



Background Paper for Proposed Ordinance

COUNCIL MEETING DATE: March 22, 2021

TO: President Lawrence W. Atencio and Members of City Council
CC: Nicholas A. Gradisar, Mayor
VIA: Belinda Kimball, Acting City Clerk
FROM: Lindsey Vigna, Assistant Director of Animal Law Enforcement, Humane Society of the Pikes Peak Region
Trevor Gloss, Assistant City Attorney
SUBJECT: AN ORDINANCE AMENDING TITLE I AND TITLE XI OF THE PUEBLO MUNICIPAL CODE WITH REGARDS TO ANIMALS AND ANIMAL CONTROL, AND IMPOSING NEW REQUIREMENTS AND PENALTIES IN ACCORDANCE THEREWITH

SUMMARY:

Attached for consideration is an amendment to the Pueblo Municipal Code relating to animals and animal control and imposing requirements and penalties in accordance therewith.

PREVIOUS COUNCIL ACTION:

There has been no previous City Council action with regards to this Ordinance.

BACKGROUND:

Portions of the animal control code have not been updated in several years, where some sections are the same as originally enacted in 1957. The amendments here are intended to update the code to address the needs and desires of the community while also preventing potential nuisances. The code will be further expanded to include most, if not all, animals and will include regulations thereto. New regulations will include: (i) the creation of a "potentially dangerous animal" charge, which is a lesser offense than "vicious animal" and provides additional avenues to address dangerous animals; (ii) a new class of license for "multiple animals" that is not specific to cats and dogs, and limits on the number of animals without such a license; (iii) clearer authority for the powers and roles of animal control officers; (iv) greater protections against the spread of rabies; (v) slightly increased fees to address the increased cost of impoundment and care; and (vi) additional crimes constituting "cruelty to animals."

FINANCIAL IMPLICATIONS:

Impoundment fees to address the cost of boarding and the care of animals were increased by Ordinance No. 7275 on January 24, 2005 and again six (6) years later by Ordinance No. 8326 on March 28, 2011. It has been about ten (10) years since the last increase in impoundment

fees and the costs of boarding and caring for impounded animals have increased. The proposed fees will match the increased costs of care.

BOARD/COMMISSION RECOMMENDATION:

Not applicable to this Ordinance.

STAKEHOLDER PROCESS:

Not applicable to this Ordinance.

ALTERNATIVES:

If City Council does not approve this Ordinance, the Pueblo Municipal Code will not be amended to reflect the proposed changes.

RECOMMENDATION:

Not applicable to this Ordinance.

Attachments: Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE I AND TITLE XI OF THE PUEBLO MUNICIPAL CODE WITH REGARDS TO ANIMALS AND ANIMAL CONTROL, AND IMPOSING NEW REQUIREMENTS AND PENALTIES IN ACCORDANCE THEREWITH

WHEREAS, City Council is committed to protecting the health, safety, and welfare of the public; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that: (brackets indicate matter being deleted, underscoring indicates new matter being added)

SECTION 1.

Section 1-2-1 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 1-2-1. - General penalty; continuing violations; adjudging fines and imprisonment.

. . .

(i) Any person convicted of a crime and sentenced as a habitual offender for violations of Sections 11-4-14 (~~[(Vicious]~~ **Dangerous** animals; **potentially dangerous animals**), 11-4-15 (Restraining), or 11-4-21 (~~[(Animals; cruelty to]~~ **Cruelty to animals; humane care**) may, at the discretion of the Municipal Court, be enjoined from owning any animals as defined by Section 11-4-1 of the Pueblo Municipal Code, or otherwise maintaining any animals on their property within the City limits, **for up to one year,** along with any other appropriate penalty imposed by the Municipal Court.

SECTION 2.

Section 11-4-1 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 11-4-1. - Definitions.

As used in this Chapter, the term:

(1) *Owner* shall mean any person who owns, keeps or harbors any animal or any person who permits or suffers any animal to remain on or about his or her premises for a period of thirty (30) days.

