of 10:30 p.m. and 7:30 a.m.; or

25 (2) When none of the residents who reside at the place where the barking dog is being
26 kept are at home;

27 shall create a rebuttable presumption that the dog barking was unlawful.
28

1 **Sec. 8-18. Barking dog nuisance.**

- 2 (a) Any dog which has been allowed or permitted to persistently and chronically violate section
3 8-17, as demonstrated by one (1) or more convictions for violating section 8-17, and the
4 receipt of subsequent complaints from more than one (1) household, is declared to be a
5 public nuisance and may be impounded upon compliance with the procedures outlined in
6 subsections (b) through (g).
- 7 (b) Whenever any chronic barking dog nuisance as defined in subsection (a) of this section is
8 found on any premises within the jurisdiction of the city, a written notice shall be given to the
9 owner or keeper of the dog, or to the owner, occupant, person in possession, person in
10 charge, or person in control of the premises where the dog is located, or a written notice
11 shall be posted at such premises when none of the above people can be found at the
12 premises. Such notice shall be signed by the director of Denver Animal Protection or their
13 designee and shall give the person or persons to whom it is directed no less than seventy-
14 two (72) hours (three (3) days) nor more than one hundred twenty (120) hours (five (5)
15 days) to abate the chronic barking dog nuisance. Such notice shall also state that the dog
16 may be impounded if the barking dog nuisance is not abated.
- 17 (c) If, after the time given to comply with the notice has passed, the barking dog nuisance has
18 not been abated, the director of Denver Animal Protection may (1) summarily abate the
19 barking dog nuisance by impounding the barking dog; (2) assess the costs of such
20 abatement against the property or owner thereof, to be collected by suit or otherwise; and
21 (3) issue a citation for the violation of this section. The impoundment shall continue until the
22 resolution of the citation issued in conjunction with the impoundment or, until the Executive
23 Director or a hearing officer has conducted the administrative hearing described in this
24 section and determined that the dog does not constitute a barking dog nuisance and should
25 be released.
- 26 (d) At the time any dog is impounded as a barking dog nuisance, the director of Denver Animal
27 Protection or their designee shall (1) serve a notice on the owner or keeper of the dog, or to
28 the owner, occupant, person in possession, person in charge, or person in control of the
29 premises where the dog is located; or (2) a written notice shall be posted at such premises
30 when none of the above people can be found at the premises. Such notice shall be signed
31 by the director of Denver Animal Protection or their designee. Such notice shall state that
32 the dog has been impounded as a chronic barking dog nuisance under this section; that the

1 owners or keepers of the dog are entitled to a hearing to contest the impoundment; that to
2 obtain such a hearing, the owner or keeper must submit a written petition for release of the
3 dog, containing the petitioner's name and address, including mailing address, and the
4 reason the dog should not be classified as a chronic barking dog nuisance; and that this
5 petition must be filed with the Executive Director within five (5) days of the impoundment. If
6 the last day of this five-day period falls on a Saturday, Sunday, or holiday, the time for filing
7 the petition shall be extended to the next regular business day.

8 (e) When a dog has been impounded pursuant to this section, and the owner or keeper of such
9 dog disputes the classification of such dog as a chronic barking dog nuisance, the owner or
10 keeper of such dog may file a written petition for a hearing concerning such classification
11 with the Executive Director no later than five (5) days after impoundment. If the last day of
12 this five-day period falls on a Saturday, Sunday, or holiday, the time for filing the petition
13 shall be extended to the next regular business day. Such petition shall include the
14 petitioner's name and address, including mailing address and the reason the petitioner
15 believes the dog should not be classified as a chronic barking dog nuisance. The petition
16 shall be set for a hearing to be held on a date no more than twenty (20) days after the date
17 the petition is filed. The Executive Director shall issue a notice of the hearing date by mailing
18 a copy to the petitioner's address no later than ten (10) days prior to the date of the hearing.
19 Where the owners or keepers of the dog fail to file a written petition with the Executive
20 Director within five (5) days of the impoundment, excluding Saturdays, Sundays, and
21 holidays, they shall be deemed to have waived their right to a hearing to contest the
22 classification of the dog as a chronic barking dog nuisance.

23 (f) The hearing on the chronic barking dog classification shall be held before the Executive
24 Director or a hearing officer designated by the Executive Director. The sole issue at the
25 hearing shall be whether the dog constitutes a chronic barking dog nuisance as defined in
26 subsection (a) of this section. The hearing shall not address the sufficiency of abatement or
27 any other issues.

28 (g) It shall be unlawful to fail to comply with a notice to abate a nuisance issued as provided in
29 subsection (b).

30 **Secs. 8-19-8-30. Reserved.**

31 **DIVISION 2. - VACCINATION**

1 **Sec. 8-31. Rabies vaccination required.**

2 It shall be unlawful for any person who owns any dog or domestic cat over the age of six (6)
3 months in the city to fail to have such dog or cat currently vaccinated for rabies by a licensed
4 Colorado veterinarian, unless such person presents to the Executive Director a written statement
5 from a licensed Colorado veterinarian that vaccination for rabies would be detrimental to the health
6 of the specific dog or cat. Booster of such vaccination shall be performed on or before the
7 appropriate anniversary date of the initial vaccination. Any person who acquires within the city a
8 dog or domestic cat shall have it vaccinated within thirty (30) days of such acquisition unless the
9 dog or cat has not yet reached an age at which it is safe to vaccinate the animal; provided,
10 however, that in any case the dog or cat must be vaccinated before reaching the age of six (6)
11 months.

12 **Sec. 8-32. Imported dogs or cats.**

13 If an imported dog or cat remains in the city more than thirty (30) days, the owner or keeper
14 of such dog or cat shall provide proof to the office of the Executive Director that such dog or cat is
15 currently vaccinated for rabies in accordance with the provisions of this division of the Code.

16 **Sec. 8-33. Reserved.**

17 **Sec. 8-34. Duty of veterinarians.**

18 It shall be the duty of every licensed Colorado veterinarian when inoculating any dog or cat
19 in the city to fill out a certificate of rabies vaccination and to immediately present one (1) copy to
20 the owner or keeper of the inoculated dog or cat and to mail one (1) copy to the office of the
21 Executive Director within five (5) days from the date of the inoculation. A third copy of the
22 certificate shall be retained by the veterinarian. At the time of the inoculation of any dog or cat, the
23 veterinarian shall also deliver to the owner or keeper of the dog or cat the tag obtained from the
24 Executive Director as evidence of such inoculation.

25 **Sec. 8-35. Tag to be attached to collar and certificate retained by owner.**

26 Every owner or keeper of a dog shall attach the tag evidencing inoculation with rabies
27 vaccine to the collar or harness of the inoculated dog and such collar or harness shall be worn by
28 the dog at all times. The copy of the certificate shall be retained by the owner of the inoculated dog
29 for inspection by the authorized representatives of the Executive Director.
30

1 **Sec. 8-36. Registration of rabies vaccination; term.**

2 The Executive Director shall file and register copies of such certificates of rabies
3 vaccination received as provided in section 8-34, and retain and file the same as the official
4 registry of all dogs and cats inoculated with rabies vaccine for the city.

5 **Sec. 8-37. Vaccination fees.**

6 A vaccination fee shall be assessed for vaccinations administered by the department of
7 public health and environment or its designee.

8 **Sec. 8-38. Unlawful possession of tags and certificates.**

9 Only those persons who own or keep a dog or cat duly vaccinated in accordance with the
10 provisions of this division shall be permitted to possess the certificates and tags provided for
11 herein. No person may affix a tag evidencing vaccination as provided herein to the collar or
12 harness of any dog or cat except the tag issued for that dog or cat at the time of vaccination.

13 **Secs. 8-39—8-45. Reserved.**

14 **DIVISION 3. - DOG AND CAT LICENSING**

15 **Sec. 8-46. License required.**

16 It shall be unlawful for the owner or keeper of any domestic dog (*Canis Familiaris*) or
17 domestic cat (*Felis Catus*) to own or keep, within the city, such dog or cat over the age of six (6)
18 months without first having obtained a license for such dog or cat. Dogs or cats over the age of six
19 (6) months purchased, obtained, or otherwise acquired shall be licensed within thirty (30) days
20 after such acquisition or, if under, within thirty (30) days after reaching six (6) months of age.
21 Individual licenses shall not be required for dogs or cats being held for redemption or adoption by
22 the Denver Animal Shelter, an approved shelter owned and operated by a tax-exempt humane
23 organization or a licensed pet shop.

24 **Sec. 8-47. Application.**

25 Application for licenses under this article shall be made on forms provided by the Executive
26 Director.

27 **Sec. 8-48. License; issuance.**

28 (a) Licenses may be applied for in person, by mail, or online by the owner of a dog or cat or an
29 owner's representative. Upon filing of the completed application, either online, in person, or

1 by mail, and payment of the license fee, the Executive Director or person lawfully
2 designated and authorized to issue licenses on the Executive Director's behalf shall issue to
3 the applicant a one-year license for the current year, a three-year license for the current and
4 two (2) subsequent years, or a permanent license for the lifetime of the dog or cat. Licensed
5 veterinarians may be designated to issue licenses upon receipt of a properly completed
6 application and fee, or they may submit applications for licenses on behalf of their clients,
7 and as provided by the Board. The Executive Director may nominally compensate
8 veterinarians for processing licenses.

9 (b) The license tag shall be attached to each licensed dog at all times when it is off the property
10 of the owner or keeper by means of a collar or harness, and it shall be unlawful to place this
11 tag on any animal other than the dog for which the license was issued.

12 (c) The license tag shall be attached to each licensed cat at all times when it is off the property
13 of the owner or keeper by means of a collar or harness unless the cat bears a visible tattoo
14 or identifiable microchip, and it shall be unlawful to place this tag on any animal other than
15 the cat for which the license was issued.

16 **Sec. 8-49. Rabies vaccination certification.**

17 The owner shall certify on the license application that the dog or cat has been vaccinated for
18 rabies as required in division 2 of this article II or shall agree to provide within thirty (30) days
19 following issuance of the license proof of vaccination or a written statement from a licensed
20 veterinarian that vaccination for rabies would be detrimental to the health of the specific dog or cat.

21 **Sec. 8-50. License fees; exemptions.**

22 (a) A license fee for dogs and cats shall be assessed annually, triennially, or once at the time of
23 application for a permanent license to the owner of the animal. The Executive Director shall
24 assess additional fees for the same day issuance of a license, and replacement of a lost,
25 misplaced, or destroyed license.

