

## **CHAPTER 7 Health, Sanitation and Animals**

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### **ARTICLE 1 Administration and Abatement of Nuisances**

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**Sec. 7-1-10. Definitions.**

As used in this Chapter, the following terms shall have the meanings indicated:

*Brush* means voluntary growth of bushes and such as are growing out of place at the location where growing, and includes all cuttings from trees and bushes and high and rank shrubby growth which may conceal filthy deposits.

*Garbage* means table and kitchen refuse and offal (including restaurants), swill and every accumulation of animal, vegetable and other matter that attends the preparation, consumption, decay or storage of meats, fish, fowls, birds, fruits or vegetables.

*Hazardous materials* means biological/medial waste; dead animals or animal parts; radioactive materials; smoke detectors; PCBs (oil transformers or oil-filled capacitors); dioxin; batteries; antifreeze, motor oil and radiator flushes; car, floor and furniture cleaners, polishes and waxes; degreasers; deodorizers; drain cleaners; expired medicines; insecticides and pesticides; paint, paint removers, paint thinners, lacquers and solvents; laundry detergents and spot removers; mothballs; oven cleaners; rodent poisons; rug cleaners; rust removers; silver cleaners; toilet bowl cleaners; window cleaners; wood preservatives; photographic chemicals; unstable chemicals and explosives; and any other materials which are restricted from solid waste landfills by federal, state or local law.

*Household garbage* means unwanted household waste material, including but not limited to the following: household food; cans; glass; crockery; ceramics and pottery; cold ashes; cloth and bedding; paper, paper products and cardboard; plastic; weeds; yard clippings; leaves; hay; straw; sod and soil; wood shavings; scraps and sawdust; and pet feces. The term *household garbage* does not include the following: bed springs; box springs; bed frames and mattresses; construction materials such as steel, concrete, asphalt, rock, sand, gravel, dry wall, carpet, carpet padding and bricks; appliances and television sets; furniture; tires; engine blocks; transmissions; automotive batteries and automotive sheet metal parts; and wood and steel fence posts.

*Inoperable vehicle* means any automobile, truck, tractor, motorcycle or self-propelled vehicle which is in a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the functions or purpose for which it was originally constructed. The existence of any of the following conditions shall raise the presumption that a vehicle is inoperable:

- a. Absence of an effective registration plate upon such vehicle.
- b. Placement of the vehicle or parts thereof upon jacks, blocks, chains or other supports.
- c. Absence of one (1) or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways.

*Litter* means the scattering or dropping of rubbish, trash or other matter, organic or mineral.

*Nuisance* means any act or condition which endangers the public health, safety or welfare, or results in substantial annoyance or discomfort to the public or inhabitants of the Town.

*Refuse* means and includes any grass clippings, leaves, hay, straw, manure, shavings, excelsior, paper, ashes, rubbish containers, boxes, glass, cans, bottles, garbage, waste and discarded building and construction materials, including but not limited to plaster, broken concrete, bricks, cinder blocks, stones, wood, roofing material, wire or metal binding, sacks or loose discarded or unused material; all rubbish of any kind or nature whatsoever; and any other materials commonly known as rubbish or refuse of any kind or character or by any means known.

*Rubbish* means any type of debris, trash, waste or rejected matter.

*Trash* means any unwanted item which is no longer fit for or used for its original purpose, such as rubbish, waste, household garbage, junk and hazardous materials.

*Weed* means an unsightly, useless, troublesome or injurious growing herbaceous plant, and includes all rank vegetable growth which exhales unpleasant and noxious odors and high and rank vegetable growth that may conceal filthy deposits.

(Ord. 2000-4 §2; Ord. 2011-18 §1)

**Sec. 7-1-20. Common law nuisances.**

Any nuisance which has been declared to be such by state courts or statutes or known as such by common law shall constitute a nuisance in the Town, and any person causing or permitting any such nuisance shall be in violation of this Chapter.

(Ord. 2011-18 §1)

**Sec. 7-1-30. Author of nuisances.**

Any state of things prohibited by this Article shall be deemed to be a nuisance, and any person who shall hereafter make or cause such nuisance to exist shall be deemed to be the author thereof.

(Ord. 2011-18 §1)

**Sec. 7-1-40. Prohibition of nuisances.**

It shall be unlawful for any person, being the owner, agent or occupant of, or having under his or her control, any building, lot, premises or unimproved real estate within the limits of the Town, to commit or do any act constituting a nuisance; and it shall be unlawful for any person to create, continue, maintain or allow any nuisance on any such property.

(Ord. 2011-18 §1)

**Sec. 7-1-50. Ascertaining nuisances.**

Whenever the pursuit of any trade, business or the manufacturing or maintenance of any substance or condition of things is, upon investigation, considered by the Town Administrator dangerous to the health of any of the inhabitants of the Town, the same shall be considered a nuisance and shall be abated.

(Ord. 2011-18 §1)

**Sec. 7-1-60. Constitution of separate offense.**

In the case of any nuisance in or upon any street, alley or other public or private grounds, the author thereof shall be guilty of a separate offense for every period of forty-eight (48) hours' continuance thereof after notice has been given to abate the same.

(Ord. 2011-18 §1)

**Sec. 7-1-70. Filing complaint.**

In addition to or in lieu of any procedure for abatement, a direct complaint may be filed by any person or police officer against any person who violates any provision of this Chapter.

(Ord. 2011-18 §1)

**Sec. 7-1-80. Right of entry.**

The Town Administrator, Chief of Police or any other authorized person may enter upon or into any lot, house or other building or premises, with the proper respect for the occupant's constitutional rights, to examine the same and to ascertain whether any such nuisance exists, and shall be free from any action or liability on account thereof.

