

ORDINANCE

AN ORDINANCE OF THE CITY OF MANITOU SPRINGS, COLORADO, REPEALING AND REENACTING TITLE 7 OF THE CITY OF MANITOU SPRINGS MUNICIPAL CODE REGULATING ANIMALS

WHEREAS, the City has a responsibility to maintain public health and safety and to protect the general welfare of its citizens;

WHEREAS, the City has a recognized interest in regulating the activities of wild and domestic animals within its jurisdictional boundaries;

WHEREAS, the City has recently contracted for animal control operations with the Humane Society of the Pikes Peak Region, a regional organization;

WHEREAS, this collaboration has raised awareness of the benefits of adopting and enforcing consistent animal regulations throughout the region; and

WHEREAS, the City would like to increase cooperation and enforcement with its regional partners by revising its animal regulations, many of which were adopted in the early 1990s, to meet current regional standards.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANITOU SPRINGS, COLORADO, THAT:

Section 1: Title 7, "Animals," of the City of Manitou Springs Municipal Code, is hereby repealed in its entirety and reenacted as follows:

Title 7 - ANIMALS

Chapter 7.01 – ANIMALS - GENERAL PROVISIONS

7.01.010 - Definitions.

For the purposes of this chapter, the words set out in this section have the following meanings:

A. "Abandon" means the leaving of an animal without adequate provisions for the animal's proper care by its owner, the person responsible for the animal's care or custody, or any other person having possession of such animal.

B. "Altered animal" means one that has been spayed or neutered (as applicable). "Unaltered animal" means the animal possesses intact sexual organs capable of reproduction.

- C. "Animal" means any animal, hoofed or otherwise, including any cat, dog, llama, alpaca, domestic fowl or rabbit.
- D. "Animal control officer" means any law enforcement officer, special officer or authorized agent or representative of the city authorized to enforce this Title 7.
- E. "At large" means off the premises of the owner or keeper, and not under voice control or direct physical restraint.
- F. "Attack" means to bite, gore, or engage in any violent or aggressive physical contact with a person.
- G. "Cat" means any member of the feline family, including the domestic cat.
- H. "Dangerous animal" means any animal which, without provocation, bites or attacks a person or another animal, or acts in a terrorizing manner, whether on public or private property. Provided, however, this definition is not applicable to a watchdog on private premises and the premises are adequately posted, or the dog is under the control of a police handler. In this context, "adequately posted" means a printed notice clearly legible on or immediately adjacent to the entrance to the property, which notice states "beware of dog" or similar language. / Any animal that attacks, threatens to attack or injures any person.
- I. "Dog" means any dog, bitch or pup.
- J. "Domestic fowl" means chickens, ducks, geese, turkeys or other domesticated fowl.
- K. "Enclosure of a dangerous animal" means while on the owner's property, a dangerous animal shall be confined indoors or in a securely enclosed and locked pen, structure or fenced area suitable to prevent the animal from escaping.
- L. "Exotic Animal" means any animal not commonly domesticated or not common to North America or, irrespective of geographic origin, an animal of a wild or predatory nature.
- M. "Hoofed animal" means any hoofed animal, including any cattle, sheep, goat, horse or mule.
- N. "Hoofed pet" means any goat weighing less than Fifty (50) pounds at maturity.
- O. "Impound" or "Impoundment" means the holding of an animal in the animal shelter as required by this Title 7 for a period of five (5) days or until release is ordered by a Judge of the Municipal Court. This term does not include the voluntary surrender of an animal to the animal shelter by a private citizen for the purpose of relinquishing ownership.

P. "Kennel" means any place where more than two but less than twenty-six dogs are kept; provided, however, that one female dog with newborn pups may be retained for not more than sixty days without being classed as a kennel.

Q. "Livestock" means cattle, sheep, swine or goats.

R. "Mistreatment" means every act or omission that causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering.

S. "Neglect" means failure to provide food, water, protection from the elements, or other care generally from the elements, or other care generally considered to be normal, usual, and accepted for animal's health and well-being consistent with the species, breed, and type of animal.

T. "Owner" or "keeper" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody, either permanently or temporarily, of an animal.