26 (b) The following categories of animals shall be exempt from the licensing fee:

- 27 (1) One (1) sterilized dog or one (1) sterilized cat owned by any person sixty-five (65)
28 years of age or older;
- 29 (2) Service animals, as defined by State law;
- 30 (3) Police service dogs; and

1 (4) Emergency response animals.

2 **Sec. 8-51. Reserved.**

3 **Sec. 8-52. Reserved.**

4 **Sec. 8-53. Transferability.**

5 Licenses and tags or other symbols of license identification under this article are not
6 transferable.

7 **Sec. 8-54. Records.**

8 The Executive Director shall keep all records of the issuance of licenses under this article.

9 **Sec. 8-55. Spaying and neutering.**

- 10 (a) It shall be unlawful to own or keep in the city any dog or cat over the age of six (6) months
11 that has not been spayed or neutered except as provided in section 8-56.
- 12 (b) It is the purpose of this section to promote the health, safety, and general welfare of the
13 residents of the city by reducing the number of stray dogs and cats. The council finds that
14 each year tens of thousands of dogs and cats are euthanized in the city because they are
15 not wanted. It is the purpose of this section to eliminate the excessive number of unwanted
16 animals and thereby stop the needless killing of these animals by restricting the breeding
17 practices of pet owners and breeders through legislation that is both reasonable and
18 enforceable.

19 **Sec. 8-56. Intact permit requirements.**

20 The prohibition contained in section 8-55 shall not apply:

- 21 (a) If a licensed veterinarian states in writing that an animal is unfit to undergo the required
22 surgical procedure because of an extreme health condition of the animal. Such extreme
23 health condition shall include, but not be limited to: severe cardiovascular compromise,
24 bleeding disorder, respiratory disease, and hepatic disease. The old age of an animal shall
25 not, of itself, constitute an extreme health condition for purposes of this section.
- 26 (b) If the owner of the animal annually obtains a permit from Denver Animal Protection to
27 possess an animal that is not spayed or neutered. The permit shall be issued or renewed
28 only if the department determines that the following conditions have been met:
- 29 (1) The animal is kept current on the rabies vaccination;

- 1 (2) The animal is not housed with another intact animal of the same species and
2 opposite sex in the same household;
- 3 (3) The owner has not had more than two (2) violations of the provisions of Chapter 8 of
4 the Code in the preceding twenty-four (24) months;
- 5 (4) The owner pays a permit fee established by the Board. The permit fee is intended to
6 cover a portion of the cost which the city currently incurs for each unwanted animal
7 impounded and euthanized; and
- 8 (5) The Executive Director determines that approval of the permit is in the interests of the
9 animal as well as the health and welfare of the public.
- 10 (c) If an animal is temporarily in the city to participate in a show or event sponsored by a
11 sanctioned animal organization; or
- 12 (d) If an animal is owned or kept in the city for fewer than thirty (30) days in a one-year period.

13 **Sec. 8-57. Dismissal upon compliance.**

14 Notwithstanding the provisions of subsection 1-13(a), a criminal citation for violation of this
15 division shall be dismissed if there is proof of compliance with the terms of this division within thirty
16 (30) days of the date of the summons or impoundment.

17 **Secs. 8-58—8-60. Reserved.**

18 **DIVISION 4. – ANIMAL ATTACK OR BITE AND DANGEROUS AND POTENTIALLY**
19 **DANGEROUS ANIMALS**

20 **Sec. 8-61. Animal attack or bite.**

- 21 (a) Any owner or keeper of an animal shall be liable pursuant to this Code for the behavior of
22 such animal, and it shall be unlawful if such animal attacks or bites:
- 23 (1) any person or domestic animal not on the premises of such owner;
- 24 (2) any person or domestic animal upon the premises of the residence of such owner or
25 upon the premises of any business establishment not then open to the public. It is an
26 affirmative defense to this paragraph if such premises are previously posted at each
27 entrance with a prominent and conspicuous sign warning all persons, in lettering not
28 less than two (2) inches in height, of the animal and if the animal is securely confined
29 indoors or confined in a secure enclosure as defined in section 8-2(w); or

- 1 (3) any person or domestic animal upon the premises of any business establishment that
2 is open to the public.
- 3 (b) The fact that the animal was not in the possession of the owner or keeper at the time of the
4 attack or bite shall not constitute a defense to this section.
- 5 (c) The provisions of this section shall not apply to any law enforcement officer who uses an
6 animal while engaged in law enforcement activities, nor to any owner of any animal which
7 attacks or bites a person engaged in physically attacking or striking such owner.
- 8 (d) It shall be an affirmative defense to this section that the actual or intended victim of any
9 attack:
 - 10 (1) made an unlawful entry into the dwelling of the animal's owner or keeper;
 - 11 (2) made unlawful entry into a vehicle in which the animal was confined;
 - 12 (3) threatened or attacked an owner or keeper of the animal;
 - 13 (4) provoked, tormented, abused, or inflicted injury upon the animal in such a manner as
14 to result in the attack or bite; or
 - 15 (5) attempted to assault another person.

16 **Sec. 8-62. Dangerous animals.**

- 17 (a) *Dangerous Animal* means any animal, except an animal assisting a law enforcement officer
18 engaged in law enforcement duties, that has:
 - 19 (1) Caused serious bodily injury to any other person or domestic animal, or behaves in a
20 manner that would have resulted in such serious bodily injury except for the fact that
21 there was physical intervention by a person;
 - 22 (2) Been previously adjudicated as a Potentially Dangerous Animal under Section 8-63,
23 and the owner has failed to abide by a previously issued court order issued pursuant
24 to this division; or
 - 25 (3) Been previously adjudicated as a Potentially Dangerous Animal under Section 8-63,
26 and subsequently engaged in behavior that poses a substantial threat to the public.
- 27 (b) It is unlawful to own any Dangerous Animal within the city.
- 28 (c) The affirmative defenses in section 8-61(d) shall also apply in this section.

1 **Sec. 8-63. Potentially dangerous animals.**

2 (a) *Potentially Dangerous Animal* means any animal, except an animal assisting a law
3 enforcement officer engaged in law enforcement duties, that may be a threat to public safety
4 as may be demonstrated by any of the following behaviors:

- 5 (1) Causes any bodily injury less than serious bodily injury to any person, domestic
6 animal, or livestock at any place within the city;
- 7 (2) Without provocation, approaches any person in a menacing or terrorizing manner or
8 in an apparent attitude of attack, whether such person is in motion or standing still,
9 and whether such person is on foot, on or in a vehicle or device which allows such
10 person to be in motion; or
- 11 (3) Attacks any person, domestic animal, or livestock who is lawfully on the owner's or
12 keeper's property.

13 (b) It is unlawful to own or keep any Potentially Dangerous Animal within the city unless:

- 14 (1) The owner or keeper obtains a valid Potentially Dangerous Animal permit issued
15 pursuant to section 8-64 and is in full compliance with all terms and conditions of
16 such permit; or
- 17 (2) Denver Animal Protection has removed the obligation of the owner or keeper to
18 obtain a Potentially Dangerous Animal permit pursuant to section 8-64(d).

19 After any animal has been adjudicated potentially dangerous through conviction or
20 entry of a plea in the county court, the animal may be permitted to remain in the city
21 if, and only if, the owner applies for and receives a Potentially Dangerous Animal
22 permit from Denver Animal Protection. The county court shall order any such owner
23 or keeper of a Potentially Dangerous Animal to apply for such permit within five (5)
24 days of the date of conviction and to maintain such permit for such animal.

25 (c) The affirmative defenses in section 8-61(d) shall also apply in this section.

26 (d) For purposes of this section, a person is lawfully upon the premises of an owner or keeper
27 when such person is on the premises in the performance of any duty imposed by law or by
28 the express or implied invitation of the owner of such premises or the owner's agent.

29 **Sec. 8-64. Potentially dangerous animal permit.**

30 (a) Applications for Potentially Dangerous Animal permits shall include:

- 1 (1) The name and address of the applicant and of the owner or keeper of the animal;
- 2 (2) The names and addresses of two (2) persons who may be contacted in the case of
3 emergency;
- 4 (3) An accurate description of the animal for which the permit is requested;
- 5 (4) The address or place where the animal will be located;
- 6 (5) A permit fee for the animal. In addition to the license fees provided by sections 8-48
7 and 8-50 of this Article, the owner or keeper of a Potentially Dangerous Animal shall
8 pay an annual permit fee as set by the Board to register and maintain registration of
9 such owner or keeper's animal as a Potentially Dangerous Animal;
- 10 (6) Proof that the animal has had a microchip implanted;
- 11 (7) Proof that the animal has a current rabies vaccination; and
- 12 (8) Such other information as Denver Animal Protection may require.
- 13 (b) Conditions of a Potentially Dangerous Animal permit:
 - 14 (1) Any owner or keeper of a Potentially Dangerous Animal shall be jointly and severally
15 responsible with all other owners or keepers of such animal for compliance with the
16 requirements of this section and the permit issued hereunder.
 - 17 (2) Any owner or keeper of any Potentially Dangerous Animal shall be allowed only one
18 (1) permitted Potentially Dangerous Animal, and no household within the city shall be
19 allowed to harbor more than one (1) permitted Potentially Dangerous Animal at any
20 time.
 - 21 (3) Any owner or keeper of a Potentially Dangerous Animal shall be eighteen (18) years
22 of age or older.
 - 23 (4) The location where the Potentially Dangerous Animal is possessed or maintained
24 must be kept clean and sanitary, and the animal must be provided proper and
25 adequate food, water, ventilation shelter, and care at all times.
 - 26 (5) Denver Animal Protection must be permitted to inspect the animal and premises for
27 compliance with this section at any reasonable time.