(2) *Animal* shall mean all ~~[(warm-blooded domesticated mammals including both male or female, whether sterilized or not sterilized]~~ **domesticated mammals,**

reptiles, birds, amphibians, and other domesticated creatures. The term does not include humans.

(3) **[Vicious] *Dangerous animal*** shall mean any animal that without provocation bites or attacks a human being or another animal, either on public or private property, **and causes serious bodily injury, or that may otherwise meet the definition per Pueblo Municipal Code Section 11-4-14.** [or any animal that, in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks or public grounds or places.]

. . .

(6) *Vaccination* shall mean the inoculation of an animal with a vaccine approved by the Colorado Department of Health for use in prevention of rabies.

(7) *Person* shall mean any individual, firm, corporation, limited liability company, partnership or association. All members of one (1) household shall be considered as one person for the purposes of this Chapter.

(8) *License Officer [officer]* shall mean the Shelter Operator or, if none, the Director of Finance, or his or her designee.

. . .

(20) *Potentially dangerous animal* shall mean an animal that causes any injury that is less than a serious bodily injury, or that may otherwise meet the definition per Pueblo Municipal Code Section 11-4-14.

(21) *Tether* shall mean to tie up or chain to a fixed or heavy inanimate object to restrict the free movement of an animal to a distance no greater than the length of its leash or chain.

SECTION 3.

Section 11-4-2 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 11-4-2. - Vaccinations.

(a) Every owner of a dog four (4) months old or older shall have such dog vaccinated **against rabies** by a licensed veterinarian. If a dog four (4) months old or older, whose owner is a nonresident, shall remain within the City for more than thirty (30) days, it shall be vaccinated in accordance with the provisions of this Chapter.

(b) Every owner of a cat four (4) months old or older shall have such cat vaccinated against rabies by a licensed veterinarian. If a cat four (4) months old or older, whose owner is a nonresident, shall remain within the City for more than thirty (30) days, it shall be vaccinated in accordance with the provisions of this Chapter.

(c) **Every owner of a ferret four (4) months old or older shall have such ferret vaccinated against rabies by a licensed veterinarian. If a ferret four (4) months old or older, whose owner is a nonresident, shall remain within the City**

for more than thirty (30) days, it shall be vaccinated in accordance with the provisions of this Chapter.

(d) A veterinarian, with the written consent of an animal's owner, may issue a written exemption waiving the requirement that an animal be vaccinated from rabies if the veterinarian, in his or her professional opinion, determines that the rabies vaccination is contraindicated due to the animal's health.

[(d)] (e) A valid veterinary-client-patient relationship, as defined under Section 12-64-103(15.5), C.R.S., must have been established between the veterinarian, owner and animal in order for a veterinarian to issue a written exemption.

[(e)] (f) It shall be unlawful and a Class 2 municipal offense for any **[dog or cat] animal** owner required by this Section to have his or her animal vaccinated to fail to have said animal so vaccinated or obtain a written exemption from vaccination.

SECTION 4.

Section 11-4-9 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 11-4-9. – Kennel, [and] cattery, and multiple animal licenses.

(a) As used in this Section, the term:

(1) *Dog* shall include both mature and immature dogs, except that the term shall not include puppies which have not yet been weaned from their bitch.

(2) *Cat* shall include both mature and immature cats, except that the term shall not include kittens which have not yet been weaned from their queen nor shall the term include kittens less than twelve (12) weeks of age.

(3) *Animal* shall include both mature and immature domesticated animals, except that the term shall not include animals which have not yet been weaned from their mother.