U. "Pet" means any domesticated or wild animal fed, harbored or allowed to remain at or in the vicinity of a residence in the city by any person, excluding:

1. Any hoofed animal other than a hoofed pet;
2. Any animal held for sale by a dealer in animals;
3. Any animal in a zoo, exhibition or fair authorized by the city; and
4. Any animal held for use in bona fide scientific research.

V. "Physical restraint" means restrained by leash, cord or chain in the hands of its owner or keeper in such a way as to prevent the dog from attacking or biting any other animal or any human.

W. "Potbellied pig" means a dwarf swine breed weighing less than one hundred (100) pounds.

X. "Provoke" means to incite, aggravate, tempt, agitate, taunt, tease, torment, or abuse.

Y. "Severe injury" means an injury caused by an animal in which at a minimum the skin is broken, exterior bleeding occurs, or medical treatment by a licensed physician is necessary.

Z. "Shelter" means a structure beneath, behind or within which an animal is protected from the weather or any adverse conditions.

AA. "Threaten to attack" means any obvious attitude of attack to include, but not be limited to, approaching in a menacing fashion such as growling, snapping or charging at a person on property other than the owner's.

BB. "Voice control" means that the dog must return to its owner or keeper immediately upon such owner or keeper issuing a command to the dog to do the same.

7.01.120 – Construction.

In the event of any inconsistency or conflict between any requirement of this Title 7 and the requirements of any zoning ordinance of the city, the more restrictive provision(s) shall apply.

7.01.130 – City animal shelter.

The city may provide by contract with any public agency, private society or association interested in the humane care and treatment of animals for the establishment, maintenance and operation of an animal shelter and for the enforcement of the provisions of this Title 7.

7.01.140 - Violation—Penalty.

In addition to a specific penalty or penalties set forth in the chapters herein, the violation of any provision of this Title 7 is a misdemeanor punishable as provided for in section 1.01.100, as amended.

CHAPTER 7.02 – PROHIBITED ANIMALS; PROHIBITED ACTIVITIES

7.02.010 - Livestock within the city limits.

It is unlawful to keep or maintain livestock (cattle, sheep, swine or goats) within this city except:

A. Work goats may be permitted and housed on a CSA farm or a crop production farm. At no time shall the number of working goats exceed five. The working goats must be located within a secure and enclosed shelter during the overnight hours. Setback requirements apply for permanent structures based on each of the applicable zoning districts; see Chapter 18.64.020, Development Standards.

B. Goats shall not be permitted as pets within the city of Manitou Springs and only permitted for work on a CSA or crop production farm.

7.02.020 - Horses and burros—At large.

It is unlawful to cause or allow horses or burros to be at large in this city.

7.02.030 - Domestic fowl.

It is unlawful to cause or allow domestic fowl to be at large in this city.

7.02.040 - Cruelty to animals prohibited.

A. It is unlawful for any person:

1. To overload, overwork, torture, beat, mutilate, needlessly kill or otherwise treat any animal in a cruel and inhumane manner;
2. To fail to provide any animal owned or kept by him or her with adequate and proper food or drink or protection from the weather, or with adequate space, consistent with the normal requirements and habits of the animal's size, species and breed;
3. To abandon any animal; or
4. To intentionally poison any animal.

B. Where there is reasonable cause to believe that an animal is being mistreated or is suffering from malnutrition, the police department may impound such animal for treatment. For the purpose of carrying out the provisions of this subsection, the duly authorized employees of the City of Manitou Springs may enter onto private property;

C. In the event an animal is removed from private property pursuant to subsection E of this section, a reasonable attempt shall be made to notify the owner or keeper of such animal.

D. In the event an animal has been impounded under this section, then the procedures as set out in sections 7.05.020 and 7.05.030 shall be followed in order to reach a final disposition of the animal by the court. Upon a finding of guilty, the defendant shall be assessed the costs of treatment. In addition to making determinations as required by this section the court shall determine whether it is in the best interest of the animal not to be returned to the owner or keeper. The court may order that the act of cruelty relinquishes ownership in that owner or keeper. If the court orders ownership relinquished, then the court may further authorize the release of the animal to the care and custody of the animal shelter operator. As a condition of the adoption of an animal that has been the subject of a violation of this section, the animal shelter operator may recover impoundment costs.

7.02.060 – Animal fights prohibited.