- 1 (6) The owner or keeper of the Potentially Dangerous Animal shall microchip such
2 animal and shall provide proof of implantation and registration of the microchip at the
3 time of the permit application.
- 4 (7) The owner or keeper of a Potentially Dangerous Animal shall notify Denver Animal
5 Protection in person or by telephone of any of the following occurrences within the
6 scheduled time frames as set forth in this subsection:
- 7 a. Within eight (8) hours after the animal has escaped or has otherwise ceased
8 to be in custody of the owner or keeper for any reason, unless the owner or
9 keeper knows such animal to be physically secured, restrained, or confined
10 and to be in the custody of another adult who is competent.
- 11 b. Within eight (8) hours after the animal has attacked a person or another
12 domestic animal.
- 13 c. If the animal has died, or if the owner or keeper of the Potentially Dangerous
14 Animal or the location of the Potentially Dangerous Animal's primary habitat is
15 changed to a person or location outside of the city, the animal owner or keeper
16 listed on the permit shall notify Denver Animal Protection within twenty-four
17 (24) hours of such change, including the name, address, and telephone
18 number of the new owner. If the owner or keeper of the animal or the location
19 of the animal's primary habitat is changed to a person or location at a different
20 address within the city, the animal owner or keeper listed on the permit shall
21 notify Denver Animal Protection within twenty-four (24) hours of the change,
22 including the name, address, and telephone number of the new owner, and
23 the new owner may be permitted to modify the permit to reflect the new
24 owner's name in the discretion of Denver Animal Protection, but such
25 modification must be obtained within five (5) days of the change. The fee for a
26 permit modification shall be as set by the Board.
- 27 (8) In the discretion of Denver Animal Protection or as ordered by the county court,
28 Potentially Dangerous Animal permits may also contain one or more of the following
29 conditions:
- 30 a. Except under the circumstances otherwise specifically permitted by this
31 section, a Potentially Dangerous Animal shall at all times be maintained inside
32 a secure enclosure.

- 1 b. The Potentially Dangerous Animal shall not be present, kept, or maintained at
2 any location other than as specified in the permit.
- 3 c. If the Potentially Dangerous Animal is a dog, a sign with at least two-inch
4 letters declaring "Dangerous Dog on Premises" in a visible and conspicuous
5 location near each entrance to the property where the dog is kept which is
6 clearly visible to the general public shall be posted on the premises where
7 such dog is kept, warning that there is a dog on the premises which presents a
8 potential danger to persons. Such sign shall also include a symbol sufficient to
9 convey, without the use of words, the message that there is a dog on the
10 premises which presents a potential danger to persons.
- 11 d. The Potentially Dangerous Animal shall not be permitted to be outside a
12 proper enclosure on the premises named in the permit except for the purpose
13 of obtaining supervised and attended exercise, veterinary care, being sold or
14 given away, or to comply with any provision of law or directive of an Animal
15 Protection Officer. When outside the proper enclosure for such permitted
16 purposes, the animal must be properly muzzled and restrained by a
17 substantial chain or leash not to exceed six (6) feet in length under the control
18 of a responsible adult at all times who has the physical ability to restrain the
19 movement of such animal.

20 (c) Except as provided in subsection (d) below, the Potentially Dangerous Animal permit shall
21 be renewed annually with Denver Animal Protection.

22 (d) If a Potentially Dangerous Animal has been permitted thirty-six (36) consecutive months and
23 there have been no complaints or reports of behavior indicating that the animal continues to
24 be a threat to public safety, the owner or keeper may make a written request to Denver
25 Animal Protection to remove the animal's classification as a Potentially Dangerous Animal.
26 The declassification of a Potentially Dangerous Animal is in the sole discretion of Denver
27 Animal Protection. If the animal's classification is removed, the owner is no longer required
28 to maintain a valid Potentially Dangerous Animal permit.

29 **Sec. 8-65. Dangerous and potentially dangerous animal hearing.**

30 Upon motion by the city, the county court may determine *ex parte* whether reasonable
31 grounds exist to find that an animal may constitute a danger to any person or persons if not
32 impounded. If the court finds that reasonable grounds exist, the court may enter orders to have the

1 animal seized and impounded or to extend the impoundment, until the completion of all legal
2 proceedings to determine whether a violation of sections 8-61, 8-62, or 8-63 has occurred. If an
3 animal is ordered to be impounded pursuant to this subsection, the owner or keeper of the animal
4 shall have fourteen (14) days to request a hearing in the county court to review the order. The
5 hearing shall be set within fourteen (14) days of the owner or keeper's hearing request.

6 **Sec. 8-66. Supplemental remedies.**

7 The county court, in addition to any penalty imposed pursuant to section 1-13 of this Code,
8 may order a person convicted of sections 8-61, 8-62, or 8-63 to confine the animal immediately
9 and continuously so as to prevent the animal from attacking or biting any person or animal; remove
10 and maintain the animal outside of the city; or other dispositive action, including disposition of the
11 animal or surrender of ownership of the animal, as deemed necessary by the court. Failure to
12 comply with any such order shall be deemed a violation of this section.

13 **Sec. 8-67. Pit bulls prohibited.**

- 14 (a) It shall be unlawful for any person to own or keep any pit bull within the city.
- 15 (b) Exceptions. The prohibition in subsection (a) of this section shall not apply in the following
16 enumerated circumstances. Failure by the owner to comply and remain in compliance with
17 all of the terms of any applicable exception shall subject the pit bull to immediate
18 impoundment and disposal pursuant to subsection (d) of this section, and shall operate to
19 prevent the owner from asserting such exception as a defense in any prosecution under
20 subsection (a).
 - 21 (1) The owner of a pit bull, who has applied for and received a dog license for such pit
22 bull at the Denver Animal Shelter on or before the date of publication of the
23 ordinance enacting this section [August 7, 1989], who has applied for and received a
24 pit bull license in accordance with subsection (c) of this section, and who maintains
25 the pit bull at all times in compliance with the pit bull license requirements of
26 subsection (c) of this section and all other applicable requirements of this chapter,
27 may keep a pit bull within the city.
 - 28 (2) Denver Animal Protection may temporarily harbor and transport any pit bull for
29 purposes of enforcing the provisions of this chapter.
 - 30 (3) Any humane society operating an animal shelter which is registered and licensed by
31 the city may temporarily hold any pit bull that it has received or otherwise recovered,

1 but only for so long as it takes to contact Denver Animal Protection and either turn
2 the pit bull over to Denver Animal Protection employees or receive permission to
3 destroy or have destroyed the pit bull pursuant to the provisions of subsection (d).

4 (4) A person may temporarily transport into and hold in the city a pit bull only for the
5 purpose of showing such pit bull in a place of public exhibition, contest or show
6 sponsored by a dog club association or similar organization. However, the sponsor of
7 the exhibition, contest, or show must receive written permission from the Executive
8 Director, must obtain any other permits or licenses required by city ordinance, and
9 must provide protective measures adequate to prevent pit bulls from escaping or
10 injuring the public. The person who transports and holds a pit bull for showing shall,
11 at all times when the pit bull is being transported within the city to and from the place
12 of exhibition, contest, or show, keep the pit bull confined in a secure temporary
13 enclosure as defined in section 8-2(x).

14 (5) Except as provided in subdivision (b)(4), above, the owner of a pit bull may
15 temporarily transport through the city a pit bull only if such owner has obtained a valid
16 transport permit from the Executive Director. Upon request, the Executive Director
17 shall issue such permits only upon a showing by the owner that the pit bull is being
18 transported either from a point outside the city to a destination outside the city, or
19 from a point outside the city to an airport, train station or bus station within the city. In
20 the latter case, such owner must provide evidence of an intent to send or take the pit
21 bull outside of the city by producing an airline, train or bus ticket, or other equivalent
22 document, showing a departure time within six (6) hours of the time of the transport.
23 At all times when the pit bull is being transported within the city, it must be kept
24 confined in a secure temporary enclosure as defined in section 8-2(x) of this section.
25 In all cases before issuing a transport permit, the Executive Director must find that
26 the transport would not constitute an unnecessary or undue danger to the public
27 health, welfare or safety, and shall not issue the permit where the Executive Director
28 cannot so find. All transport permits issued shall only be valid for the time, date and
29 pit bull specified on the permit, and shall not be construed to permit any activity
30 otherwise prohibited.

31 (c) The owner of any pit bull which had been licensed pursuant to section 8-46 on or before the
32 date of publication of the ordinance enacting this section (Ordinance No. 404, Series of
33 1989) shall be allowed to keep such pit bull within the city upon compliance with the terms

1 of the exception contained in subdivision (b)(1) of this section only if the owner applies for
2 and receives an annual pit bull license on or before January 1, 1990. As a condition of
3 issuance of a pit bull license, the owner shall at the time of application comply with or
4 otherwise provide sufficient evidence that the owner is in compliance with all of the following
5 regulations:

- 6 (1) The owner of the pit bull shall provide proof of rabies vaccination and shall pay the
7 annual pit bull license fee of fifty dollars (\$50.00).
- 8 (2) The owner of the pit bull shall keep current the license for such pit bull through
9 annual renewal. Such license is not transferable and shall be renewable only by the
10 holder of the license or by a member of the immediate family of such licensee. A pit
11 bull license tag will be issued to the owner at the time of issuance of the license.
12 Such license tag shall be attached to the pit bull by means of a collar or harness and
13 shall not be attached to any pit bull other than the pit bull for which the license was
14 issued. If the pit bull tag is lost or destroyed, a duplicate tag may be issued upon the
15 payment of a two-dollar fee.
- 16 (3) The owner must be at least twenty-one (21) years of age as of January 1, 1990.
- 17 (4) The owner shall present to the Executive Director proof that the owner has procured
18 liability insurance in the amount of at least one hundred thousand dollars
19 (\$100,000.00), covering any damage or injury which may be caused by a pit bull
20 during the twelve-month period covered by the pit bull license. The policy shall
21 contain a provision requiring the insurance company to provide written notice to the
22 Executive Director not less than fifteen (15) days prior to any cancellation,
23 termination, or expiration of the policy.
- 24 (5) The owner shall, at the owner's own expense, have the pit bull spayed or neutered
25 and shall present to the Executive Director documentary proof from a licensed
26 veterinarian that this sterilization has been performed.
- 27 (6) The owner shall bring the pit bull to the Denver Animal Shelter where a person
28 authorized by the Executive Director shall cause a registration number assigned by
29 the department to be tattooed or otherwise marked on the pit bull. The Executive
30 Director shall maintain a file containing the registration numbers and names of the pit
31 bulls and the names and addresses of the owners. The owner shall notify the
32 Executive Director of any change of address.

1 (7) At all times when a pit bull is at the property of the owner, the owner shall keep the pit
2 bull securely confined indoors or confined in a secure enclosure as defined in section
3 8-2(w). At all times when a pit bull is away from the property of the owner, the owner
4 shall keep the pit bull either securely leashed and muzzled or in a secure temporary
5 enclosure as that term is defined in section 8-2(x).