(Ord. 2011-18 §1)

**Sec. 7-1-90. Notice of abatement.**

- (a) In all cases where a nuisance is found in any building or upon any grounds or other premises within the jurisdiction of the Town, the authorized official, upon the discovery of any nuisance on public or private property in the Town, shall notify the owner or occupant of such property in writing, requiring the owner or occupant of the property to remove and abate from the property the nuisance within the time specified in the notice. The time for abatement of nuisance posing an imminent danger of loss of life, limb, property or health may be twenty-four (24) hours.
- (b) As to other nuisances, the reasonable time for abatement shall not exceed seven (7) days unless it appears from the facts and circumstances that compliance could not be reasonably made within such seven-day period or that a good faith attempt at compliance is being made. The written notice of abatement shall be served by the authorized inspector of the Town by delivering a copy thereof to an owner or occupant of the property described in the notice, over the age of eighteen (18) years; or, if the property is unoccupied and the owner is a nonresident, then by mailing a notice to his or her last known address as reflected in the records of the County Clerk and Recorder. If the owner or occupant fails to comply with the requirements for a period longer than that named in the notice, then the Town Administrator shall proceed to have the nuisance removed or abated from the property without delay; and the Town Administrator shall have the authority to call for any necessary assistance. In no event shall the notice described by this Section be required prior to issuance of a summons and complaint for violation of this Article.

(Ord. 2011-18 §1)

**Sec. 7-1-100. Contents of notice.**

Any notice issued pursuant to the provisions of this Article to the owner, agent or occupant of property in which a nuisance is discovered shall describe the condition that is a nuisance, the time in which the condition is to be removed and abated from the property, and a statement that the owner, agent or occupant of the property, within the period of notice, may protest the findings of the authorized inspector with respect to any matters stated in the notice, by filing a written notice of protest with the Town Clerk, pursuant to Section 7-1-160 below.

(Ord. 2011-18 §1)

**Sec. 7-1-110. Abatement after notice.**

After issuance of a notice as provided in Section 7-1-90 of this Article:

- (1) If the owner or occupant of the premises refuses or fails to comply with the directions of the written notice, the Town Administrator may declare the same to be a nuisance and order the Chief of Police to enter upon such property for the purposes of abating the nuisance as provided in Section 7-1-130 below. The Chief of Police shall have the authority to call for the necessary assistance therefor.

- (2) Upon the filing of a protest as provided in the notice, the period of notice shall be extended until final disposition of the protest plus ten (10) days.

(Ord. 2011-18 §1)

**Sec. 7-1-120. Abatement without notice.**

Any nuisance located or found in or upon any street, avenue, sidewalk, highway, public right-of-way, public grounds, park, recreation facility or public property in the Town may be abated by the Town Administrator without notice.

(Ord. 2011-18 §1)

**Sec. 7-1-130. Abatement by court order.**

The Town may bring and maintain an action in any court of record, including the Municipal Court, for the prevention, restraining, abatement or enjoining of any public nuisance; or, in the alternative, the Town may abate any private or public nuisance after notice is provided in accordance with Section 7-1-110 above, or bring and maintain any other proceeding provided by this Article. When judgment is rendered against any person for creating, keeping or maintaining any nuisance, it shall be the duty of the court to order the defendant to forthwith abate the nuisance. The order shall be entered upon the docket of the court, and be made a part of the judgment.

(Ord. 2011-18 §1)

**Sec. 7-1-140. Report of costs.**

- (a) Any officer who is duly authorized to abate any nuisance specified in this Article shall have the authority to engage the necessary assistance and incur the necessary expense therefor.
- (b) The expense incurred by the Town in abating any nuisance may be recovered from the author thereof as set forth in this Chapter.
- (c) Upon the completion of any work by the Town contemplated by this Chapter, the Public Works Superintendent shall report, in writing, to the Town Administrator, which report shall make a clear statement of the work done by the Town and the expense incurred in so doing, so that the Town Administrator may determine the cost of such work. The Public Works Superintendent shall make a separate report for each lot or parcel of land.

(Ord. 2011-18 §1)

**Sec. 7-1-150. Assessment of property.**

After considering the report of the Public Works Superintendent, the Town Administrator shall determine and assess the whole cost for the abatement thereof, including five percent (5%) for the inspection and other incidental costs in connection therewith, upon the lots and parcels of land from which the nuisance was abated.

(Ord. 2011-18 §1)

**Sec. 7-1-160. Notice of assessment.**

The Town Clerk, as soon as may be after such assessment is made, shall send by certified mail, return receipt requested, addressed to the owner of such lots or tracts of land at the reputed post office address, a notice of such assessment, which notice shall contain a description of the lots or parcels of land, the name of the owner and the amount of the assessment.

(Ord. 2011-18 §1)

**Sec. 7-1-170. Payment of assessment.**

- (a) It shall be the duty of the owner to pay such assessment or object thereto, in writing, within thirty (30) days after the receipt of such notice, and in case of his or her failure to do so, he or she shall be liable personally for the amount of the assessment. The same shall be a lien upon the respective lot or parcel of land from the time of such assessment, and the Town shall have all remedies for collection thereof provided by state statutes, for the purpose of having the same placed upon the tax list and collected in the same manner as taxes are now collected. The assessment shall be a lien against each lot or tract of land until it is paid and shall have priority over all other liens except general taxes and prior special assessments.
- (b) The amount of such assessment may be paid to the Town Clerk at any time before the tax list is placed in the hands of the County Treasurer, but thereafter only to the County Treasurer.

(Ord. 2011-18 §1)

**Sec. 7-1-180. Objection to assessment; hearing.**

In the event any owner desires to object to said assessment, he or she shall, within thirty (30) days after the receipt of said notice, file a written objection thereto with the Town Clerk, who shall thereupon designate the next regular meeting of the Board of Trustees as the date when said objector may appear and have a hearing before the Town Administrator and Board of Trustees.

(Ord. 2011-18 §1)

**Sec. 7-1-190. Certified assessment.**

In case any assessment is not paid within thirty (30) days after the same has been certified to the Town Clerk by the Board of Trustees, the Town Clerk shall certify to the County Treasurer, list of all delinquent assessments, giving the name of the owner as it appears of record, the number of lot, block and subdivision, or other legal descriptions sufficient to identify such property upon the records of the County Treasurer, and the amount of the assessment. Said certification shall be the same in substance and in the same form as required for the certification of special assessments, and the County Treasurer, upon the receipt of such certified list, shall place the same upon the tax list for the current year and collect the special assessment in the same manner as other taxes are collected, with a ten-percent penalty thereon; and all the laws of the State for the assessment and collection of general taxes, including the laws for the sale of property for taxes and the redemption thereof, shall apply to and have full force and effect for the collection of such assessments.