It shall be unlawful for any person to allow or promote any fight between animals or fowl, or to allow or permit any fights in any house or upon any premises in the

person's possession or under the person's control, or to keep or train animals for fighting.

7.02.070 – Unlawful sale or display.

A. It shall be unlawful for any person to sell, offer for sale, barter or give away any baby chicken, rabbit, duckling or other fowl, under eight (8) weeks of age, as a pet, toy, premium or novelty or to color, dye, stain or otherwise change the color of any baby chicken, rabbit, duckling or other fowl. This section shall not be construed to prohibit the sale or display of baby chickens, rabbits, ducklings or other fowl in proper facilities by breeders or stores engaged in the business of selling animals for the purpose of commercial breeding and raising.

B. It shall be unlawful for any person to sell, trade, barter, lease, rent, give away, or display for any purpose a live animal on a roadside, public right of way, commercial parking lot, or at an outdoor special sale, swap meet, flea market, parking lot sale, or similar event. This section (B) does not apply to:

1. An agent of a business that is licensed by the Colorado Department of Agriculture to operate a pet store;
2. An event primarily for the sale of agricultural livestock such as hoofed animals or animals or domestic fowl commonly raised for food, dairy, or fiber products; or
3. A tax exempt nonprofit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals.

7.02.080 - Housing.

No person may cause or allow any place where livestock, horses, burros, domestic fowl or dangerous animals are kept to become dangerous, detrimental or offensive to humans.

7.02.090 - Noises.

It shall be unlawful for any person to own or keep any pet or hoofed animal that by any unreasonably loud and persistent barking, howling, baying, yelping, crowing, crying or other utterance disturbs the peace and quiet of the neighborhood.

A. It shall be a defense to the violation of this section that the complainant provoked the pet or hoofed animal whose noise is complained of by the complainant.

B. In the event an animal control officer determines that a violation of this section has occurred, the animal control officer shall give the owner or keeper of the animal a written warning of the violation pursuant to this chapter. The owner or keeper shall be entitled to a period of three (3) days after the date on which the

written warning is given to correct the violation. If the violation persists or recurs for any pet or hooved animal at the same residence cited in the warning after the three (3) day period, the owner or keeper shall be subject to enforcement action under this chapter. No enforcement action for a violation of this section shall be taken more than six (6) calendar months after the date on which a written warning for that violation is given. If enforcement action is taken within six (6) months of the date on which a written warning was given, the issuance of a summons and complaint shall constitute written warning for the purposes of calculating a new six (6) month enforcement period. Only one warning per residence, per enforcement period, regardless if served on the owner or keeper, will be given.

C. The warning process to be employed by the animal control officer shall be as follows:

1. A written warning pursuant to subsection C of this section will be issued by the animal control officer if, upon investigation, the officer establishes that there is one witness to the unreasonably loud and persistent nature of the noise. The officer or the complaining witness may be relied upon as a witness in meeting this requirement.

2. The warning shall be sufficient if it cites this section, states that a complaint has been received, that the person's pet or hooved animal is disturbing the peace of another in the neighborhood, identifies the date and time of the disturbance, identifies the animal disturbing the peace, identifies the witness to the disturbance and is identified as coming from within the City limits.

3. A warning is given under this section if it is posted on the owner's or keeper's premises.

4. The City shall keep records of all warnings given and the records shall be prima facie evidence that the warnings were given.

D. No person shall be convicted at trial of violating this section unless some testimonial or demonstrative evidence is presented corroborating the complaining witness's allegation of the unreasonably loud and persistent nature of the noise and a warning was previously issued pursuant to subsection D of this section. A corroborating witness shall not include the complainant nor a member of the complainant's household.

E. Upon a second conviction entered and in addition to any other penalties that may be imposed, the court may order the owner or keeper of the pet to abate the nuisance within five (5) days. Failure to abate the nuisance within five (5) days shall constitute a "contempt of court" as defined in chapter 1.32 of this Code.

F. For the purpose of this section, "neighborhood" means the area within five hundred feet (500') of the exterior boundaries of the premises where the pet resides;

"disturb" means to unreasonably annoy, perturb or interfere with the quiet enjoyment of another's premises.