6 (8) The owner shall not sell or otherwise transfer the pit bull to any person except a
7 member of the owner's immediate family who will then become the owner and will be
8 subject to all of the provisions of this section. The owner shall notify the Executive
9 Director within five (5) days in the event that the pit bull is lost, stolen, dies, or has a
10 litter. In the event of a litter, the owner must deliver the puppies to the Denver Animal
11 Shelter for destruction or permanently remove the puppies from Denver and provide
12 sufficient evidence of such removal by the time the puppies are weaned, but in no
13 event shall the owner be allowed to keep in Denver a pit bull puppy born after the
14 date of publication of Ordinance No. 404, Series 1989, that is more than eight (8)
15 weeks old. Any pit bull puppies kept contrary to the provisions of this subdivision are
16 subject to immediate impoundment and disposal pursuant to subsection (d) of this
17 section.

18 (9) The owner shall have posted at each possible entrance to the owner's property
19 where the pit bull is kept a conspicuous and clearly legible pit bull sign. Such pit bull
20 sign must be at least eight (8) inches by ten (10) inches in rectangular dimensions
21 and shall contain only the words "PIT BULL DOG" in lettering not less than two (2)
22 inches in height.

23 (d) Notwithstanding the provisions of Article VII of this chapter, the Executive Director is
24 authorized to immediately impound any pit bull found in the City and County of Denver
25 which does not fall within the exceptions listed in subsection (b), above, and the Denver
26 Animal Shelter may house or dispose of such pit bull in such manner as the Executive
27 Director may deem appropriate, except as the procedures in subsection (e), below,
28 otherwise require.

29 (e) When the Executive Director has impounded any pit bull dog pursuant to this section, and
30 the owner of such dog disputes the classification of such dog as a pit bull, the owner of such
31 dog may file a written petition with the Executive Director for a hearing concerning such
32 classification no later than five (5) days after impoundment. Such petition shall include the

1 name and address, including mailing address, of the petitioner. The Executive Director will
2 then issue a notice of hearing date by mailing a copy to the petitioner's address no later
3 than ten (10) days prior to the date of the hearing. Where no written request from the owner
4 for a hearing is received by the Executive Director within five (5) days of impoundment, the
5 pit bull shall be destroyed.

6 The hearing, if any, will be held before the Executive Director or a hearing officer designated
7 by the Executive Director. Any facts which the petitioners wishes to be considered shall be
8 submitted under oath or affirmation either in writing or orally at the hearing. The Executive Director
9 or hearing officer shall make a final determination whether the dog is a pit bull as defined in section
10 8-2(u). Such final determination shall be considered a final order of the Executive Director subject
11 to review under Rule 106(a)(4) of the state rules of civil procedure.

12 If the dog is found to be a pit bull, it shall be destroyed, unless the owner produces evidence
13 deemed sufficient by the Executive Director that the pit bull is to be permanently taken out of
14 Denver and the owner pays the cost of impoundment. If the dog is found not to be a pit bull, the
15 dog shall be released to the owner. The procedures in this subsection (f) shall not apply and the
16 owner is not entitled to such a hearing with respect to any dog which was impounded as the
17 immediate result of an attack or bite as defined in section 8-61. In those instances, the dog shall be
18 handled and the procedures governed by the provisions of article VII of this chapter.

19 **Secs. 8-68—8-70. Reserved.**

20 **DIVISION 5. – ANIMALS GENERALLY**

21 **Sec. 8-71. Imported animals.**

22 All animals which are brought into the city shall be in compliance with the laws and rules
23 and regulations of the state regarding the handling of such animals.

24 **Sec. 8-72. Keeping wild or dangerous animals prohibited.**

25 (a) It shall be unlawful for any person to own, possess, keep, maintain, feed, harbor, transport
26 or sell within the city any living wild or dangerous animal; provided, however, that the
27 following organizations or entities shall be exempt from this section:

- 28 (1) The Denver Zoological Gardens;
- 29 (2) Any circus, rodeo or livestock show licensed by the city;

- 1 (3) Any research institute approved by the Executive Director to own or keep wild or
2 dangerous animals; and
- 3 (4) Any wildlife rehabilitator licensed by the Colorado Division of Wildlife who temporarily
4 keeps raptors or wild animals within the city, when the purpose is to return the birds
5 or animals to the wild.
- 6 (b) *Wild or dangerous animal*, for the purposes of this section, shall mean and include any and
7 all species of the following:
 - 8 (1) Poisonous reptiles;
 - 9 (2) Monitor lizards and teglis;
 - 10 (3) Nonpoisonous snakes with a length greater than six (6) feet;
 - 11 (4) Crocodilians;
 - 12 (5) Poisonous spiders;
 - 13 (6) Scorpions;
 - 14 (7) All species of nonhuman mammals except:
 - 15 a. Domestic cat (*Felis catus*), however, this exception shall not apply to any
16 animal that is the offspring (hybrid cross) of a domestic cat and any other
17 species of cat unless the non-domestic cat ancestor was of the Bengal cat
18 (*Felis bengalensis*) species and that all ancestors of the cat have lived in
19 captivity for at least the preceding five (5) generations (F4);
 - 20 b. Chinchilla (*Chinchilla laniger*);
 - 21 c. Domestic dog (*Canis familiaris*), except that dogs trained for fighting shall be
22 prohibited;
 - 23 d. Domestic ferret (*Mustela putoris furo*);
 - 24 e. Mongolian gerbil (*Meriones unguicularus*);
 - 25 f. Guinea pig (*Cavia porcellus*);
 - 26 g. Hamster (*Mesocricetus auratus*);
 - 27 h. Domestic laboratory mouse (*Mus domesticus*);
 - 28 i. Domestic rabbit (*Oryctolagus cuniculus*);

- 1 j. Domestic laboratory rat (*Rattus rattus albino strain*);
- 2 k. Domestic species of livestock as listed in section 8-91; and
- 3 l. Central African hedgehogs (*Atelerix albiventris*), Algerian hedgehogs (*Atelerix*
- 4 *algerius*), and sugar gliders (*Petaurus breviceps*).
- 5 (c) *Wild or dangerous animal* shall not include the domestic honey bee (*apis mellifera*).
- 6 (d) This section shall not be construed to prohibit a person from providing food and water for
- 7 birds.

8 **Sec. 8-73. Disposition of excrement.**

9 It shall be unlawful for any person who owns or keeps any dog, cat, or other animal not to

10 immediately remove excrement deposited by the animal upon a common thoroughfare, street,

11 sidewalk, play area, park, or upon any private property when permission of the owner or tenant of

12 the property has not been obtained, and such is hereby deemed to be a public nuisance and

13 prohibited. Dog, cat, or other animal excrement shall not be placed in storm sewers, but may be

14 placed in trash containers if contained in a closed plastic bag or other closed or airtight nonporous

15 container.

16 **Sec. 8-74. Damaging property.**

17 It shall be unlawful for any owner or keeper of any dog, cat, or other animal to permit such

18 animal, whether or not running at large, to destroy, damage, or injure any shrubbery, plants,

19 flowers, grass, lawn, fence, or anything whatsoever upon any public premises or upon any private

20 premises owned or occupied by a person other than the owner or keeper of such animal, and the

21 same is hereby declared to be a public nuisance and prohibited.

22 **Sec. 8-75-8-80. Reserved.**

23 **ARTICLE III. – LIVESTOCK AND FOWL**

24 **DIVISION 1. - GENERALLY**

25 **Sec. 8-81. Livestock above or below ground floor.**

26 (a) It shall be unlawful and shall constitute a public nuisance for any person to stable or confine

27 any horse, mule, cattle, or other livestock in any barn, stable, or other building, on any floor

28 above or below the ground floor, except in buildings of fireproof construction, or buildings

1 thoroughly equipped with automatic fire extinguishers or other adequate means and
2 appliances for extinguishing fires.

- 3 (b) There shall be at least two (2) sufficient exits for such livestock on each floor so occupied by
4 them, and these exits shall be at opposite ends or sides of the respective floors whenever
5 possible, and in any event shall be remote from each other.
- 6 (c) All stalls, pens, runways, passages, doors, gates, and other means of exit upon any such
7 floor or floors, shall be constructed in all respects as to afford easy, adequate, and speedy
8 means of egress and escape for such livestock in case of fire.
- 9 (d) Straw, hay, fodder, and all such combustible materials shall not be kept between such
10 livestock and the exits or means of escape for such animals in such buildings in case of fire.
- 11 (e) It shall be the duty of the fire chiefs and subordinate officers of the fire department, and
12 other police officers, to enforce compliance with the provisions of this section.

13 **Sec. 8-82. Unlawful accumulation of manure.**

14 Any barn, pen, corral, coop, yard, or other enclosure or appurtenance thereof in which any
15 animal, livestock or fowl shall be kept, or any other place within the city in which manure or other
16 discharges of animals, livestock, or fowl shall accumulate, and which is maintained in any
17 unsanitary condition, allowing an offensive odor to escape therefrom, allowing discharges to the
18 storm drainage system of the city or providing an insect or rodent attractant, is hereby deemed a
19 nuisance and prohibited.

20 **Sec. 8-83. Herding and grazing unlawful unless securely picketed or tied.**

- 21 (a) It shall be unlawful for any person to allow to run at large or to herd or graze any cattle,
22 hogs, sheep, poultry, or any animal, upon or in any street, alley or other public way or place
23 in the city, or upon any vacant or unenclosed lots or blocks or other unenclosed or vacant
24 premises in the city, whether such animals are attended by any person or not.
- 25 (b) The provisions of subsection (a) shall not be held to apply to any animal securely tied or
26 staked on private property, beyond the reach of any tree or ornamental shrub.
- 27 (c) Any animal found grazing or being herded within the city limits in violation of this section
28 shall be deemed and taken to be running at large and shall be dealt with in accordance with
29 the provisions of this article.

1 **Sec. 8-84. Destruction of diseased animal.**

2 (a) Whenever it shall be found that any animal intended for food or producing milk is affected
3 with cholera, tuberculosis, trichinosis, or any other disease which is dangerous to life, the
4 animal shall be killed and its flesh destroyed.

5 (b) Whenever in dairy herds any disease which is suspected of being infectious exists, no milk
6 shall be kept or sold for food until the sick cattle have been destroyed.

7 **Sec. 8-85. Poultry crates and coops.**

8 (a) It shall be unlawful for any person to keep live fowls or poultry in coops, crates or cages for
9 transportation or for exposure for sale unless such containers are:

10 (1) Sufficiently high so that such fowls or poultry confined therein can stand erect without
11 touching the tops of such containers;

12 (2) Made of open slats or wire on at least three (3) sides; and provided with troughs or
13 other receptacles accessible to the fowls or poultry confined therein, but so placed
14 that the contents of such troughs or receptacles cannot be befouled by such birds;

15 (3) Kept in a clean and wholesome condition;

16 (4) Not overcrowded with such fowls or poultry;

17 (5) Placed so that such birds shall not be exposed to undue heat or cold; and

18 (6) Kept clear of dead, injured, or diseased fowls or poultry.