(b) It is hereby declared to be a nuisance and it shall be unlawful and a municipal offense for any person to have more than four (4) dogs on a premises at any one time without having a kennel license. It is also hereby declared to be a nuisance and it shall be unlawful and a municipal offense for any person to have more than four (4) cats on a premises at any one time, except upon land zoned agricultural, or for any person to operate a shelter for cats, without having obtained a cattery license; provided however, that this paragraph shall not apply to a registered Feral Cat Colony Manager in compliance with the provisions of Article V of this Chapter. **Except as otherwise provided in this Code, it is hereby declared to be a nuisance and it shall be unlawful and a municipal offense for any person to have more than four (4) of any one type of animal, or more than eight (8) animals total, on a premises at any one time, unless the land is zoned agricultural, without having a multiple animal license.**

(c) Application for a kennel, **[or] cattery, or multiple animal** license shall be submitted to the City-County Health Department, together with a petition signed by not less than seventy-five percent (75%) of the residents living within three hundred (300) feet of the premises proposed to be licensed. At the time of submission of the application, a nonrefundable fee in the amount of one hundred dollars (\$100.00) shall be paid. The Health Department shall thereafter conduct a hearing, upon not less than fifteen (15) days' public notice posted upon the premises and published in a newspaper of general circulation. The Health Department shall grant the license only upon finding each of the following:

(1) That the applicant has demonstrated it will operate the kennel, **[or] cattery, or multiple animal premises** in compliance with all applicable laws, including having any required state licensure, and the requirements of this Chapter;

(2) That the operation of a kennel, **[or] cattery, or multiple animal license** on the premises will not result in undue disturbance of the neighborhood or a public nuisance; and

(3) That the operation of a kennel, **[or] cattery, or multiple animal license** on the premises would be compatible with existing uses of property in the neighborhood.

(d) A **[n animal] kennel, [or] cattery, or multiple animal** license renewal fee of **[thirty] forty-five** dollars (\$**[3]45.00**) shall be due and payable to the License Officer on the first day of January of each year.

(e) This Section shall have no application to the Pueblo Animal Shelter provided under Section 11-4-17 of this Chapter.

SECTION 5.

Section 11-4-10 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 11-4-10. - Animal Control Officers; powers, superior.

(a) All Animal Control Officers employed by the City are hereby designated and appointed Animal Control Officers and peace officers authorized and vested with the power to enforce the provisions of this Chapter. Such Animal Control Officers shall act under the direction and supervision of the Chief of Police or his or her designee and shall be responsible to him or her for the carrying out of their duties as Animal Control Officers. **Such officers may investigate violations, impound animals, and issue, sign, and serve penalty assessments or summons and complaints in order to enforce the provisions of this Chapter.**

(b) If the City contracts with an entity to enforce this Chapter, the Chief of Police may appoint employees of such contracting entity, after appropriate training, as Animal Control Officers vested with the authority to enforce this Chapter, investigate violations of this Chapter, issue and serve summonses and complaints enforcing this Chapter and impound animals as provided in this Chapter. The appointed Animal Control Officers shall not have the power of arrest or be authorized to carry weapons. Individuals appointed Animal Control Officers may be known as Animal Welfare Officers and shall, pursuant to Section 30-15-105, C.R.S., be included within the definition of "peace officer or firefighter engaged in the performance of his or her duties" in Section 18-3-201(2), C.R.S. Animal Control Officers who are employees of the contracting entity and appointed pursuant to this Subsection shall not be under the direction and supervision of the Chief of Police[s] and shall not be responsible to the Chief of Police for the carrying out of their duties as Animal Control Officers.

(c) If an affidavit has been submitted to the Municipal Court which satisfies the judge that an animal which is the subject of a violation of this Chapter is located within the City and that the animal either poses a clear and present danger to the health, general welfare, or safety of other persons or animals or is suffering extreme neglect or cruelty, the Municipal Court may order the animal seized by a designated officer of the City pursuant to Rule 241 of the Colorado Municipal Court Rules. The owner of the animal may request a hearing concerning any such order for seizure entered pursuant to this Section by filing an appropriate motion pursuant to Rule 241(e) of the Colorado Municipal Court Rules. Whenever an animal is seized by order of the Municipal Court or other court, the animal shelter shall not adopt out, donate, or euthanize the animal unless such action is permitted by a subsequent order of the court.

SECTION 6.

Section 11-4-14 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 11-4-14. – **[Vicious] Dangerous animals; potentially dangerous animals.**

(a) Definitions. As used in this Section, the following words have the following meanings:

(1) **Serious bodily [Bodily] injury** means any physical injury that results in severe bruising, muscle **tearing**, **[tear or]** skin laceration, or any physical injury that requires corrective or cosmetic surgery.