G. Among the circumstances that may be considered in determining whether reasonable grounds for belief have arisen that an owner's or keeper's pet or hoofed animal is in violation of this section are:

1. The time of day.
2. The location of the noise.
3. The frequency of the noise.
4. The length of time for which the noise persists.

7.02.100 - Saddle horse livery business prohibited.

It is unlawful to maintain and operate a saddle horse livery business on the streets, alley and public grounds of the city.

7.02.110 - Pot-bellied pigs.

Pot-bellied pigs are prohibited in the city unless the following conditions are met:

A. Any such pig must have been examined by a veterinary physician licensed to practice within the state of Colorado, and said veterinary physician must certify in writing that such pig is a pot-bellied pig and has received all injections required for the animal to be in good health and not to constitute a health threat to other animals or to the public.

B. Any such pig must be licensed by the City of Manitou Springs and must display the city's current license tag at all times. A license shall be issued by the city only upon a showing that a veterinary physician licensed to practice within the state of Colorado has, within the preceding thirty days, inoculated the animal so that it will not constitute a health threat to other animals or to the public, and upon payment of the license fee set forth in chapter 7.08. Upon issuance, the city license shall be valid for a period of three years.

7.02.120 – Trapping prohibited—Exceptions.

The use of any trap, snare, deadfall or other device commonly used to capture wildlife, within the corporate limits of the city, other than upon privately owned property with the permission of the owner thereof, is prohibited. Any such trap, snare, deadfall or other device commonly used to capture wildlife, found upon public property or upon private property without permission of the owner thereof within the corporate limits of the city, is declared to be contraband and shall be seized by the appropriate governmental authorities and properly disposed of as such. Nothing in this chapter shall prohibit the use of such devices by governmental

authorities, including, but not limited to, the humane officer and other uniformed members of the police department in the performance of their official governmental duties, provided proper notification is given to adjoining property owners.

7.02.130 - Violation—Penalty.

The violation of any provision of this chapter is a misdemeanor punishable as provided for in section 1.01.100, as amended.

Chapter 7.03 – ANIMAL LIMITS; SANITARY REQUIREMENTS

7.03.010 – Except as prohibited in this Title 7, animals may be kept within the city upon compliance with the following requirements:

A. All fecal waste shall be removed as necessary from premises and placed in closed flytight containers, at least every three (3) to seven (7) days. The animal control officer has the authority to order more frequent removal depending on the number and size of the animals on the property. The contents of the containers shall be removed from the city as necessary to prevent the contents from becoming a nuisance. In addition, every person who occupies or controls the premises where hoofed animals are kept shall do the following:

1. Ensure the proper handling of the manure or excrement, and straw, hay, shavings, grass, weeds or leaves which have been used as bedding for animals. Manure or excrement and bedding shall be kept and temporarily stored at the farthest possible and reasonable point from any private dwelling or natural watercourse and shall be removed at least once every ten (10) days to an appropriate dump or disposal area. This section shall not be construed to apply to manure spread as fertilizer upon cultivated ground or lawns, unless any of the conditions as set forth in subsection A of this section exist.

2. Provide drinking facilities for the hoofed animals with adequate overflow drainage to prevent continuous saturation of surrounding soil.

B. The premises upon which animals are kept shall be maintained in a clean and sanitary condition and shall be subject to inspection at all reasonable hours by the animal control officer or the Health Department.

C. The premises upon which an animal is kept shall be fenced or the animal tied so that the animal while unattended is securely contained and is not a danger to persons or property.

D. Any shelter provided for rabbits or domestic fowl shall contain an area of at least four (4) square feet for each rabbit or fowl. An adequate area outside the shelter must be provided for any rabbits or fowl. The maximum number of rabbits or fowl maintained on a premises shall not exceed ten (10) each of the age of four

(4) months or older. Request for variance from the provisions of this subsection D shall be treated as a variance request pursuant chapter 18.32 of this code.

E. The maximum number of dogs or cats kept on the premises shall not exceed four (4) each after attaining the age of four (4) months, except in properly zoned and licensed kennels. In addition to the maximum number of dogs or cats kept on the premises, a single litter of puppies or kittens aged four (4) months or less shall be permitted.

F. Hoofed pets, llamas, alpacas and any other non-prohibited animals besides rabbits, domestic fowl, dogs or cats are limited to two (2) per household or dwelling. The maximum number of dogs, cats and other animals in any household or dwelling shall not exceed four (4) total animals.