19 (b) It shall be unlawful for any person to keep live fowl or poultry, when received for sale or
20 storage, in containers other than the coops, crates or cages that meet the standards set
21 forth in this section.

22 **Sec. 8-86. Sale of baby chicks and ducks prohibited.**

23 (a) It shall be unlawful for any person, whether or not licensed under section 8-111 of this
24 chapter, to sell or give away baby chicks or ducks.

25 (b) This section shall not be construed to prohibit the display or sale of baby chicks or ducks by
26 hatcheries, stores, owners, dealers, or other persons engaged in the business of selling
27 such animals to be raised for food.

28 **Secs. 8-87—8-90. Reserved.**

29 **DIVISION 2. - PERMIT**

1 **Sec. 8-91. Livestock or fowl permit required.**

2 (a) Except as permitted in subsection (b) below, it shall be unlawful for any person to own or
3 keep on any property within the city any livestock or fowl such as, but not limited to, horses,
4 mules, donkeys, burros, cattle, sheep, goats, swine, chickens, geese, ducks, or turkeys,
5 unless a livestock or fowl permit therefor has been issued by the Executive Director. Such
6 permit is required to be renewed annually. A fee shall be assessed for each new and
7 renewal permit application.

8 (b) A restricted livestock or fowl license is required for the keeping of up to eight (8) ducks or
9 chickens combined, and up to two (2) goats. Such license shall allow the keeping of the
10 animals by the licensee on a specific property and shall be personal to the licensee and
11 non-transferable. The license shall be valid indefinitely. A fee shall be charged for each new
12 license. The following requirements must be met:

- 13 (1) No intact male goats older than six (6) weeks, rooster, or drakes may be kept.
- 14 (2) There must be at least sixteen (16) square feet of permeable land area available for
15 each duck or chicken plus adequate enclosed shelter space for all ducks and
16 chickens.
- 17 (3) There must be at least one hundred and thirty (130) square feet of permeable land
18 area available for each goat, plus adequate shelter space for each goat.
- 19 (4) Adequate shelter must be provided to protect the ducks, chickens or goats from the
20 elements and to prevent wildlife or other predators from gaining entry.
- 21 (5) Adequate fencing shall be provided to prevent the ducks, chickens or goats from
22 escaping when not in their shelters.

23 **Sec. 8-92. Nuisance-free facilities prerequisite to granting.**

24 A permit to keep livestock or fowl within the city shall not be granted unless the owner or
25 possessor provides facilities which will reasonably assure the Executive Director that the premises
26 will be maintained in a sanitary condition, free from insects and rodents, offensive odors, excessive
27 noise, or any other conditions which constitute a public nuisance.

28 **Sec. 8-93. Denial or revocation.**

29 The Executive Director may deny or revoke a permit to keep, maintain, or possess livestock
30 or fowl within the city if the Executive Director determines that any provision of chapters 4 and 37
31 or article III of chapter 40, is being violated or if the Executive Director finds that maintenance of

1 any livestock or fowl interferes with the reasonable and comfortable use and enjoyment of
2 property; provided, however, that the person being aggrieved by such denial or revocation can,
3 within ten (10) days thereafter, appeal the decision of the Executive Director to the Board in
4 accordance with its rules and regulations.

5 **Secs. 8-94—8-100. Reserved.**

6 **ARTICLE IV. KENNELS, PET GROOMING SHOPS, PET SHOPS AND PET HOSPITALS**

7 **DIVISION 1. – GENERALLY**

8 **Sec. 8-101. Standards, rules and regulations.**

9 (a) The Board, for the purpose of protecting the health and welfare of the public and of the
10 animals under its charge, shall adopt, and from time to time amend, standards, rules and
11 regulations for the implementation of the licensing and operation of animal shelters,
12 kennels, pet grooming shops, pet hospitals, and pet shops.

13 (b) It shall be unlawful for any operator or licensee thereof to violate or fail to comply with any
14 standard, rule or regulation adopted pursuant to subsection (a) of this section, or to violate
15 or fail to comply with any requirements of this article.

16 **Sec. 8-102. Duties of the Executive Director of Public Health and Environment.**

17 By means of inspections required under this division, the Executive Director shall determine
18 whether applicants for licenses or for renewal of licenses issued hereunder, and animal shelters,
19 kennels, pet grooming shops, pet hospitals and pet shops operated by licensees hereunder, meet
20 all conditions required by the provisions of this article, by standards, rules and regulations
21 promulgated pursuant thereto and by all state laws and city ordinances relating to health, safety
22 and sanitation. The Executive Director shall certify such qualifications of applicants and licensees
23 hereunder, or shall require such corrections as the Executive Director deems appropriate for the
24 conduct of animal shelters, kennels, pet grooming shops, pet hospitals and pet shops, and shall
25 forward the results of such inspections, and follow-up visits required to determine compliance, to
26 the director of excise and licenses. In addition, the Executive Director shall make
27 recommendations to the director of excise and licenses relating to compliance with or violation of
28 standards, rules and regulations as provided herein. It shall also be the duty of the Executive
29 Director to enforce all standards, rules and regulations promulgated pursuant hereto.

30

1 **Sec. 8-103. Inspection of facilities.**

2 Any facility as described in section 8-101 shall be available for inspection by a
3 representative of the department of public health and environment to assure compliance with rules
4 and regulations.

5 **Secs. 8-104—8-110. Reserved.**

6 **DIVISION 2 - LICENSE**

7 **Sec. 8-111. License required.**

8 It is unlawful for any person or business entity to operate or engage in business as an
9 animal shelter, kennel, pet grooming shop, pet hospital, or pet shop, as defined by this article,
10 without first obtaining a license from the director of excise and licenses as provided for in this
11 article and chapter 32.

12 **Sec. 8-112. Application.**

13 Every person desiring to obtain a license as provided in this division shall file a written
14 application with the director of excise and licenses, who shall grant the license where the applicant
15 obtains the approval of the zoning administration and the department of public health and
16 environment and pays all application and license fees.

17 **Sec. 8-113. Fees.**

18 Application and license fees under this division are prescribed in section 32-89.

19 **Sec. 8-114. Denver Animal Shelter exempted.**

20 The shelter created under authority of section 8-146 and known as the Denver Animal
21 Shelter shall be exempt from the requirements of this article. Notwithstanding such exemption, the
22 Board shall enact rules and regulations providing for yearly inspections of the shelter and requiring
23 the animal shelter to secure substantial compliance with all requirements of this article.

24 **Secs. 8-115—8-120. Reserved.**

25 **ARTICLE V. HEALTH REGULATIONS**

26 **Sec. 8-121. Quarantine.**

27 (a) Whenever the owner or keeper of an animal has been notified by any person, whether or
28 not an agent of the Executive Director, or has other cause to believe that the owner's or

1 keeper's animal has bitten or in any other way injured a person so as to cause an abrasion
2 of the skin, the owner or keeper shall immediately notify the Executive Director of the
3 incident and shall immediately restrain the suspected animal within the owner's or keeper's
4 property for observation by the Executive Director. It shall be unlawful for the owner or
5 keeper to fail to give the required notification, to conceal, hide, or remove the suspected
6 animal or in any other way prevent or hinder investigation and observation of the animal by
7 the Executive Director.

- 8 (b) Whenever an owner or keeper of an animal has received an order from the Executive
9 Director to closely confine any animal for observation, it shall be unlawful to cause or permit
10 the animal ordered under observation to be removed from its place of confinement for any
11 purpose whatsoever without first obtaining written approval of the Executive Director.

12 **Sec. 8-122. Dead animals.**

- 13 (a) *Report to city.* Every person having possession, under control, or upon any premises
14 occupied or controlled by such person any dead animal, not proper for food, and liable to
15 become noxious or detrimental to the public health, shall, at once, report the same to the
16 manager of public works; and it shall be the duty of all agents, employees and servants of
17 the city, including members of the police department, to report to the manager of public
18 works, without delay, any carcass or remains of any dead animal which they may find, or as
19 to the existence of which, within the city, they are informed.

20 (b) *Removal and disposition by owners:*

- 21 (1) Any person who shall kill or order killed any animals shall, at the time, arrange for its
22 removal from the place of killing to the proper place of interment or rendering, and
23 shall be responsible for removal and burial or rendering in accordance with the
24 provisions of this Code or other applicable law.

- 25 (2) It shall be the duty of the owner or keeper of any animal found dead in the city within
26 six (6) hours after the death of the animal to arrange for its removal and burial or
27 rendering in accordance with the provisions of this Code or other applicable law.

28 (c) *Removal by city:*

- 29 (1) The manager of public works is hereby authorized and directed, by and with the
30 advice and consent of the mayor, to contract for the removal of carcasses of all dead

1 animals lying in the streets, alleys, or other public ways and places of the city, or on
2 private premises therein.

3 (2) The contractor under the contract, before entering upon his/her duties, shall execute
4 to the city a bond, with good and sufficient sureties, in the penal sum of ten thousand
5 dollars (\$10,000.00), to be approved by the mayor, to be conditioned for the faithful
6 and punctual performance of the duties imposed by this Code, the ordinances of the
7 city, and the contract.

8 (3) The contractor under the contract shall have exclusive right to remove and dispose of
9 all carcasses of dead animals found lying in the streets, alleys or other public ways
10 and places of the city, or on private premises therein, not removed by the owner
11 within six (6) hours of daylight time following death of such animal.

12 (4) It shall be the duty of the contractor, twenty-four (24) hours after notification of the
13 whereabouts of any dead animal, to remove and dispose of the same.

14 (5) Utmost precaution shall be used in the removal of such dead animals, that the same
15 may be conveyed in the most inoffensive manner possible. The carcasses shall,
16 while being removed, be covered either by tarpaulin or otherwise, and the vehicle
17 transporting them shall not stop in transit unless detained by traffic regulations or by
18 some unavoidable accident or cause.

19 **Secs. 8-123—8-130. Reserved.**

20 **ARTICLE VI. CRUELTY TO ANIMALS**

21 **Sec. 8-131. Cruelty to animals prohibited.**

22 (a) It shall be unlawful for any person to beat, inflict violence upon or kill, or to overdrive,
23 overload, drive when overloaded, overwork, torture or mutilate, or to otherwise treat in a
24 cruel, dangerous or inhumane manner, any animal, or to cause any of such acts to be done.