(Ord. 2011-18 §1)

**Sec. 7-1-200. Cumulative remedies.**

No remedy provided herein shall be exclusive, but the same shall be cumulative. The taking of any action hereunder, including charge or conviction of a violation of this Chapter in the Municipal Court, shall not preclude or prevent the taking of other action hereunder to abate or enjoin any nuisance found to exist.

(Ord. 2011-18 §1)

**Sec. 7-1-210. Concurrent remedies.**

Whenever a nuisance exists, no remedy provided for herein shall be exclusive of any other charge or action, and when applicable the abatement provisions of this Chapter shall serve as and constitute a concurrent remedy over and above any charge or conviction of any municipal offense or any other provision of law. Any application of this Chapter that is in the nature of a civil action shall not prevent the commencement or application of any other charges brought under this Code or any other provision of law.

(Ord. 2011-18 §1)

**Sec. 7-1-220. Violations and penalties.**

Any person who violates any of the provisions of this Chapter shall be punished in accordance with the provisions of Section 1-4-20 of this Code.

(Ord. 2011-18 §1)

**ARTICLE 2 Nuisances**

[Sec. 7-2-10. Accumulation to constitute nuisances.](#)

[Sec. 7-2-20. Posting handbills, posters and placards.](#)

[Sec. 7-2-30. Streets, streams and water supply.](#)

[Sec. 7-2-40. Stagnant ponds.](#)

[Sec. 7-2-50. Sewer inlet.](#)

[Sec. 7-2-60. Nauseous liquids.](#)

[Sec. 7-2-70. Stale matter.](#)

[Sec. 7-2-80. Transporting garbage, manure.](#)

[Sec. 7-2-90. Noisemakers.](#)

[Sec. 7-2-100. Inoperable vehicles.](#)

[Sec. 7-2-110. Vacant residential dwellings.](#)

**Sec. 7-2-10. Accumulation to constitute nuisances.**

Whenever there exists in or upon any lot or piece of ground within the limits of the Town any damaged merchandise, litter, trash, rubbish, garbage, wrecked car, inoperable cars or other wrecked vehicles or an accumulation of junk vehicles or junk of any type upon any private or public property, except in areas

specifically zoned in Chapter 16 of this Code for said purposes or otherwise designated by the Town for such purposes, the existence of any such material or items shall constitute a nuisance and shall be a violation of this Article.

(Ord. 2011-18 §1)

**Sec. 7-2-20. Posting handbills, posters and placards.**

Any handbill, poster, placard or painted or printed matter which is stuck, posted or pasted upon any public or private residence or other building or upon any fence, power pole, telephone pole or other structure without the permission of the owner, agent or occupant of the residence shall be deemed a nuisance and may be abated as provided in this Chapter.

(Ord. 2011-18 §1)

**Sec. 7-2-30. Streets, streams and water supply.**

No person shall throw or deposit, or cause or permit to be thrown or deposited, any offal composed of animal or vegetable substance or both, any dead animal, excrement, garbage or other offensive matter upon any street, avenue, alley, sidewalk or public or private grounds. No person shall throw or deposit or cause or permit to be thrown or deposited in the Town anything specified in any foregoing part of this Section, or any other substance that would tend to have a polluting effect, into the water of any stream, ditch, pond, well, cistern, trough or other body of water, whether artificially or naturally created, or so near any such place as to be liable to pollute the water.

(Ord. 2011-18 §1)

**Sec. 7-2-40. Stagnant ponds.**

The permitting or maintaining of stagnant water on any lot or piece of ground within the Town limits is hereby declared to be a nuisance. Every owner or occupant of a lot or piece of ground within the Town is hereby required to drain or fill up said lot or piece of ground whenever the same is necessary so as to prevent stagnant water or other nuisances from accumulating thereon, other than approved drainage retention facilities.

(Ord. 2011-18 §1)

**Sec. 7-2-50. Sewer inlet.**

No person shall, in the Town, deposit in or throw into any sanitary sewer, storm sewer, sewer inlet or privy vault that has a sewer connection any article that might cause such sewer, sewer inlet or privy vault to become nauseous to others or injurious to public health.

(Ord. 2011-18 §1)

**Sec. 7-2-60. Nauseous liquids.**

No person shall discharge or permit to be discharged out of or from or permit to flow from any house or property any foul or nauseous liquid or substance of any kind into or upon any adjacent ground or lot or into any street, alley or public place.

(Ord. 2011-18 §1)

**Sec. 7-2-70. Stale matter.**

No person shall keep, collect or use, or cause to be kept, collected or used, in the Town any stale, putrid or stinking fat or grease or other stale matter, other than normal weekly trash accumulation.

(Ord. 2011-18 §1)

**Sec. 7-2-80. Transporting garbage, manure.**

Every vehicle or trailer used to transport manure, garbage, swill or offal in any street in the Town shall be fitted with a substantially tight box thereon so that no portion of such filth will be scattered or thrown into such street.

(Ord. 2011-18 §1)

**Sec. 7-2-90. Noisemakers.**

The use of music, noisemakers or loudspeakers on the streets of the Town for the sale or vending of products, advertising or other commercial purposes is hereby declared to be a nuisance and is prohibited by the terms of this Chapter.

(Ord. 2011-18 §1)

**Sec. 7-2-100. Inoperable vehicles.**

It is unlawful for any person or agent, either as owner, lessee, tenant or occupant of any lot or land within the Town, to park, store or deposit or permit to be parked, stored or deposited thereon an inoperable vehicle unless such vehicle is screened from view from the public rights-of-way. The provisions of this Section shall not apply to any person or agent with one (1) vehicle inoperable for a period of less than thirty (30) consecutive days, or to any person who is conducting a business enterprise in compliance with existing zoning regulations.

(Ord. 2011-18 §1)

**Sec. 7-2-110. Vacant residential dwellings.**

All broken windows in a vacant dwelling shall be replaced by the owner or agent within seventy-two (72) hours after notice is given by the Chief of Police.

(Ord. 2011-18 §1)

**ARTICLE 3 Garbage and Refuse**

[Sec. 7-3-10. Accumulation of refuse prohibited.](#)

[Sec. 7-3-20. Responsibility for refuse on premises.](#)

[Sec. 7-3-30. Removal of refuse from business.](#)

[Sec. 7-3-40. Dumpster regulations.](#)

[Sec. 7-3-50. Dumping trash.](#)

[Sec. 7-3-60. Penalty.](#)

**Sec. 7-3-10. Accumulation of refuse prohibited.**

Any accumulation of refuse or other material on any premises, improved or unimproved, in the Town is prohibited and is hereby declared to be a nuisance.