(2) **[Vicious] Dangerous animal** means any animal that:

a. Has inflicted **serious** bodily injury upon a person or has inflicted **serious** bodily injury upon or caused the death of a domestic animal; or

b. [Has demonstrated tendencies that would cause a reasonable person to believe that the animal may inflict bodily injury upon or cause the death of any person or domestic animal; or

c.] Has engaged in or been trained for animal fighting as described and prohibited in Section 18-9-204, C.R.S.; or

c. Has been previously adjudged as a potentially dangerous animal under this Section and the animal has engaged in subsequent behavior that poses a threat to public safety or the owner has failed to abide by a protective order.

(3) Potentially dangerous animal means any animal that may be a threat to public health and safety as demonstrated by:

a. Causing any injury less than a serious bodily injury to any person or domestic animal.

b. Actions that cause a reasonable person to believe that the animal may inflict bodily injury upon or cause the death of any person, whether such person is on foot, in a vehicle, or on a device which allows such person to be in motion, and whether such animal is tethered or otherwise restrained.

c. Attacks any person who is lawfully on the owner's property.

d. Acts in a highly aggressive manner within a fenced yard or enclosure and appears to a reasonable person to be able to jump over, dig under, or otherwise immediately escape such fenced yard or enclosure to complete an attack.

(b) Violation, ownership of [vicious] **dangerous** animal. It shall be unlawful and a Class [I] 1 municipal offense for any person to own, possess, harbor, keep, **have a financial or property interest in, or have custody** or control of a [vicious] **dangerous** animal; **except that a person who maintains a dangerous animal pursuant to and in compliance with a dangerous animal license and protective order entered by a court of competent jurisdiction shall be presumed not to be in violation of this provision. This presumption may be rebutted by the fact that the animal acted as a potentially dangerous animal or caused bodily injury despite such compliance.**

(c) Violation, ownership of **potentially dangerous** animal. It shall be unlawful and a Class 2 municipal offense for any person to own, possess, harbor, keep, **have a financial or property interest in, or have custody or control of a potentially dangerous animal; except that a person who maintains a potentially dangerous animal pursuant to and in compliance with a potentially dangerous animal license and protective order entered by a court of competent jurisdiction shall be presumed not to be in violation of this provision. This presumption may**

be rebutted by the fact that the animal acted as a potentially dangerous animal or caused bodily injury despite such compliance.

(d) Affirmative defense. [The affirmative defenses set forth herein shall not apply to any vicious animal that has engaged in or been trained for animal fighting as said term is described in Section 18-9-204, C.R.S.] Except as otherwise noted, the following circumstances shall constitute an affirmative defense to a violation of the foregoing Subsection (b) **or (c)** in the following manner:

(1) At the time of the attack by the [vicious] animal which causes injury to a domestic animal, the domestic animal was at large, was an estray and entered upon the property of the owner and the attack began, but did not necessarily end, upon such property;

(2) At the time of the attack by the [vicious] animal which causes injury to a domestic animal, said domestic animal was biting or otherwise attacking the [vicious] animal or its owner;

(3) At the time of the attack by the [vicious] animal which causes injury to a person, the victim of the attack was committing or attempting to commit a criminal offense[, other than a petty offense,] against the [dog's] **animal's** owner, and the attack did not occur on the owner's property;

(4) At the time of the attack by the [vicious] animal which causes injury to a person, the victim of the attack was committing or attempting to commit a criminal offense[, other than a petty offense,] against a person on the owner's property or the property itself, and the attack began, but did not necessarily end, upon such property; or

(5) The person who was the victim of the attack by the [vicious] animal tormented, provoked, abused or inflicted injury upon the [vicious] animal in such an extreme manner which resulted in the attack.