7.03.020 - Violation—Penalty.

Conditions upon any premises not in compliance with this chapter are hereby declared to be a public nuisance, if so finally determined in each case by the county or city, and the conditions may be abated in the manner provided by City Code or in any other manner as may be provided by law. In addition, violation of any provision of this chapter is a misdemeanor punishable as provided for in section 1.01.100, as amended.

Chapter 7.04 – DUTY TO RESTRAIN ANIMALS

7.04.010 – Prohibition.

It shall be the duty of any owner or keeper of animal to restrain the animal by means of confinement, collar and leash, or bridle from running at large upon any public place in the city, and to prevent animal from becoming a danger to persons or property, or from trespassing upon the property of another. The animal is hereby declared a nuisance and may be taken up and impounded or confined, as provided in this Title 7.

A. It is unlawful for an owner or keeper to allow animal to trespass on another's property or to run at large.

B. It is unlawful for an owner or keeper to allow animal, while trespassing, running at large or physically restrained, to attack or fight with another domestic animal.

C. Hitching animals. It is unlawful for any person to hitch or fasten any animal to any railing, tree, shrub, fence, or other object anywhere within the city in such manner as to permit the animal access to a public sidewalk.

7.04.020 - Dog at large.

Specifically as to dogs, it is the duty of any person, as owner or keeper of a dog, to keep the dog under physical restraint to prevent such dog from being a danger to persons or property or trespassing upon the property of another without the permission of the owner or person in control of such property. Further, it is unlawful for any person as owner or keeper of any dog to fail to have the dog under physical restraint upon any public property within the city. Violation of this section is a punishable fine of not less than twenty-five dollars for the first offense, and penalized in accordance with section 1.01.100 of this code, as amended, for each subsequent offense, subject to the following minimums:

	Fine	Bond
First Offense	\$25.00	\$75.00
Second	\$75.00	\$100.00
Subsequent	\$125.00	\$150.00

The amounts of the above minimum fines shall be tripled in cases where a dog at large has bitten another animal or a human being who is lawfully upon the property where the bite occurred and who did not provoke the animal. This provision shall not apply to any dog while being used by a peace officer or by military personnel.

7.04.030 – Exceptions.

- A. This chapter shall not apply to any dog, horse or other animal used or owned by the police department in the performance of its duties.
- B. This chapter shall not apply to any feral cat that is being introduced or returned to a feral cat colony managed by a nonprofit animal welfare organization, or any feral cat that is the subject of a trap-neuter-release program operated by a nonprofit animal welfare organization.
- C. The Mayor may ban or otherwise restrict the presence of cats, dogs and other animals at any special event, celebration, gathering, rally or similar event which occurs upon the property or rights of way of the city. This authority shall not apply to licensed assistance dogs for the sight impaired, hearing impaired or other disability.

7.04.040 – Violation - Penalty.

Unless otherwise stated in this chapter, the violation of any provision of this chapter is a misdemeanor punishable as provided for in section 1.01.100, as amended. It shall be unlawful for any person to fail or refuse to comply with the duties set out in this section. In imposing sentence, the court may consider other relevant factors that in the court's determination provide the court with sufficient mitigation of the animal's action.

Chapter 7.05 – DANGEROUS ANIMALS

7.05.010 - Dangerous animals.

A. Prohibited: No person who owns, keeps or exercises control over any animal shall allow the animal to do the following:

1. To attack or threaten to attack or bite any person or domestic animal not on the premises of the owner or keeper.

2. To attack or threaten to attack or bite any person or domestic animal upon the premises of the residence of the owner or keeper or upon the premises of any business establishment. It is an affirmative defense to this subsection (A)(2) that:

a. The attack, threat of attack or bite by the animal was necessary to prevent or apprehend a person engaged in a criminal act upon the property; a "criminal act" is any act that could be prosecuted as a violation of any city, county, state or federal criminal statute; or

b. The attack, threat of attack or bite by the animal was in response to the animal being provoked or assaulted; or

c. The attack, threat of attack or bite by the animal occurred in an area where the animal was being properly contained in an enclosure which may include, but is not limited to, a fenced area, a kennel or inside the home.