(Ord. 2011-18 §1)

**Sec. 7-3-20. Responsibility for refuse on premises.**

It is the duty of every person, whether owner, lessee or renter of any vacant lot, building or premises, including any place of business, hotel, restaurant, dwelling house, apartment, tenement or any other establishment, at all times to maintain the premises in a clean and orderly condition, permitting no deposit or accumulation of refuse or materials other than those ordinarily attendant upon the use for which such premises are legally intended.

(Ord. 2011-18 §1)

**Sec. 7-3-30. Removal of refuse from business.**

Discarded refuse, including automobile parts, stoves, furniture and junkyard refuse, shall be removed periodically by the proprietor so that the premises are clean and orderly at all times. Silt and similar deposits from automobile wash racks shall be removed by the establishment creating such deposit. Any accumulation of refuse that is highly explosive or flammable which might endanger life or property shall be removed to such places as approved by the Chief of Police or the Fire Chief. Such removal shall be handled by the establishment responsible therefor.

(Ord. 2011-18 §1)

**Sec. 7-3-40. Dumpster regulations.**

- (a) Residents and residential property owners of the Town shall be permitted to dispose of household garbage in Dumpsters provided by the Town for such purpose. Residents and residential property owners shall be provided with identification stickers for their vehicles which shall be prominently displayed when depositing garbage in the Town Dumpsters.
- (b) Town Dumpsters shall not be used for the disposal of any hazardous materials.
- (c) The fee for the use of the Town Dumpsters is as set forth in the Annual Fee Resolution adopted by the Board of Trustees.

(Ord. 2000-4 §2; Ord. 2011-18 §1)

**Sec. 7-3-50. Dumping trash.**

- (a) It is unlawful for any person to dump, abandon or otherwise dispose of any trash in a Dumpster or other receptacle or on any public or private property not owned or controlled by such person without the prior written consent of the owner or person in control of such Dumpster, other receptacle or property.
- (b) It is unlawful for any person who is not a resident of the Town or the owner of residential property in the Town to dump, abandon or otherwise dispose of any trash in a Dumpster or other receptacle provided by the Town for its residents without prior written permission from the Town.
- (c) It is unlawful for any person to dump, abandon or otherwise dispose of any trash in, on or near a Dumpster or other receptacle when that receptacle is full or when the Dumpster enclosure is closed. Ord. 2000-4 §2; Ord. 2011-18 §1)

**Sec. 7-3-60. Penalty.**

Any person or entity convicted of a violation of this Article shall be guilty of a misdemeanor and shall be punished in accordance with the provisions set forth in Section 1-4-20 of this Code. In addition to the penalties provided herein, any person violating this Article shall pay a dump fee as set forth in the Annual Fee Resolution adopted by the Board of Trustees.

(Ord. 2000-4 §2; Ord. 2011-18 §1)

**ARTICLE 4 Weeds and Brush**

[Sec. 7-4-10. Undesirable Plant Management Advisory Commission designated.](#)

[Sec. 7-4-20. Declaration of nuisance.](#)

[Sec. 7-4-30. Duty of property owner to cut.](#)

[Sec. 7-4-40. Removal from Town.](#)

**Sec. 7-4-10. Undesirable Plant Management Advisory Commission designated.**

The Board of Trustees is appointed to act as the Undesirable Plant Management Advisory Commission for the Town and shall have the duties and responsibilities as provided by state statute.

(Ord. 2011-18 §1)

**Editor's note**— Section 35-5.5-101, C.R.S., establishes the requirements for undesirable plant management in the State.

**Sec. 7-4-20. Declaration of nuisance.**

Any weeds or brush found growing in any lot or tract of land in the Town is hereby declared to be a nuisance, and it is unlawful to permit any such weeds or brush to grow or remain in any such place.

(Ord. 2011-18 §1)

**Sec. 7-4-30. Duty of property owner to cut.**

It shall be the duty of each and every person owning, occupying or possessing any lots, tracts or parcels of land within the Town to cut to the ground all weeds and brush when said weeds and brush grow to a height of twelve (12) inches or more.

(Ord. 2011-18 §1)

**Sec. 7-4-40. Removal from Town.**

All weeds and brush cut in accordance with Section 7-4-30 hereof shall, immediately upon being cut, be removed from the Town or otherwise entirely destroyed by the owner of the lot upon which the weeds and brush have been cut.

(Ord. 2011-18 §1)

**ARTICLE 5 Trees**

[Sec. 7-5-10. Prohibited trees.](#)

[Sec. 7-5-20. Trees and limbs in public right-of-way.](#)

[Sec. 7-5-30. Control of trees and shrubs.](#)

**Sec. 7-5-10. Prohibited trees.**

- (a) It is unlawful and deemed a nuisance to sell or import into the Town or plant or cause to be planted within the Town limits any female box-elder tree ( *Acer negundo* ), female cottonwood trees ( *Populus spices* ), Siberian elm ( *Ulmus pumila* ), trees infested with pine beetle or other parasites or other undesirable plants as designated by ordinance upon any property within the Town, and the planting or setting out of these certain plants is declared to be a menace to public health, safety and welfare and a public nuisance.
- (b) The owner of any property within the Town, upon which any tree listed in Subsection (a) above has been planted after the effective date of the ordinance codified herein, shall cut and remove such tree from his or her property after being given two (2) days' written notice to do so by the Town.
- (c) In case of the failure of any owner of such property to cut and remove such tree as required in Subsection (b) above, the Town shall cut and remove such tree.

(Ord. 2011-18 §1)

**Sec. 7-5-20. Trees and limbs in public right-of-way.**

It shall be the duty of the owner of any property adjacent to the public right-of-way to remove any trees or limbs located in or above the public right-of-way when such trees or limbs constitute a danger to public safety. Such trees and limbs shall constitute a nuisance. For the purposes of this Section, a *danger to public safety* shall include all trees and limbs which hinder visibility or which may otherwise affect public health, safety and welfare, and trees and limbs which present a structural defect which may cause the tree or limb to fall on a person or on property of value.