25 (b) It shall specifically be cruel, dangerous, or inhumane for any person to:

26 (1) In a public place, transport an animal in or on any motor vehicle or trailer unless the
27 animal is safely restrained.

28 a. As used in this section, restrained is defined as enclosed within a vehicle or
29 trailer with no openings large enough to permit the animal to exit the vehicle or
30 trailer on its own, or placed within a secured container, cage or other

1 enclosure or restraining device sufficient to prevent the animal from falling
2 from, being thrown from or jumping from the vehicle.

3 b. As used in this section, public place is defined as any place open to and
4 generally used by the public, whether publicly or privately owned, including,
5 but not limited to, streets, highways, alleys, parking lots, schools and
6 commercial establishments.

7 (2) Leave an animal in an unattended vehicle either without adequate ventilation or in
8 any manner which subjects the animal to extreme temperatures that are dangerous
9 or detrimental to the animal's health or welfare.

10 (3) Tether and leave, or permit to be left, unattended any animal on a leash, cord or
11 chain in such a manner as to cause distress to the animal.

12 (c) It shall be an affirmative defense to subsection (a) of this section when the act is a
13 reasonable act of self-defense or euthanasia under the supervision of a licensed
14 veterinarian, or that the actual or intended victim of any attack:

15 (1) made an unlawful entry into the dwelling of the animal's owner or keeper;

16 (2) made unlawful entry into a vehicle in which the animal was confined;

17 (3) threatened or attacked an owner or keeper of the animal;

18 (4) provoked, tormented, abused, or inflicted injury upon the animal in such a manner as
19 to result in the attack or bite; or

20 (5) attempted to assault another person.

21 **Sec. 8-132. Neglect of animals prohibited.**

22 It shall be unlawful for any owner or keeper of any animal to fail to provide such animal with
23 food sufficient for the species, potable water, adequate shelter from the weather, or veterinary care
24 needed to prevent the animal from suffering.

25 **Sec. 8-133. Abandonment.**

26 (a) It shall be unlawful for any person to abandon any animal or to cause an animal to be
27 abandoned. Abandonment is defined as the leaving unattended of any animal, by an owner
28 or keeper, for more than one (1) hour in a place open to the public or at least seventy-two
29 (72) consecutive hours in a private place.

- 1 (b) The Executive Director is authorized to impound any animal which appears to be
2 abandoned. Prior to impoundment, the Executive Director shall provide notice pursuant to
3 subsection (c) or (d) of this section. After impoundment, the Executive Director shall comply
4 with the notice provisions of section 8-150.
- 5 (c) Notice prior to impoundment from place open to the public. In a place open to the public, a
6 conspicuous notice conforming with the requirements of section 8-150(b) must be posted for
7 thirty (30) minutes. During the 30-minute posting period, the Executive Director shall take
8 reasonable steps to locate an owner or keeper in the immediate vicinity of the animal.
- 9 (d) Notice prior to impoundment from private place. In a private place not otherwise open to
10 public use, a conspicuous notice conforming with the requirements of section 8-150(b) must
11 be posted approximately every twenty-four (24) hours. When seventy-two (72) hours have
12 passed, at least two (2) notices have been posted, and the animal has remained
13 abandoned, the Executive Director is then authorized to impound the animal.
- 14 (e) Nothing in this section shall be construed to limit the authorization of the Executive Director
15 to immediately impound an animal which has been neglected or left unattended in a vehicle
16 as provided in section 8-131(b)(2).

17 **Sec. 8-134. Keeping place for fighting animals.**

18 It shall be unlawful for any person to keep or cause to be kept any place where any animals
19 are suffered to fight upon exhibition, or for sport upon any wager.

20 **Sec. 8-135. Poisoning.**

21 It shall be unlawful for any person to poison any domestic animal in any manner whatsoever
22 with the intent or for the purpose of poisoning such animal. This prohibition shall not apply to the
23 destruction of those animals identified by the Executive Director as requiring eradication for the
24 protection of the public health. Such eradication may include poisoning only when deemed
25 necessary by the Executive Director.

26 **Sec. 8-136. Frightening, shooting, killing, trapping, molesting, etc., song and insectivorous
27 birds.**

28 It shall be unlawful for any person to frighten, shoot at, wound, kill, take, capture, ensnare,
29 net, trap, or in any other manner molest or injure any robin, lark, whippoorwill, finch, sparrow,
30 thrush, wren, martin, swallow, snowbird, bobolink, red-winged blackbird, crow, raven, oriole,
31 kingbird, mockingbird, song-sparrow, or other songbird or insectivorous bird; or in any manner

1 molest or injure the nest, eggs, or young of any such birds; or have in possession the nest, eggs,
2 young, or body of any such bird.

3 **Sec. 8-137. Trapping of animals.**

4 (a) It shall be unlawful to use or set a leg-hold, snare, instant kill-body-gripping trap, or trap
5 which can cause pain, injury or suffering to any animal, except for any mouse or rat snap-
6 type or glue board used for rodent control or any poison. A leg-hold, snare-type or body-
7 gripping trap is any trap which grasps the leg or any portion of such animal and which can
8 injure, harm or cause pain and suffering to the animal.

9 (b) Exceptions. The provisions of subsection (a) of this section shall not prohibit:

10 (1) The taking of wildlife by use of the devices or methods described in subsection (a) of
11 this section by federal, state, county, or municipal departments of health for the
12 purpose of protecting human health or safety;

13 (2) The Executive Directors of the departments of parks and recreation and public health
14 and environment or other city agency from requesting the state division of wildlife or
15 department of agriculture to correct a wildlife nuisance or health problem by
16 employing traps which would otherwise be unlawful; however, such traps shall clearly
17 identify with the state agency setting such traps

18 (3) The use of the devices or methods described in subsection (a) of this section for
19 controlling:

20 a. Wild or domestic rodents, except beaver or muskrat;

21 b. Wild or domestic birds as otherwise authorized by law;

22 (4) The use of nonlethal snares, traps specifically designed not to kill, or nets to take
23 wildlife for scientific research projects, for falconry, for relocation, or for medical
24 treatment pursuant to regulations established by the Colorado Wildlife Commission;

25 (5) The use of traps, poisons or nets by the Colorado Division of Wildlife to take or
26 manage fish or other non-mammalian aquatic wildlife.

27 (c) It shall be unlawful to use any box-type humane trap that does not injure or cause any
28 suffering to any animal for the trapping of animals unless:

- 1 (1) The trap is checked or examined for the presence of a live animal at least every
2 twelve (12) hours and the animal is removed within two (2) hours of being notified
3 that there is an animal in the trap;
- 4 (2) The trap contains the name and telephone number of the person setting the trap.
- 5 (d) Notwithstanding the provisions of this section, the owner or lessee of private property
6 primarily used for commercial livestock or crop production, or the employees of such owner
7 or lessee, shall not be prohibited from using the devices or methods described in subsection
8 (a) of this section on such private property so long as:
- 9 (1) Such use does not exceed one (1) thirty-day period per year; and
- 10 (2) The owner or lessee can present on-site evidence to the division of wildlife that
11 ongoing damage to livestock or crops has not been alleviated by the use of nonlethal
12 or lethal control methods which are not prohibited.
- 13 (e) The provisions of this section shall not apply to the taking of wildlife with firearms, fishing
14 equipment, archery equipment, or other implements in hand as authorized by law.
- 15 (f) It shall be the duty of every police officer or Animal Protection Officer to confiscate and
16 destroy any trap found set within the city other than a box-type humane trap, and to
17 confiscate any humane box-type trap which does not have the name and telephone number
18 of the person setting the trap.

19 **Sec. 8-138. Declawing of cats prohibited.**

- 20 (a) Except as provided in subsection (b) of this section, it shall be unlawful for any person to
21 declaw a cat.
- 22 (b) Notwithstanding the restrictions set forth in subsection (a) of this section, a person may
23 declaw a cat only if:
- 24 (1) The person performing the procedure is a licensed veterinarian;
- 25 (2) Anesthesia is administered to the cat during the procedure; and
- 26 (3) The procedure is medically necessary.
- 27 (c) As used in this section:

1 (1) Declaw means to surgically remove or alter the claw or claws of a cat by a surgical
2 procedure such as onychectomy or tendonectomy, in order to prevent their normal
3 functioning.

4 (2) Medically necessary means that a procedure is necessary to treat or relieve physical
5 illness, infection, disease, or injury, or to correct a congenital abnormality that is
6 causing or will cause the cat physical harm or pain. Medical necessity does not
7 include cosmetic or aesthetic reasons or reasons of convenience in keeping or
8 handling the cat.

9 **Secs. 8-139-8-145. Reserved.**

10 **ARTICLE VII. IMPOUNDMENT**

11 **Sec. 8-146. Shelter created.**

12 There is hereby created a municipal animal shelter which shall be owned and operated by
13 the city and be under the control of the Executive Director.

14 **Sec. 8-147. Additional housing.**

15 All animals impounded shall be housed and cared for at the Denver Animal Shelter;
16 provided, however, that when shelter facilities are inadequate, the Executive Director is authorized
17 to make provisions for additional housing and care elsewhere.

18 **Sec. 8-148. Impounding animals.**

19 (a) The Executive Director is authorized to impound any animal that they reasonably believe:

20 (1) Has been cruelly treated and is the subject of a criminal investigation or prosecution;

21 (2) Is neglected;

22 (3) Is abandoned;

23 (4) Is running at large;

24 (5) Is kept or housed in violation of section 8-8;

25 (6) Is kept or housed in a place for fighting in violation of section 8-134;

26 (7) Has bitten or otherwise injured any person and needs to be confined for observation;

27 (8) Is a Dangerous Animal or a Potentially Dangerous Animal and the identity of such
28 animal's owner or keeper cannot reasonably be determined; or

- 1 (9) Does not bear the proper license tag as required by this chapter.
- 2 (b) When an animal is impounded pursuant to this section, the Executive Director shall comply
- 3 with the notice provisions of section 8-150.
- 4 (c) Any person may retain or trap in a humane manner and hold for the Executive Director, or
- 5 bring to the Denver Animal Shelter, any dog or cat trespassing on their property.