B. Exception. The provisions of this chapter shall not apply to any law enforcement officer who uses an animal while engaged in law enforcement activities.

7.05.020 - Duty to impound; destruction of vicious animal

It shall be the duty of the animal control officer to impound an animal whose owner or keeper has been cited with a violation of this section if the animal presents a clear and present danger to the public health or safety. Nothing in this chapter shall be construed to prevent the animal control officer from taking whatever action is reasonably necessary to protect the officer's person or members of the public from injury or damage, or injury to any other animals in the community, including immediate destruction of any vicious animal without notice to the owner or keeper.

7.05.030 - Impoundment; disposition

A. If a complaint has been filed in the municipal court of the city against the owner or keeper of an impounded animal for a charge under this section, the animal shall not be released except on the order of the Municipal Judge, who may direct

the owner or keeper to pay all impounding fees. Any animal which remains unclaimed for five (5) days after its release as authorized by the Municipal Judge may be disposed of at the discretion of the operator of the animal shelter.

B. If reasonable efforts have been made to notify the owner or keeper of any proceeding regarding the disposition of their animal and the owner or keeper of the animal fails to appear for any proceeding regarding the disposition of the animal, then the court is empowered to proceed without the owner or keeper. Some examples of reasonable efforts to notify the owner or keeper of a pending court proceeding are:

1. Personal service on the owner or keeper.
2. Notice delivered by regular mail to the last known address of the owner or keeper of the animal.
3. Posting notice at the last known residence of the owner or keeper of the animal.
4. Any notice given to the owner or keeper by the court.
5. A promise to appear by the owner or keeper.

C. If the owner or keeper fails to appear after efforts to notify the owner or keeper have been made, then the Municipal Judge is empowered to hold ex parte hearings to determine the disposition of the animal.

D. If the court finds that reasonable grounds exist to believe that an animal may constitute a danger to any person or persons or to any other animals in the community, the court may order it destroyed or held pending trial. If the court finds that the animal is not a danger, the court may order it released.

E. Surrender of an animal by the owner or keeper to the animal control officer does not relieve the owner or keeper from prosecution or liability for the fees and fines imposed by this section.

7.05.040 - Violation—Penalty.

The violation of any provision of this chapter is a misdemeanor punishable as provided for in section 1.01.100, as amended.

Chapter 7.06 – RABID PETS OR ANIMALS

7.06.010 – Confinement.

When the city or the Medical Director of the Health Department has reasonable cause to believe that an animal is rabid or has bitten a person or other animal, the

animal shall be confined in accord with Colorado Revised Statutes section 25-4-604, as amended.

7.06.020 – Proclamation.

When the Medical Director determines that rabid animals pose an imminent danger to the public health, safety and welfare, the Medical Director shall immediately notify the mayor. The mayor shall then issue a proclamation requiring all persons owning, keeping or having any dog, cat or other animal to securely muzzle or confine the animal by good and sufficient means to the house, yard or building upon the person's property for a period of time as the city shall declare. The proclamation shall specify the dates of the order. The proclamation shall be posted in the city clerk's office and otherwise made available to the public. During the time period, any dog, cat or other animal shall only be allowed away from the house, yard or building upon leash accompanied by the owner or other responsible person. Any animal not so restrained may be impounded and the owner or keeper charged as provided in sections 7.05.020 and 7.05.030.

7.06.030 - Violation—Penalty.

The violation of any provision of this chapter is a misdemeanor punishable as provided for in section 1.01.100, as amended.

Chapter 7.07 - DOGS AND CATS; LICENSING

7.07.010 - Licensing requirements (dogs and cats).

A. It is unlawful for any person to own or keep any cat or dog over the age of four months without obtaining a City of Manitou Springs license.

B. When any cat or dog owned or kept by any person residing within the city becomes four months old, the owner or keeper of such cat or dog shall have it licensed within thirty days of that date. The application shall include the breed, sex, color and name of the cat or dog, and a license fee shall be paid in an amount set by resolution of the city council. City council may establish license fees, renewal fees and other charges for the licensing of altered and unaltered male and female dogs and cats. License fees may be discounted for senior citizens aged sixty five (65) and older.