(Ord. 2011-18 §1)

**Sec. 7-5-30. Control of trees and shrubs.**

- (a) Trees, shrubs and other vegetation which are dead, broken, diseased or infested by pine beetles or other insects so as to endanger the well-being of other trees, shrubs or vegetation or constitute a potential threat or hazard to people or property within the Town are hereby declared a nuisance.
- (b) The Town shall give written notice to the owner or occupant of any property abutting Town rights-of-way or other public property of any condition deemed unsafe caused by trees and other vegetation overhanging or projecting from such abutting property and onto or over such right-of-way or other public property with such unsafe condition. The Town shall correct any such unsafe condition immediately upon the expiration of the notice period specified in the notice of abatement.
- (c) It is unlawful and deemed a nuisance for any person to cut, trim, spray, remove, treat or plant any tree, vine, shrub, hedge or other woody plant upon access-controlled arterials or other public parks and greenbelts within the Town, unless authorized or directed by the Town.
- (d) It is unlawful and deemed a nuisance for any person to injure, damage or destroy any tree, shrub, vine, hedge or other vegetation in or upon public rights-of-way or other public property within the Town, except any person who notifies the Town of such injury, damage or destruction and makes arrangements to repair or replace such vegetation or pay for the cost of such repair or replacement.

(Ord. 2011-18 §1)

**ARTICLE 6 Animals**

Division 1 - General Provisions

Division 2 - Impoundment

Division 3 - Care and Treatment

Division 4 - Animal Control

Division 5 - Enforcement

**Division 1 General Provisions**

[Sec. 7-6-10. Definitions.](#)

[Sec. 7-6-20. License required.](#)

[Sec. 7-6-30. Registration.](#)

[Sec. 7-6-40. Vaccination.](#)

[Sec. 7-6-50. License fee.](#)

[Sec. 7-6-60. Issuance; term.](#)

[Sec. 7-6-70. License tags.](#)

[Sec. 7-6-80. Penalty.](#)

**Sec. 7-6-10. Definitions.**

The following definitions shall apply to the words used in this Article unless the context manifestly makes such definitions inapplicable:

*Animal* means any living being of the kingdom *Animalia* other than man.

*Animal owner* means any person who owns, keep, harbors, possesses or otherwise has custody or control of any animal in the Town, whether such person is a resident or nonresident of the Town.

*Animal shelter* means any premises designated by the Town for the purpose of boarding and caring for any animal impounded under the provisions of this Article or any other ordinance of the Town or law of the State.

*Cat* means a domestic feline of either sex, including one neutered or sterilized.

*Dog* means a domestic canine of either sex, including one neutered or sterilized.

*Fowl* means domestic chickens, ducks, geese, turkeys, pigeons and other domestic fowl. Canaries, parakeets and similar birds kept solely as pets are excluded from this term.

*Guard dog* means a dog disciplined, through special training, to protect persons or property by attacking or threatening to attack any person found within the area authorized to be patrolled by the dog.

*Harboring* means the act of keeping an animal or of being an occupant of premises to which an animal customarily returns for food, shelter or care.

*Person* means a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization or the manager, lessee, agent, servant, officer, employer or employee of any of them.

*Public or private property* includes, without limitation, the right-of-way of any road or highway, any body of water or watercourse, including frozen areas, any park, playground or building, any refuge, conservation or recreation area and any residential, farm or ranch properties or forests.

*Public place* means any street, alley, road, highway, parking lot, public or community building, public park or sidewalk adjoining a public park; any private property open to a substantial number of the general public or any place used by persons other than the owner or owner's agents without a special permit. *Special permit* shall include membership in an organization, whether or not represented by written credentials, and shall not include tickets, ticket stubs or receipts merely demonstrating that an admission fee or contribution has been paid when the premises are open to any member of the general public over the age of majority who has paid such fee or contribution.

*Rabies vaccination or inoculation* means vaccination of a domestic animal with an anti-rabies vaccine approved and administered by a veterinarian licensed by the State.

*Running at large* means any animal not under the direct and competent control of the owner or owner's authorized agent by means of a leash or enclosure, except an animal on or within a motor vehicle; provided, however, that, when such vehicle is parked, the animal shall be within the enclosed portion of the motor vehicle or physically restrained within the confines of the motor vehicle.

*Stray animal* means any animal, with or without a rabies inoculation tag and whether or not registered, found loose or unattached anywhere within the Town.

*Vicious animal* means any animal that unprovokedly attacks or bites humans or other animals on public or private property, or in a threatening manner approaches any person in an apparent attitude of attack upon private property or any public place; provided, however, that an animal shall not be deemed a vicious animal solely by reason of having bitten or attacked the following:

- a. Any person engaged in the unlawful entry into or upon the animal owner's property where the animal is kept.

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- b. Any person engaged in the unlawful entry into or upon the animal owner's automobile or other vehicle wherein such animal is confined, or which is parked in or upon the owner's property, or which is parked on the street immediately adjacent to the owner's property.
- c. Any person engaged in attacking or molesting another person.
- d. Any person engaged in attempting to stop an altercation between such animal and another animal.
- e. Any person who willfully provokes such animal to bite or to attack such person, another person or another animal.

(Ord. 1984-4 §19; Ord. 1992-8 §2; Ord. 1994-1 §3; Ord. 2011-18 §1)

**Sec. 7-6-20. License required.**

It is unlawful for any person to own, keep, possess or harbor within the Town any dog that has not been inoculated for rabies or any dog not registered with the Town Clerk and wearing a dog license as required by this Section.

(Ord. 1984-4 §14; Ord. 1992-8 §1; Ord. 2011-18 §1)

**Sec. 7-6-30. Registration.**

The owner, keeper, possessor or harbinger of any dog shall register the name of the dog, name and address of the owner and the rabies tag number for such dog with the Town Clerk within thirty (30) days of the date the dog is first kept or harbored within the Town or within thirty (30) days of the date the dog reaches the age of six (6) months, whichever is later.

(Ord. 1984-4 §14; Ord. 1992-8 §1; Ord. 2011-18 §1)

**Sec. 7-6-40. Vaccination.**

Every person owning, keeping, possessing or harboring a dog six (6) months of age or older within the Town for thirty (30) days or more shall have such dog vaccinated against rabies with an approved vaccine administered by a veterinarian licensed to practice veterinary medicine in the State.