6 **Sec. 8-148.5. Costs of impoundment, provision, and care - disposition – procedures for**
7 **animals impounded due to criminal conduct.**

8 (a) When an animal has been impounded by Denver Animal Protection and such animal is the
9 subject of criminal investigation or prosecution for neglect, abuse, or cruelty pursuant to
10 State law or for charges of cruelty to animals pursuant to section 8-131; neglect pursuant to
11 section 8-132; abandonment pursuant to section 8-133; keeping place for fighting animals
12 pursuant to section 8-134; unlawful animal attack or bite pursuant to section 8-61; or
13 unlawful ownership of a dangerous animal or a potentially dangerous animal pursuant to
14 sections 8-62 or 8-63; the owner or keeper of the animal must submit payment for
15 impoundment, care, and provision costs to Denver Animal Protection in an amount
16 determined by Denver Animal Protection to be sufficient to provide for the animal's care and
17 provision for at least thirty (30) days, including the day on which the animal was taken into
18 custody.

19 (b) The owner or keeper must file the payment:

- 20 (1) Within ten (10) days after the animal is impounded; or
- 21 (2) If the owner or keeper requests a hearing pursuant to subparagraph paragraph (c) of
- 22 this section, as ordered by the court, not to exceed ten (10) days from the hearing
- 23 date.

24 (c) Within ten (10) days after the date of impoundment, the owner or keeper may request a
25 hearing in the county court. The owner or keeper must provide written notice of the hearing
26 request to Denver Animal Protection and the city attorney. If the owner or keeper requests a
27 hearing, the court shall hold the hearing within ten (10) days after the request is made.

28 (1) At the hearing, Denver Animal Protection shall provide:

- 1 a. the impoundment, care, and provision costs requested by Denver Animal
2 Protection pursuant to subsection (a) above;
- 3 b. evidence to establish probable cause for the impoundment; and
- 4 c. an itemized accounting of the costs of upkeep and veterinary services incurred
5 to date.
- 6 (2) At the hearing, the court shall determine, as appropriate:
- 7 a. Whether there was probable cause for the impoundment; and
- 8 b. Whether costs associated with the impoundment, care, and provision, as
9 determined by Denver Animal Protection, are reasonable and necessary.
- 10 (3) If the county court finds probable cause at a hearing conducted under this paragraph
11 (c), the county court shall order the owner or keeper to pay reasonable and
12 necessary costs within ten (10) days from the hearing date.
- 13 (d) At the end of the time for which expenses are covered by an initial or any subsequent
14 impoundment, care, and provision payment the owner or keeper must submit a new
15 payment in accordance with subsection (a) above, to Denver Animal Protection within ten
16 (10) days after the previous payment's expiration.
- 17 (e) The Executive Director may, in the Executive Director's discretion, waive or reduce any and
18 all fees as authorized under section 8-9. If the owner or keeper fails to request a waiver,
19 request a reduction, or pay the applicable impoundment, care, and provision costs, the
20 owner or keeper forfeits the right to contest such costs and any ownership rights to the
21 animal in question.
- 22 (f) If, in the opinion of a licensed veterinarian, an impounded animal is experiencing extreme
23 pain or suffering or is severely injured past recovery, severely disabled past recovery, or
24 severely diseased past recovery, the animal may be euthanized without a court order.
- 25 (g) The court shall order Denver Animal Protection to refund to the owner or keeper all
26 impoundment, care, and provision payments made pursuant to this section for the animal if,
27 after trial, a judge or jury enters or returns in favor of the owner or keeper a verdict of not
28 guilty for all charges related to the original impoundment of the animal.

1 **Sec. 8-149. Proper care.**

2 All animals impounded shall be properly housed, fed, watered, and cared for and it shall be
3 the duty of the Executive Director to make provisions for all necessary facilities, food, water,
4 vehicles, and other equipment required to carry out the provisions of this article.

5 **Sec. 8-150. Notification and opportunity of a hearing for owner of impounded animal.**

6 (a) Upon the impounding of any animal, it shall be the duty of the Executive Director to notify
7 the owner from whom the animal was taken, if the owner is known. If the owner is not
8 known, there shall be posted at the Denver Animal Shelter and Animal Protection's website
9 for a period of not less than three (3) days a notice containing a description of the animal
10 impounded. For purposes of this notification requirement, a fraction of a day shall be
11 computed as being a full day.

12 (b) In addition to the requirements of subsection (a) of this section, when an animal is
13 impounded pursuant to subsection 8-148(a)(1) for cruelty or subsection 8-148(a)(2) for
14 neglect, if an owner or keeper is not notified at the time of impoundment, the Executive
15 Director shall post a conspicuous notice at the location of impoundment indicating: the
16 animal has been impounded by Denver Animal Protection, the reason(s) why the animal
17 was impounded, the time and date of impoundment, and the address and phone number
18 where the animal is impounded.

19 (c) In addition to the requirements of subsection (a) of this section, when an animal is
20 impounded pursuant to subsection 8-148(a)(3) for abandonment, the Executive Director
21 shall also comply with the notice provisions of section 8-133.

22 (d) When the Executive Director has impounded any animal pursuant to this article, and the
23 owner of such animal disputes the reason for impoundment, the owner of such animal may
24 file a written petition with the Executive Director for a hearing concerning the reason for
25 impoundment no later than five (5) days after impoundment. If the owner prevails, the
26 animal shall be returned to the owner and the owner shall not be required to pay a shelter
27 impound fee or maintenance or boarding fee.

28 **Sec. 8-151. Period of impounding.**

29 All animals impounded shall be kept for a period of five (5) days unless sooner redeemed by
30 their respective owners, and a fraction of a day shall be computed as being a full day for the
31 purposes of this section.

1 **Sec. 8-152. Release of impounded animals.**

- 2 (a) If the owner of an impounded animal seeks to redeem the animal, the Executive Director
3 may require the owner to:
- 4 (1) Provide proof of ownership satisfactory to the Department;
 - 5 (2) Comply with the license and sterilization requirements in this chapter;
 - 6 (3) Pay any applicable redemption fees and boarding fees;
 - 7 (4) Allow the Department to microchip the animal; and
 - 8 (5) Allow the Department to sterilize the animal.
- 9 (b) In the event the impounded animal has been impounded more than once, an escalating fee
10 shall be assessed for each subsequent impoundment.
- 11 (c) A person contesting the Executive Director's ownership determination may appeal the
12 decision to the Board.

13 **Sec. 8-153. Adoption of impounded animals.**

14 After notice required by section 8-150 has been given and after five (5) days of impounding
15 required by section 8-151 has expired, or until such time a hearing under 8-150 is final, an animal
16 may be released to any approved person upon payment of the required fees as determined by the
17 Executive Director and upon agreement that vaccination registration of the animal shall, where
18 required, be provided in accordance with the provisions of this article.

19 **Sec. 8-153.5. Conditions of adoption.**

- 20 (a) The Executive Director may promulgate rules, regulations, policies and procedures
21 pertaining to the purchase, placement, adoption, acquisition and disposition of Denver
22 Animal Shelter animals by individuals, approved animal adoption and humane
23 organizations, and other entities.
- 24 (b) The fees for adoption shall be assessed subject to the following considerations:
- 25 (1) Adoptions by or for persons with disabilities and by or for persons who are sixty-five
26 (65) years of age or older, may be discounted by the Executive Director; and
 - 27 (2) Differential fees may be assessed for the adoption of different species and ages of
28 animals.

- 1 (c) All municipal shelter dogs and cats shall be vaccinated for rabies prior to release by the
2 Executive Director for adoption;
- 3 (d) All municipal shelter dogs and cats shall be licensed at the time of adoption;
- 4 (e) All municipal shelter dogs and cats, except those specifically exempted by the Executive
5 Director, shall be sterilized prior to release by the Executive Director for adoption; provided,
6 however, that, if the animal is too young, or is otherwise physically incapable of undergoing
7 the requisite sterilization procedure, it shall be released only upon the Executive Director's
8 first obtaining from the adoptive owner:
 - 9 (1) Payment of a sterilization deposit fee that shall be fully refunded upon the owner
10 providing, within a reasonable time to be established by regulation adopted by the
11 board, satisfactory proof of sterilization in the form of certification from the
12 veterinarian or other provider of such sterilization procedure.
 - 13 (2) A written agreement that the animal will be immediately sterilized at the owner's
14 expense when the animal both attains the age which veterinary science deems
15 appropriate to sterilize, but not more than six (6) months of age, and is physically
16 capable of undergoing the requisite sterilization procedure. The city shall not incur
17 any cost, obligation or liability incident to the sterilization of any animal, except that
18 the city may provide transportation service to and from locations within the city where
19 such service is provided. If the animal is permanently unable to be sterilized, and the
20 animal is owned in the city, the adoptive owner must obtain an intact permit for the
21 stated fee.
- 22 (f) In the event an owner signs an agreement to sterilize an animal pursuant to the provisions
23 of subsection (e) above, it shall be unlawful to violate such written agreement by failing to
24 sterilize and provide proof of sterilization within the time established by the board, or fail to
25 obtain an intact permit if the animal is permanently unable to be sterilized.
- 26 (g) Unclaimed animals and animals that have not been adopted shall be managed in
27 accordance with the directions of the Executive Director. Notwithstanding the fee schedule
28 provided for in subsection (b) of this section, the Executive Director may, without charge,
29 allow the release of unclaimed animals and animals that have not been adopted to any
30 approved animal adoption and humane organization which meets all of the following
31 requirements:
 - 32 (1) The primary purpose of the organization is the care and welfare of animals;

- 1 (2) All facilities operated by the organization meet criteria set forth in the state Pet and
2 Animal Care and Facilities Act as amended, currently codified at Colo. Rev. Stat. §
3 35-80-101 et seq. and section 117 of the state Animal Care and Facilities Rules and
4 Regulations;
- 5 (3) The facility will allow the Executive Director to inspect its facilities at all reasonable
6 times, with or without prior notice; and
- 7 (4) The organization follows all relevant shelter adoption network policies.

8 **Sec. 8-154. Disposition of unclaimed and unadopted animals which have bitten or injured**
9 **persons or animals.**

10 Any animal which is known to have bitten or injured any person so as to cause an abrasion
11 of the skin, or any animal which, in the opinion of the Executive Director, appears to be infected
12 with or exposed to rabies shall be impounded in the Denver Animal Shelter, or in such instances
13 as may be determined by the Executive Director shall be closely confined by its owner or keeper
14 for observation in accordance with the directions of the Executive Director. Disposition of such
15 animal shall be made as directed by the Executive Director.