[(d)] (e) Protective order. Upon entry of sentence pursuant to a plea of or finding of guilt [for a violation of Subsection (b)], the Municipal Court shall order **upon violation of Subsection (b), and may order upon violation of Subsection (c),** the defendant to:

(1) Confine such [vicious] animal in a building or enclosure designed to be escape-proof and, whenever such [vicious] animal is outside of such building or enclosure, the [vicious] animal shall be securely muzzled and restrained by a secure collar and leash **no longer than four (4) feet** under the direct physical control of the owner or other responsible person at all times. **Escape-proof enclosure means a structure of at least six (6) feet in height with secured sides, locked, and designed to prevent the animal escaping the enclosure. If such enclosure has no bottom secured to the sides, the**

sides must be embedded into the ground no less than two (2) feet deep. If the required six (6) feet in height and two (2) feet in depth is inadequate to contain the animal, the height and depth of the enclosure shall be increased until the enclosure is deemed escape-proof by an Animal Control Officer. The enclosure must be suitable to prevent the entry of young children or lunging attacks outward by the animal. Nothing in this Subsection shall prevent the humane care of the animal. Animal Control Officers are permitted to inspect the animal and premises for compliance at reasonable times.

(2) Display in a prominent place on the defendant's premises, **and the premises where the animal resides if different**, a sign easily readable by the public from the public street using the words ["Beware of Vicious Dog," if the vicious animal is a dog, and the words] "Beware of [Vicious] **Dangerous Animal**" **or "Beware of Potentially Dangerous Animal," as applicable.** [if the vicious animal is not a dog.]

(3) Immediately report to the Shelter Operator any material change in the [vicious] animal's situation, including but not limited to a change of address, escape or death.

(4) At the defendant's expense, permanently identify the [vicious] animal through the implantation of a microchip by a licensed veterinarian or a licensed shelter. The owner shall file the veterinary record of the microchip implantation with the Shelter Operator.

(5) Prior to the implantation of the microchip, pay a nonrefundable [vicious dog] microchip license fee of fifty dollars (\$50.00) to the Shelter Operator.

(6) **Spay or neuter the animal, if the animal is not already spayed or neutered, at the owner's expense. The municipal court may grant an exception to the spay or neuter requirement where defendant provides to the court within thirty (30) days: (i) a letter from a licensed veterinarian stating such spaying or neutering of the animal would be harmful to its health, or (ii) paperwork demonstrating the animal is registered and actively being shown in an event that does not allow the animal to be altered.**

(7) **Prior to the animal receiving any service or treatment, disclose in writing to any provider of the service or treatment, including but not limited to a veterinary health care worker, groomer, humane agency staff person, pet animal care facility staff person, professional handler, or trainer, each acting in the performance of his or her respective duties, that the animal has been the subject of a conviction of a violation of this section.**

Unless the Municipal Court declassifies an animal from its status as dangerous or potentially dangerous in accordance with this Chapter, all protective orders entered pursuant to this Chapter shall remain in effect for the life of the animal and shall be binding upon all future owners, possessors, keepers, or handlers of the animal.

[(e)] (f) Violation, failure to comply. It shall be unlawful and a strict liability offense for any person convicted of violating Subsection (b) **or (c)**, who has been personally served with a copy of the protective order issued under Subsection **[(d)] (e)**, to continue to own, possess, harbor, keep or control the **[vicious]** animal which was the subject of such conviction in violation of the provisions of the protective order.

(g) Violation, failure to provide notice. It shall be unlawful and a Class 2 municipal offense for any person to fail or refuse to provide written notice or a copy of the protective order as required by this Chapter and the protective order.

[(f)] (h) Violation, breeding of **[vicious] dangerous** animal. It shall be unlawful and a Class 1 municipal offense for any person to possess with intent to sell, offer for sale, breed, buy, or attempt to buy within the City any animal which has been adjudicated to be a **[vicious] dangerous** animal pursuant to a conviction under **Subsection (b) or a conviction under** Section 18-9-204.5, C.R.S. **This provision does not apply to an animal adjudicated potentially dangerous under this Section.**

[(g)] Violation, animal fighting. It shall be unlawful and a Class 1 municipal offense for any person to own or harbor any animal for the purpose of animal fighting or to train, torment, badger, bait or use any animal for the purpose of causing or encouraging said animal to unprovoked attacks upon human beings or domestic animals.