(Ord. 1984-4 §14; Ord. 1992-8 §1; Ord. 2011-18 §1)

**Sec. 7-6-50. License fee.**

For the registration of a dog within the Town, the owner, keeper, possessor or harbinger of each dog shall pay a license fee as set forth in the Annual Fee Resolution adopted by the Board of Trustees. The license fees are intended to cover only the cost of registration and license and, therefore, will not be prorated. Upon completion of payment and registration, the Town Clerk shall issue a municipal dog license for each registered dog.

(Ord. 1984-4 §14; Ord. 1992-8 §1; Ord. 2011-18 §1)

**Sec. 7-6-60. Issuance; term.**

Every dog license will expire on the last day of the same month in which the most recent rabies vaccination tag expires. Any dog license may be renewed, within thirty (30) days prior to expiration, by providing the Town Clerk with proof of current rabies vaccination and payment of the license fee.

(Ord. 1984-4 §14; 1992-8 §1; Ord. 1994-1 §2; Ord. 2011-18 §1)

**Sec. 7-6-70. License tags.**

- (a) Every owner, keeper, possessor, harbinger or custodian of a dog within the Town shall place upon such dog a collar, harness or other device made of durable material to which the rabies tag and dog license shall be attached and displayed at all times.
- (b) No person shall affix to the collar or harness of any dog, or permit to remain affixed, a tag evidencing rabies inoculation or registration with the Town except the tag currently issued to that dog.

(Ord. 1984-4 §14; Ord. 1992-8 §1; Ord. 2011-18 §1)

**Sec. 7-6-80. Penalty.**

Any person who violates this Division shall be fined fifteen dollars (\$15.00) for a first violation and shall be required to appear in Municipal Court for any subsequent violations and be subject to the provisions of Section 1-4-20 of this Code.

(Ord. 1994-1 §1; Ord. 2011-18 §1)

**Division 2 Impoundment**

[Sec. 7-6-110. Authority.](#)

[Sec. 7-6-120. Animal shelter.](#)

[Sec. 7-6-130. Removal of animals from animal shelter.](#)

[Sec. 7-6-140. Disposition of impounded animals.](#)

[Sec. 7-6-150. Abandonment.](#)

[Sec. 7-6-160. Multiple offenses.](#)

**Sec. 7-6-110. Authority.**

Any animal owned, possessed or harbored in violation of this Article or any other ordinance of the Town or law of the State may be taken into custody by a police officer and impounded. Stray animals may be similarly impounded.

(Ord. 1984-4 §16; Ord. 2011-18 §1)

**Sec. 7-6-120. Animal shelter.**

An animal shelter shall be designated for the purpose of boarding and caring for any animal impounded under the provisions of this Article, and such shelter shall be constructed in a reasonable manner.

(Ord. 1984-4 §16; Ord. 2011-18 §1)

**Sec. 7-6-130. Removal of animals from animal shelter.**

It is unlawful for any person to remove any impounded animal from the animal shelter without consent of the person in charge thereof and the payment of all costs.

(Ord. 1984-4 §16; Ord. 2011-18 §1)

**Sec. 7-6-140. Disposition of impounded animals.**

As soon as practicable after impoundment, notice of impoundment shall be posted in a conspicuous place at the post office for five (5) days. If the owner of the impounded animal is known, immediate notice shall be given to him or her. Any impounded animal which is not registered may be redeemed on payment of the registration fee, if applicable, an impound as set out in the Annual Fee Resolution adopted by the Board of Trustees, and a fine as provided in Division 5 of this Article. If such impounded animal is not redeemed within five (5) days, it shall be deemed abandoned, and the impounding authority may humanely euthanize such animal under the supervision of a licensed veterinarian or otherwise properly dispose of such animal.

(Ord. 1984-4 §16; Ord. 2011-18 §1)

**Sec. 7-6-150. Abandonment.**

Any animal owner who, being served with notice of impoundment as provided in Section 7-6-140 above, fails to redeem such animal within five (5) days of such service, shall be deemed to have abandoned such animal.

(Ord. 1984-4 §16; Ord. 2011-18 §1)

**Sec. 7-6-160. Multiple offenses.**

Any animal found guilty of the offense of unprovokedly biting a person more than once shall be immediately impounded by the investigating officer and held for a period of five (5) days and shall thereafter be humanely euthanized unless the owner or possessor of the animal, within such five-day period, shows just cause to the Municipal Judge why the animal should not be destroyed. If the owner decides to enter such a plea, the owner must provide the Municipal Judge at least two (2) days' prior written notice therefor. The owner of such animal shall be responsible for and shall pay all costs of impoundment and euthanization.

(Ord. 1984-4 §16; Ord. 2011-18 §1)

**Division 3 Care and Treatment**

[Sec. 7-6-210. Cruelty to animals.](#)

[Sec. 7-6-220. Neglect of animals.](#)

[Sec. 7-6-230. Abandonment of animals.](#)

[Sec. 7-6-240. Supplying food to enclosed animals.](#)

[Sec. 7-6-250. Poisoning domesticated animals.](#)

[Sec. 7-6-260. Fighting animals.](#)

[Sec. 7-6-270. Dead animal removal.](#)

[Sec. 7-6-280. Injured animals.](#)

**Sec. 7-6-210. Cruelty to animals.**

- (a) It is unlawful for any person, except as authorized by law, knowingly or with criminal negligence to overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance, cruelly beat, mutilate or kill needlessly, or carry or transport in any vehicle or otherwise in a cruel and inhumane manner, any animal, or to cause any of these acts to be done.
- (b) It is no defense to prosecution under this Section that the defendant was, at the time of the offense, the owner of the animal, nor that the offense was committed upon private property.
- (c) In the case of any person who incurs a second or subsequent conviction under this Section for any offense occurring within two (2) years prior to the second offense, a sentence to pay a fine of three hundred dollars (\$300.00) shall be mandatory and shall not be subject to suspension, in addition to such sentence to confinement as the Court may impose.

(Ord. 1984-4 §1; Ord. 2011-18 §1)

**Sec. 7-6-220. Neglect of animals.**

It is unlawful for any person having charge or custody of an animal to fail to provide it with proper food, water, protection from the elements, opportunity for exercise or other care normal, usual and proper for the animal's health and well-being.

(Ord. 1984-4 §2; Ord. 2011-18 §1)

**Sec. 7-6-230. Abandonment of animals.**

It is unlawful for any person owning an animal or responsible for its care or custody to knowingly leave the animal without making effective provisions for its care.