C. All dog or cat licenses shall be valid for a period of one or three (3) years from the date of issuance, with no credit other than that authorized in subsection D of this section to be given for a license required for less than that period. The owner of any dog or cat that will remain within the city after the expiration date of the current license shall apply to the city for a new license pursuant to this section. The owner of a dog or cat shall have thirty (30) days after the expiration of the license to make application for a new license. Any application received after that date shall be considered delinquent and, in addition to the basic fee established city council,

shall be subject to a penalty established by city council prior to issuance of the new license.

D. No dog or cat license shall be transferred from one owner to another. The license may be transferred to another animal of the same type upon presentation to the city of an inoculation certificate, proof of alteration, if applicable, and a showing of disposition of the dog or cat previously issued the license.

E. Nonprofit animal welfare organizations that manage feral cat colonies or trap-neuter-release programs, and the feral cats that are residents or subjects of these colonies or programs, shall be exempt from the licensing requirement of this chapter.

7.07.020 - Rabies inoculation required for cats and dogs.

A. It shall be the duty of every person who owns or keeps within the city any cat or dog to have such cat or dog inoculated with anti-rabies vaccine by a licensed veterinarian.

B. When any cat or dog owned or kept by any person residing within the city becomes four months old, the owner or keeper of such cat or dog shall have it inoculated within thirty days of that date. The cat or dog must be re-inoculated one year from the date of the first inoculation, with a vaccine good for two years. Subsequent inoculations will be given every two years.

C. Within thirty days after a person brings a cat or dog into the city, that person shall have it inoculated unless proof can be shown that such cat or dog has been inoculated with anti-rabies vaccine within the previous twenty-four months, in which case the inoculation may be omitted.

D. It is unlawful for any person owning or keeping a cat or dog to fail or refuse to have such animal(s) inoculated as provided in this section. Such dog or cat, when found, may be picked up and impounded and/or the owner or keeper cited for a violation of this section. Violation of this section is punishable by fine of not less than twenty-five dollars for the first offense, and penalized in accordance with section 1.01.100 of this code, as amended, for each subsequent offense, subject to the following minimums:

	Fine	Bond
First Offense	\$25.00	\$75.00
Second	\$75.00	\$100.00
Subsequent	\$125.00	\$150.00

7.07.030 - Kennels—Licensing requirements.

A. Every person desiring to keep and maintain a kennel within the corporate limits of the city shall apply to the license clerk for a license. A kennel license authorizes the operation of a kennel composed of not more than twenty-five dogs.

B. Applicants for a kennel license will provide the name of the applicant, the location and proposed size of the kennel. In addition, applicant will submit proof of written consent of a majority of persons of legal age living within six hundred feet of the proposed kennel. Then, upon payment of the annual license fee set by resolution of the city council, the license clerk shall submit the application to the city council for approval.

7.07.040 - Burying, dumping or abandoning prohibited.

A. Except for employees of the city, it is unlawful for anyone to bury or dump any dead dog or other animal upon public property.

B. It is unlawful to bury or dump any dead dog or other animal upon private property, except that the owner of a domestic pet may, upon the death of such pet, bury the animal in land owned by the owner of the pet.

C. It is unlawful to abandon a living dog or other animal.

7.07.050 - Hindering enforcement officers.

It is unlawful for any person to interfere with, hinder or prevent any person in the discharge of duties as prescribed in this chapter.

7.07.060 - Nonresident owners—Exemption.

The licensing provisions of this chapter shall not apply to dogs owned by nonresidents temporarily in or passing through the city, or to dogs temporarily brought into the city for purposes of exhibition. However, dogs kept in the city for more than thirty days are deemed to be the dog of a resident and shall be subject to the licensing provisions of this chapter.

7.07.070 - Poisoning.

It is unlawful for any person to poison any dog or other domestic animal or distribute poison in a manner likely to affect animals.

7.07.080 - Violation—Penalty.

The violation of provisions of this chapter, except as specified, is a misdemeanor punishable as provided for in section 1.01.100, as amended.

Chapter 7.08 – EXOTIC ANIMALS; PERMIT REQUIRED

7.08.010 – Permit required; exceptions.

A. Except as provided in subsection B of this section, no person shall own or keep an exotic animal in the city without having first obtained a permit for the animal.