(h)] (i) Impoundment and euthanization.

(1) It shall be the duty of the Animal Control Officer to impound an animal whose acts form the basis for issuance of a complaint for violation of Subsection (b) **or (c)** if the animal presents a continuing threat of serious harm to persons or domestic animals.

(2) It shall be the duty of the Animal Control Officer to impound an animal, which has been adjudicated to be a **[vicious] dangerous** animal pursuant to a conviction under Subsection (b), **adjudicated to be a potentially dangerous animal pursuant to a conviction under Subsection (c)**, or to be a dangerous dog pursuant to a conviction under Section 18-9-204.5, C.R.S., where such animal is found beyond the premises of its owner and not securely muzzled and restrained by a secure collar and leash. **The Animal Control Officer may impound in accordance with this provision without first obtaining a warrant.**

(3) Any animal impounded pursuant to the requirements of this Section shall not be released pending disposition of any euthanization hearing or related

criminal charges under this Section except on order of the Municipal Court, **which** [who] may direct the owner to pay all impounding fees. Subject to the foregoing limitation and the exception noted herein, an impounded [vicious] **dangerous** animal shall be handled and processed according to the requirements set forth in Section 11-4-16 of this Code and, if applicable, Section 11-4-13 of this Code, except that no [vicious] **dangerous** animal shall be sold or put up for adoption **except in accordance with Chapter 4.5 of this Title XI**. Any [vicious] **dangerous** animal which is deemed abandoned under Section 11-4-16 shall be humanely euthanized as provided in Chapter 4.5 of this Title XI.

(4) The Municipal Court is authorized to order the [released] **release** of any animal impounded pursuant to this Section when, in the Municipal Court's judgment, said animal does not represent a continuing threat of serious harm to persons or domestic animals. If, in the Municipal Court's judgment, the animal represents a continuing threat of serious harm to persons or domestic animals, the Municipal Court may order said animal to be humanely euthanized as provided in Chapter 4.5 of this Title XI.

[(i)] (j) Application. **Subsections** [Subsection] (b) **and (c)** shall have no application to the following:

(1) To any dog that is used by a peace officer while the officer is engaged in the performance of the peace officer's duties;

(2) To any [dog] **animal** which causes the death of a person;

(3) To any [dog] **animal** that inflicts injury upon any veterinary health care worker, [dog] groomer, humane agency personnel, professional [dog] handler, trainer or [dog] show judge, each acting in the performance of his or her respective duties; or

(4) To any dog that inflicts injury upon or causes the death of a domestic animal while the dog was working as a hunting dog, herding dog or predator control dog on the property of or under the control of the dog's owner and the injury or death was to a domestic animal naturally associated with the work of such dog.

(k) No animal that has previously been determined to be dangerous, potentially dangerous, or the equivalent thereof in another jurisdiction, shall be kept, owned, or harbored in the City unless the animal's owner obtains and maintains a dangerous or potentially dangerous animal license prior to bringing such animal into the City, without need for further adjudication by the Municipal Court. Animals in violation of this Subsection are subject to impoundment after notice and a hearing under this Subsection, except that the only issues for hearing are whether the animal ever received a dangerous or potentially dangerous designation or similar designation in another jurisdiction, and whether the animal's owner complied with the requirements under this Subsection.

(l) An animal classified as dangerous may not be declassified from said designation. An animal classified as potentially dangerous may be declassified from such after one (1) year, if the conditions posed under this Section were met for the uninterrupted period and upon the Municipal Court's approval. The Municipal Court may declassify an animal after the applicable period despite violations if it determines that the violations were not systematic or serious and upon the imposition of a fee.

SECTION 7.

Section 11-4-15 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 11-4-15. - Restraining.