(Ord. 1984-4 §3; Ord. 2011-18 §1)

**Sec. 7-6-240. Supplying food to enclosed animals.**

In case any animal is at any time enclosed or confined and continues to be without necessary food or water for more than twelve (12) consecutive hours, it is lawful for any police officer, from time to time and as often as it is necessary, to enter into or upon such enclosure in which any such animal is confined and supply it with necessary food and water so long as it remains so confined. Such police officer shall not be liable to any action for such entry, and the reasonable cost of such food and water may be collected by the Town from the owner of such animal.

(Ord. 1984-4 §4; Ord. 2011-18 §1)

**Sec. 7-6-250. Poisoning domesticated animals.**

It is unlawful for any person to knowingly poison any dog, cat or other domesticated animal or to place or distribute poison or toxicants on public or private property in any manner whatsoever with intent to poison any domesticated animal or in a manner likely to poison any domesticated animal.

(Ord. 1984-4 §5; Ord. 2011-18 §1)

**Sec. 7-6-260. Fighting animals.**

- (a) It is unlawful for any person to cause, instigate or encourage any dog or other animal to fight with another animal of its own or a different species.
- (b) It is unlawful for any person to train or keep any dog or other animal for the purpose of fighting with other animals.
- (c) It is unlawful for any person to maintain a place where any dog or other animal is permitted to fight or to be killed for exhibition, for wager or for sport.

(Ord. 1984-4 §6; Ord. 2011-18 §1)

**Sec. 7-6-270. Dead animal removal.**

- (a) When any animal dies within the Town, it is unlawful for the owner or keeper thereof to knowingly fail to remove and properly dispose of such animal within twenty-four (24) hours after the death. If such dead animal is not so removed and disposed of, the same shall be deemed a nuisance, and the owner or keeper thereof shall be deemed to be the cause of the nuisance, subject to immediate abatement at the expense of such owner or keeper.
- (b) Any animal killed in any public street or in any public place shall be deemed to have been running at large and shall be removed and disposed of by the Town or any police officer. The owner of such animal, if ascertainable, shall be so notified and advised by the Town and shall be liable to the Town for the cost and expense of removal and disposal of the animal.

(Ord. 1984-4 §7; Ord. 2011-18 §1)

**Sec. 7-6-280. Injured animals.**

Any animal injured in a public place or on private property other than that of the owner or keeper shall be deemed to be running at large and may be impounded. The Town shall take those injured animals in need of medical attention to a veterinarian for adequate veterinary treatment pending notification of the owner. If the injured animal is treated or impounded, the owner of such animal shall be liable for all expenses of the treatment or impoundment.

(Ord. 1984-4 §8; Ord. 2011-18 §1)

**Division 4 Animal Control**

[Sec. 7-6-310. Vicious animals.](#)

[Sec. 7-6-320. Disturbance; public nuisance.](#)

[Sec. 7-6-330. Animals at large: fine.](#)

[Sec. 7-6-340. Confinement during estrus.](#)

[Sec. 7-6-350. Animal bites.](#)

[Sec. 7-6-360. Keeping of fowl and swine.](#)

**Sec. 7-6-310. Vicious animals.**

- (a) It is unlawful for any person to own, keep, harbor or possess any vicious animal anywhere in the Town.
- (b) It shall be the duty of any police officer to seize and to impound any vicious animal. After making every reasonable attempt to seize such animal, including the solicitation of assistance from the animal's owner, if such owner is immediately ascertainable and available, if the police officer determines that the vicious animal cannot be seized without exposing the police officer or other persons to danger of personal injury from the vicious animal, it shall be lawful for a police officer to destroy the animal without notice to the animal owner, keeper or possessor.
- (c) The Municipal Court may order any person convicted of a violation of this Section to destroy or dispose of the vicious animal within twenty-four (24) hours of the court order therefor, and the refusal or failure of the person to comply with the order shall constitute a separate offense of this Section. Further, upon the failure of the person to comply with the court order, the Police Department shall impound the animal and shall cause it to be humanely destroyed, with the person failing to comply with the order liable to pay all fees, costs and expenses on account of the impoundment and destruction of the animal. Upon a showing that reasonable efforts to determine or to locate the owner of a vicious animal have failed, the Municipal Court may order the destruction of the animal.
- (d) This Section shall not apply to guard dogs acting in the performance of their duties, provided that the dog, the employment of such dogs and the premises wherein such dogs are patrolling are in full and complete compliance with Subsection (e) below and the definition of guard dogs.
- (e) It is unlawful for any person to place or maintain any dog in any area for the protection of persons or property unless the dog is physically confined to a specific enclosed area and under complete and absolute control and the area is posted as required. The area or premises in which a guard dog is confined must be conspicuously posted with warning signs bearing letters not less than two (2) inches high, with the following legend: "Warning: These premises patrolled by guard dogs trained to attack," accompanied by a logo that provides pictorial warning of a guard dog. Both the dog and the premises must receive the prior approval of the Town Administrator to assure the safety of the public and that the dog has received adequate training.

(Ord. 1984-4 §9; Ord. 2011-18 §1)

**Sec. 7-6-320. Disturbance; public nuisance.**

- (a) It is unlawful for any animal owner or for any person in charge of any animal to permit such animal to disturb the peace and quiet of any person or neighborhood by annoying or harassing any person or animal, or by barking, fighting, howling, crying or emitting any other similar sound, or by causing damage to the property of another.
- (b) In any case where the defendant has been previously convicted of a similar violation of this Section, or one (1) or more animals whose behavior caused the defendant's conviction has previously caused the conviction of another of a similar violation of this Section, within the past two (2) years, the animal

or the conditions permitting the violation are hereby declared a public nuisance and may be abated as such by appropriate order of the Municipal Court.

(Ord. 1984-4 §10; Ord. 2011-18 §1)

**Sec. 7-6-330. Animals at large; fine.**

Any animal owner or owner's authorized agent who is convicted of having an animal at large shall be fined twenty-five dollars (\$25.00) for a first offense; fifty dollars (\$50.00) for a second offense occurring within twelve (12) months from the first offense; seventy-five dollars (\$75.00) for a third offense occurring within twelve (12) months of the first offense; and shall be required to appear in Municipal Court for a fourth or subsequent violation of this Section occurring within twelve (12) months from the first offense and be subject to a fine not to exceed three hundred dollars (\$300.00) or imprisonment, or both such fine and imprisonment. In addition to any fines imposed under this Section any owner or owner agent shall also be required to pay appropriate impoundment fees when applicable.