16 **Sec. 8-155. Additional services.**

17 The Executive Director may provide additional services and assess a fee therefore
18 including, but not limited to, the following:

- 19 (a) Owner-requested euthanasia;
- 20 (b) Microchip implant and registration;
- 21 (c) Management of an animal carcass;
- 22 (d) Veterinary medical services and supplies administered during or at the time of
23 impoundment;
- 24 (e) Restricted or illegal breed or species evaluations;
- 25 (f) Photocopy or report reproduction;
- 26 (g) Animal quarantine;
- 27 (h) Restricted or illegal breed or species transfers;
- 28 (i) Rabies testing fee; and
- 29 (j) Filing of an appeal of a restricted or illegal breed or species evaluation.

1 **Section 2.** That Sections 2-282 and 2-294, Article XII, of Chapter 2 of the Denver Revised
2 Municipal Code shall be amended by deleting the language stricken and adding the language
3 underlined as follows:

4 **Sec. 2-282. - Definitions.**

5 For the purposes of this article the following terms shall have the meanings assigned to them
6 below.

7 (a) Administrative hearing officer (AHO): A person appointed by a manager to hear appeals of
8 administrative citations.

9 (b) Enforcement official: A person employed by the city and charged by a manager with
10 enforcing the ordinances of the city.

11 (c) Manager: The manager of a department of the city or such manager's designee. Unless
12 otherwise specifically stated, wherever "manager" is used in this article it shall mean any
13 manager responsible for enforcing a violation and issuing an administrative citation.

14 (d) Responsible party: A person or entity who is suspected of having violated the Code or, in
15 the case of property violations, the property owner, or an individual or an entity who, acting
16 as an agent for or other legal capacity on behalf of the owner, has authority over property
17 subject to an administrative citation under this article, or in the case of animal violations, the
18 ~~person who owns, possesses, keeps, exercises control over, maintains, harbors, transports~~
19 ~~or sells~~ owner or keeper of the animal or animals which are the subject of an animal code
20 violation.

21 (e) Rules and regulations: Such procedures and requirements as are adopted through a
22 rulemaking process as set forth in article VI of this chapter or as provided by ordinance for
23 any specific department.

24 **Sec. 2-294. – Failure to pay penalties.**

25 (a) The failure of any responsible party to pay the civil penalties assessed by an administrative
26 citation within the time specified on the citation or administrative enforcement order, if an
27 administrative hearing was held, may result in the imposition of a late fee of up to twenty-
28 five dollars (\$25.00) and interest at a rate of ten (10) percent per annum, except that

1 assessments for an administrative citation issued for the cost to the city when the city has
2 corrected the violation, may be assessed and collected pursuant to section 2-293(c).

3 (b) If the responsible party fails to pay all penalties and charges assessed within thirty (30) days
4 of assessment, the manager may refer the matter for collection by any and all means
5 available to the city.

6 (c) In the case of property violations, the manager issuing the citation shall certify a statement
7 thereof to the city treasurer who shall record a notice with the clerk and recorder of a lien
8 against the property in violation. The lien created hereby shall be automatically perfected
9 and prior to all other liens, regardless of their dates of recordation, except liens for general
10 taxes and prior special assessments.

11 (d) If a responsible party fails to pay the civil penalties within thirty (30) days after the
12 assessment or, if a hearing is held within the time specified in an administrative enforcement
13 order, and the penalties have been assessed through an administrative citation issued for
14 the cost to the city of correcting a violation of the Code, then either: (i) civil penalties
15 assessed pursuant to section 2-292 of this article of the Code, or (ii) the whole cost of
16 correction plus five (5) percent of the cost for inspection and other incidental costs in
17 connection thereof, whichever is higher, shall be automatically assessed and become a lien
18 on the property and such lien shall be automatically perfected and shall have priority over all
19 other liens except general taxes and prior special assessments. The assessment shall be
20 certified to the city treasurer who shall collect the assessment, together with a ten-percent
21 penalty for the cost of assessment, under the same laws in the same manner as ad valorem
22 property taxes are collected, including, but not limited to the laws for the sale and
23 redemption of ad valorem property for taxes.

24 (e) Any action or other process provided by law may be maintained by the city to recover or
25 collect any amounts, including late fees, interest and administrative costs, owing under this
26 article.

27 (f) In the case of animal violations, the manager of the department of environmental health, or
28 that person's designee, may impound any and all animals owned, ~~possessed, maintained~~ or
29 kept by a responsible party who fails to pay all of their assessed penalties, late fees, interest
30 and administrative costs in a timely manner. Any such impounded animal shall not be
31 redeemed without proof of payment of the penalties, administrative costs, and the costs of

1 impound, care, and shelter of the animals. The manager of department of environmental
2 health or designee shall make reasonable efforts to prevent any such impounded animal
3 that is subsequently abandoned and placed for adoption from being released to a spouse,
4 relative, friend, associate, or strawman of the responsible party.

5 (g) Until civil penalties not pending appeal that are owed to the city have been paid in full, the
6 city shall not issue or renew any license or permit of any kind to a responsible party.

7 (h) Failure to pay outstanding civil penalties that are not pending appeal and are owed to the
8 city as a result of one (1) or more administrative citations shall be grounds for suspension or
9 revocation of any license issued by the city until fully paid.

10 **Section 3.** That Section 24-5, Article I, Division I of Chapter 24 of the Denver Revised
11 Municipal Code shall be amended by deleting the language stricken and adding the language
12 underlined as follows:

13 **Sec. 24-5. – Administrative assessment of civil penalties.**

14 (a) Any person who violates any provision of chapter 8 (animals), excluding the provisions of
15 sections ~~8-4874~~ (damaging property), ~~8-5461~~ (dog attack or bite), ~~8-5262~~ (dangerous dogs),
16 ~~8-5567~~ (pit bulls prohibited), 8-131(a) (cruelty to animals prohibited), ~~8-134~~133
17 (abandonment), and ~~8-135~~134 (keeping place for fighting animals); chapter 11 (child care);
18 chapter 17 (emergency vehicles); article X (body art) of chapter 24 (health and sanitation);
19 chapter 26 (boarding homes, personal care boarding homes, and nongovernmental
20 residential facilities for the treatment or supervision of offenders); article II of chapter 27
21 (housing code); chapter 33 (lodging); chapter 35 (mobile homes and trailers); chapter 36
22 (noise control); article I of chapter 37 (health nuisances); or chapter 51 (pools) is also
23 subject to a civil penalty of not more than nine hundred ninety-nine dollars (\$999.00) per
24 violation.

25 (b) The board is hereby authorized to adopt regulations, in connection with a public rulemaking
26 hearing, to establish or modify a schedule of the amounts, or to specify a range of amounts,
27 of civil penalties to be assessed administratively.

28 (c) The manager of the department of environmental health may issue an administrative citation
29 for the assessment of civil penalties in particular cases in accordance with the regulations
30 adopted by the board.

- 1 (d) A civil penalty assessed by means of an administrative citation shall be payable directly to
2 the manager of finance. If not timely paid, a late fee of up to twenty-five dollars (\$25.00) may
3 be assessed and interest at the rate of ten (10) percent per annum. If the responsible party
4 fails to pay all penalties and charges assessed within thirty (30) days of assessment, the
5 manager may refer the matter for collection by any and all means available to the city.
- 6 (e) Any person who disputes a violation for which a civil penalty has been assessed by or on
7 behalf of the city pursuant to the authority of the manager, may petition the board of
8 environmental health for a hearing in accordance with article I of chapter 24, D.R.M.C. and
9 rules and regulations adopted and promulgated thereunder except as provided in this
10 section 24-5. If the hearing is conducted by a hearing officer, the hearing officer's
11 recommended decision shall be deemed to be the decision of the board unless a petition to
12 review the hearing officer's recommended decision is filed with the board within ten (10)
13 calendar days of service of the decision. If received five (5) working days before the next
14 regularly scheduled meeting of the board, review of the hearing officer's recommended
15 decision will be conducted at such meeting unless continued for good cause; otherwise, the
16 review will be conducted at the next following regularly scheduled meeting of the board
17 unless expedited or continued for good cause. The board's review will be on the
18 administrative record established at the underlying hearing. Compliance with the provisions
19 of this subsection shall be a jurisdictional prerequisite to any request for hearing or appeal
20 brought under the provisions of this section, and failure to comply shall forever bar any such
21 action.
- 22 (f) The decision of the board is the final decision which may be appealed to Denver district
23 court under the provisions of Colorado Rule of Civil Procedure 106(a)(4) within thirty (30)
24 days of the date the order becomes final.
- 25 (g) A stay of any order of the manager pending judicial review shall not relieve any person from
26 any liability under subsection (a) or (b).
- 27 (h) The city may also petition the district court for the issuance of a preliminary or permanent
28 injunction, or both, as may be appropriate, restraining any person from continued violation.

29 **Section 4.** That Section 24-19, Article II of Chapter 24 of the Denver Revised Municipal
30 Code shall be amended by deleting the language stricken and adding the language underlined as
31 follows:

1 **Sec. 24-19. – Appointment of personnel.**

2 (a) The manager of environmental health shall have power to appoint any and all necessary
3 aides and assistants for the proper execution of the duties of the office, and to empower any
4 such assistant to act for the manager or as a representative or deputy, and to carry into
5 effect any rule adopted by the department of environmental health or any provision of this
6 Code or ordinance of the city, or law of the state in relation to environmental health.

7 (b) The manager shall supervise and control activities of the city regarding the inspection of
8 health and medical facilities, animal ~~control~~protection, the Mayor's Office of HIV Resources
9 Coordination, consumer protection (excepting plan review), child-care licensing,
10 environmental services as described in the environmental services enterprise fund of the
11 fiscal code, and such other activities as are set forth in this Code to be under the manager's
12 purview.

13 COMMITTEE APPROVAL DATE: June 20, 2018

14 MAYOR-COUNCIL DATE: June 26, 2018

15 PASSED BY THE COUNCIL: _____ July 16, 2018

16 _____ - PRESIDENT

17 APPROVED: _____ - MAYOR Jul 17, 2018

18 ATTEST: _____ - CLERK AND RECORDER,
19 EX-OFFICIO CLERK OF THE
20 CITY AND COUNTY OF DENVER

21 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

22 PREPARED BY: Lee M. Zarzecki, Assistant City Attorney DATE: July 5, 2018

23 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of
24 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
25 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
26 § 3.2.6 of the Charter.

27
28 Kristin M. Bronson, Denver City Attorney

29 BY: Kristin J Crawford, Assistant City Attorney DATE: Jul 3, 2018
30