(a) It shall be unlawful and a **[municipal] strict liability** offense for any person owning, **possessing, harboring, keeping,** or having charge of any dog or other animal, except a domestic cat, to permit such animal to be at large **within the city**. A dog or other animal shall be deemed to be at large when it is off or away from the premises of its owner or person having charge thereof, and not under the direct physical control of such person or another by either leash, cord or chain. **No dog shall be deemed to be running at large when the dog is upon the premises of a city dedicated off-leash dog park.** An animal found at large and not in the charge of such a person shall be impounded by an Animal Control Officer. Animals injured on public property shall be impounded and given adequate veterinary medical treatment pending notification **of and at the cost** of the owner. **The Animal Control Officer may impound in accordance with this provision without first obtaining a warrant.**

(b) Any unspayed female dog in the stage of estrus (heat) shall be confined during such period of time in a house, building or secure structure or enclosure of sufficient construction so as to prevent other dogs from gaining access to the confined animal; provided, however, that this Subsection (b) shall not operate to prohibit the controlled breeding of such animal with another dog if the owner of such other dog consents to the breeding of the animals. The owner of any such dog who fails to confine the same as required by this Section may be ordered by an Animal Control Officer to have the animal confined in a boarding kennel, veterinary hospital or animal shelter; provided that, upon the failure of the owner to do so within three (3) days, such dog may be impounded by an Animal Control Officer. All expenses of such confinement shall be the sole responsibility of the dog owner.

SECTION 8.

Section 11-4-16 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 11-4-16. - Disposition of impounded animals.

(a) As soon as practical after the impoundment of any animal **pursuant to Pueblo Municipal Code §11-4-13, §11-4-14, §11-4-15, §11-4-21 or for the abatement**

of any nuisance provided for in this Chapter, notice of impoundment shall be posted in a conspicuous place at the Pueblo Animal Shelter for five (5) consecutive days. If the owner of the impounded animal can be determined by examination of the animal's vaccination tag or from other identifying tags or markings, immediate notice shall be given to such owner.

(b) Any impounded animal may be redeemed by the owner upon payment of the impound fee, care and feeding charges, veterinary charges, if any, and such other charges as periodically established by the City or designated Shelter Operator. If the animal has not been vaccinated [for rabies] and is required by the provisions of this Chapter to be so vaccinated, the owner shall not be given custody of the animal until steps are taken to so vaccinate the animal. **Should a registered Doctor of Veterinary Medicine be unavailable to perform the vaccination, the owner may obtain a rabies voucher for the animal to be vaccinated at a later date and take the animal into his or her custody.** Unless otherwise modified by resolution of the City Council or by the designated Shelter Operator, the redemption amounts identified herein shall be charged.

(1) Redemption amounts; impoundment. The redemption amount for charges associated with the impoundment of an animal is [thirty] **forty** dollars (\$[30.00] **40.00**) for the first impoundment, [forty] **fifty** dollars (\$[40.00] **50.00**) for the second impoundment and [sixty] **seventy-five** dollars (\$[60.00] **75.00**) for the third impoundment and each impoundment thereafter within a twelve-month period.

(2) Redemption amounts; daily care and feeding. The redemption amount for charges associated with the daily care and feeding of an impounded animal shall be as follows:

a. Impounded but not quarantined dog, [ten] **fifteen** dollars (\$[10.00] **15.00**) per day;

b. Impounded but not quarantined cat, [ten] **fifteen** dollars (\$[10.00] **15.00**) per day;

c. Impounded and quarantined dog, [fifteen] **twenty** dollars (\$[15.00] **20.00**) per day;

d. Impounded and quarantined cat, [fifteen] **twenty** dollars (\$[15.00] **20.00**) per day; and

e. All other animals, [ten] **fifteen** dollars (\$[10.00] **15.00**) per day.

. . .

(h) Within ten (10) days of the impoundment of any animal pursuant to Pueblo Municipal Code §11-4-13, §11-4-14, or §11-4-21, the redemption costs associated with the first thirty (30) days of impoundment are due. Thereafter, costs of care are due every subsequent thirty (30) days, unless the animal is abandoned by the owner or voluntarily surrendered to the Pueblo Animal Shelter. In the event an animal is returned to the owner before the end of a thirty (30) day period, the Shelter shall refund the redemption costs for the time the animal was not impounded. Should the owner of an animal fail to pay any amount due under this subsection, the Municipal Court may order the owner to pay said amounts through an order for restitution, declare the animal abandoned, or both order restitution and declare the animal's abandonment.