B. The provisions of subsection A of this section shall not apply to the owning or keeping of birds, small rodents or small nonpoisonous reptiles not exceeding six feet (6') in length commonly used for educational or experimental purposes or for pets, nor shall these provisions apply to the owning or keeping of exotic animals by zoos, circuses or recognized institutions of learning or scientific research.

7.08.020 – Exotic animals; application for permit.

A. All applications for a permit required by section 7.08.010 of this chapter shall be made on the prescribed form. A fee of twenty five dollars (\$25.00) shall accompany the application, five dollars (\$5.00) of which shall be considered an application fee and shall not be refunded if the permit is denied.

B. After determining that the animal will be treated humanely and will not endanger the health or safety of the surrounding neighborhood or cause a nuisance, the city shall issue to the applicant an exotic animal permit. In making the determination, the city may inspect the premises on which the animal is to be kept.

C. Any exotic animal permit issued pursuant to this section is valid for one year and must be renewed annually by the owner or applicant. This permit is nontransferable.

7.08.030 – Exotic animals; denial, revocation of permit.

A. The city may deny an application for an exotic animal permit if:

1. The applicant has made any materially false or misleading statement in the application or has concealed relevant information;
2. The applicant has obtained the exotic animal through illegal means;
3. The applicant is not qualified to possess an exotic animal, does not have adequate facilities to keep the animal or proposes to keep the animal in an unsuitable location; or
4. The public health, safety and welfare justifies the denial of the application.

B. The city may revoke any exotic animal permit for any reason set forth in subsection A of this section or if the city determines that the exotic animal has

become a nuisance or is otherwise in violation of this chapter or any other provision of this code or state statute.

C. The city shall notify in writing any person whose application has been denied or whose permit has been revoked. The notice shall be mailed to the person at the address given in the application for the exotic animal permit and shall state the grounds for denial or revocation. Any person whose application has been denied or permit revoked may not again apply for an exotic animal permit until six (6) months have elapsed from the date of the denial or revocation.

D. Any person aggrieved by an action of the city pursuant to this section may appeal the action to the city council by filing with the city clerk within ten (10) days after the date of the action a written notice of appeal briefly stating the reasons upon which the appeal is based. The city clerk shall notify the appealing party, the city and the applicant or permittee if other than the appealing party of the date on which the matter will be heard by the city council. The applicant may keep the animal pending the outcome of the appeal.

7.08.040 – Exotic Animals; failure to obtain permit; impoundment.

A. It is unlawful for any person to own or keep an exotic animal as defined in section 7.01.010 without obtaining a permit, or for any person whose exotic animal permit has been revoked to continue to own or keep the exotic animal. The violation of provisions of this chapter, except as specified, is a misdemeanor punishable as provided for in section 1.01.100, as amended. In addition, any exotic animal held in violation of this subsection may be impounded.

B. Any exotic animal impounded pursuant to subsection A of this section may be redeemed pursuant to sections 7.05.020 and 7.05.030 of this code. No exotic animal that has been impounded may be redeemed until an exotic animal permit has first been obtained. The right to redeem shall not apply to persons whose application for an exotic animal permit has been denied or whose permit has been revoked.

C. Any exotic animal that has been impounded pursuant to this section and that has not been redeemed within ten (10) days from the date of impoundment may be adopted by any person provided that person pays all applicable redemption fees and that person first obtains an exotic animal permit for the animal. In the event that an impounded exotic animal is not redeemed or adopted within a reasonable time, the animal may be sold or donated to a zoo or other qualified organization or may be humanely destroyed at the discretion of the animal shelter operator.

Section 2: If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City

Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3: This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Passed on first reading and ordered published this 18th day of July, 2017.

/s/ Donna Kast
City Clerk, Donna J. Kast

A Public Hearing on this ordinance will be held at the August 1, 2017, City Council meeting. The Council Meeting will be held at 6:00 P.M. at City Hall, 606 Manitou Avenue, Manitou Springs, Colorado.

Ordinance Published: July 20, 2017 (in full)
City's Official Website and City Hall

Passed on second reading and adopted by Council this 1st day of August, 2017.

/s/ Mayor Nicole Nicoletta
Mayor, Nicole Nicoletta

Attest: /s/ Donna Kast
City Clerk, Donna J. Kast

Ordinance Published: August 3, 2017 (in full)
City's Official Website and City Hall