(Ord. 1984-4 §11; Ord. 1992-8 §2; Ord. 1994-1 §3; Ord. 2011-18 §1)

**Sec. 7-6-340. Confinement during estrus.**

Any unspayed female dog or cat in the state of estrus (in heat) shall be securely confined during such period of time within a house, building or other secure enclosure so constructed as to prevent other dogs or cats, as the case may be, from gaining access to the confined dog or cat. Any owner or person in charge of such dog or cat who so fails to confine adequately the dog or cat during the state of estrus or whose animal, during estrus, causes a violation of Section 7-6-320 above may be ordered by a police officer to remove the dog or cat to a boarding kennel or veterinary hospital at the owner's expense. It is unlawful for any person to fail to comply with such an order.

(Ord. 1984-4 §12; Ord. 2011-18 §1)

**Sec. 7-6-350. Animal bites.**

- (a) Any person having knowledge of an animal bite shall immediately report the incident to the Sheriff's Department or to the Public Health Veterinary Section of the Colorado Department of Public Health and Environment.
- (b) Quarantine of animals. Any animal which has bitten a person shall be observed for a period of ten (10) days from the date of the bite. The procedure and place of observation shall be designated by the investigating officer. If the animal is not confined on the owner's premises, confinement shall be in the animal shelter of the Town or, if not practicable, at a place designated by the Town or at any veterinary hospital of the owner's choice. Any and all such confinement shall be at the expense of the owner. Stray animals whose owners cannot be located shall also be confined. The owner of any animal that has been reported as having inflicted a bite on any person shall, on demand, produce such animal for quarantine as prescribed in this Subsection. Refusal to produce such animal constitutes a violation of this Section, and each day of such refusal shall constitute a separate and individual violation.
- (c) Removal of animals from quarantine. It is unlawful for any person to remove from any place of isolation or quarantine any animal which has been isolated or quarantined as authorized without the consent of the impounding agency.

(Ord. 1984-4 §15; Ord. 2011-18 §1)

**Sec. 7-6-360. Keeping of fowl and swine.**

The keeping of any fowl, swine, goats, cattle, horses, or similar livestock other than cats and dogs within the Town is prohibited, other than as specifically set forth and allowed herein:

- (a) Fowl may be kept in a secure enclosure with a maximum of twelve fowl per two thousand five hundred (2,500) square feet of property provided that no more than thirty-six (36) fowl shall be kept on any single property or contiguous properties held in common ownership.
- (b) No fowl shall be kept in such a manner as to constitute a public or private nuisance. The premises on which any fowl is kept shall be maintained in a sanitary condition and shall comply with all applicable regulations of the Town.
- (c) Nothing contained in this Section shall be construed to allow the commercial keeping or breeding of animals in any area of the Town zoned residential under the provisions of Chapter 16 of this Code.

(Ord. 2011-18 §1; Ord. No. 2015-05, § 1, 11-3-15)

**Division 5 Enforcement**

[Sec. 7-6-410. Strict liability.](#)

[Sec. 7-6-420. Penalties.](#)

**Sec. 7-6-410. Strict liability.**

Except as otherwise expressly provided, for the purpose of prosecution for alleged violations of any section of this Article, it shall not be necessary in order to obtain a conviction to prove notice or knowledge on the part of the owner or person having charge of the animal in question that such animal was violating any of the provisions of this Article at the time and place charged, it being the purpose and intent of this Section to impose strict liability upon the owner or person having charge of any animal for the action, conduct and condition of such animal.

(Ord. 1984-4 §18; Ord. 2011-18 §1)

**Sec. 7-6-420. Penalties.**

- (a) Any person who violates any Section of this Article may be subject to a fine of no more than three hundred dollars (\$300.00), confinement in jail not to exceed ninety (90) days, or both such fine and imprisonment, subject to the mandatory minimum fines hereafter set forth, which the Court shall not have the discretion to suspend or reduce.
- (b) Any person found guilty of a violation of a Class I offense shall be fined not less than fifty dollars (\$50.00). Any person found guilty of a Class I offense for a violation that occurred within one (1) year of a previous violation of a Class I offense shall be fined not less than one hundred dollars (\$100.00). Class I offenses are as follows:

<i>Code Section</i>	<i>Offense</i>
Sec. 7-6-210	Cruelty to animals

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Sec. 7-6-220	Neglect of animals
Sec. 7-6-230	Abandonment of animals
Sec. 7-6-250	Poisoning domesticated animals
Sec. 7-6-260	Fighting animals
Sec. 7-6-350(c)	Removing animal from quarantine

- (c) Any person found guilty of a violation of a Class II offense shall be fined not less than twenty-five dollars (\$25.00). Any person found guilty of a Class II offense for a violation that occurred within one (1) year of a previous violation of a Class I or II offense shall be fined not less than fifty dollars (\$50.00). Any person similarly found guilty of a third or greater number of violations within one (1) year shall be fined not less than one hundred dollars (\$100.00). Class II offenses are as follows:

<b>Code Section</b>	<b>Offense</b>
Sec. 7-6-310	Vicious animals
Sec. 7-6-320	Disturbance
Sec. 7-6-330	Animals at large
Sec. 7-6-350(a)	Reporting animal bites
Sec. 7-6-130	Removal of animals from animal shelter

- (d) Any person found guilty of a violation of a Class III offense shall be fined not less than fifteen dollars (\$15.00). Any person found guilty of a Class III offense for a violation that occurred within one (1) year of a previous violation of this Article shall be fined not less than thirty dollars (\$30.00). Any person similarly found guilty of a third violation within one (1) year shall be fined not less than sixty dollars (\$60.00) and, if found guilty of a fourth or more violations within one (1) year, not less than one hundred dollars (\$100.00) for each such violation. Class III offenses are as follows:

<b>Code Section</b>	<b>Offense</b>
Sec. 7-6-340	Confinement during estrus

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Sec. 7-6-20 — Sec. 7-6-70	Registration of dogs
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(Ord. 1984-4 §20; Ord. 2011-18 §1)