SECTION 9.

Section 11-4-18 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 11-4-18. - Spread of rabies.

(a) Whenever the Mayor, upon recommendation of the Health Department or the City Council, shall apprehend the danger of rabies in the City, the Mayor shall issue a proclamation requiring every person owning an animal to confine it securely on his or her premises unless such animal shall be leashed and shall have a muzzle of sufficient strength to prevent its biting any person or animal. Any dog or other animal at large during the pendency of such proclamation shall be seized and impounded by the proper authorities. Upon issuance of said proclamation, the owners of all **[cats] animals** shall henceforth have said **[cats] animals** vaccinated in the same manner as provided by this Chapter for the vaccination of dogs.

(b) Whenever the Mayor, upon recommendation of the Health Department or a City department, finds that a specific animal poses an imminent danger to the health, general welfare, or safety of persons or animals due to rabies, the Mayor may declare said animal to be a nuisance to be immediately abated and order its impoundment or euthanization and testing for rabies. Should an owner of the animal, if any, refuse to comply with the Mayor's order, the Municipal Court may issue a warrant for the animal pursuant to Rule 241 of the Colorado Municipal Court Rules.

(c) The City shall not bear the cost of impoundment, euthanization, or testing for any animal seized pursuant to this Section. Should the owner of an animal fail to pay any amount due, the Municipal Court may order the owner to pay said amounts through an order for restitution.

SECTION 10.

Section 11-4-19 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 11-4-19. - Poisoning of animals.

It shall be unlawful and a Class 1 municipal offense for any person to poison any wild or domesticated animal, including dogs and other household pets, or to distribute any poison in any manner whatsoever with the intent or for the purpose of poisoning any wild or domesticated animal; provided, however, that this Section shall have no application to the use of poisons by licensed veterinarians, nor to the use of poisons designed to kill insects or wild prairie dogs, rats and mice. The distribution of any poisons or poisoned meats or foods, other than those designed to kill wild insects, rats, prairie dogs and/or mice, shall constitute prima facie evidence of a violation of this Section. **The intentional provision of marijuana, marijuana products, alcohol, alcohol products, or illegal substances to an animal, or failing to provide care and treatment for an animal that has inhaled or ingested marijuana, alcohol, or an illegal substance, shall constitute poisoning under this Section.**

SECTION 11.

Section 11-4-20 of the Pueblo Municipal Code is hereby amended to add a new subsection as follows:

Sec. 11-4-20. - Penalties.

. . .

(d) Each count under Section 11-4-21 is a separate offense that must be charged separately and may not be aggregated. After a hearing an animal may be forfeited or declared abandoned by order of the Municipal Court. In addition to normal penalties, the Court may order that the defendant pay for rehabilitation of an animal. If the Court determines rehabilitation is remote or impossible, the Court may order humane euthanasia at the owner's expense and in accordance with Chapter 4.5 of this Title XI.

SECTION 12.

Section 11-4-21 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 11-4-21. – [Animals; cruelty to] Cruelty to animals; humane care.

(a) It shall be unlawful and a Class 1 municipal offense for any person to commit or to assist another in committing any act of cruelty, harassment, **or** abandonment **[or torture]** to any animal, or to cause such animal to be wounded, **[mutilated,]** strangled, or inhumanely killed. For the purpose of this Section, act of cruelty shall include but not be limited to beating, mistreating, tormenting, overloading, overworking, neglecting, failing to adequately feed, **failing to provide necessary veterinary care,** or otherwise abusing any animal. Ownership of an animal shall not constitute a valid affirmative defense to a charge of violating any of the provisions of this Section. **[It shall also be unlawful and a Class 1 municipal offense for any person to cause, instigate or permit any dog fight or combat between animals or between animals**

and humans.]

(b) The Animal Control Officer has the discretion and authority, without a warrant, to impound and keep any animal if the animal has suffered an act of cruelty and the animal is at risk for suffering continued acts of cruelty if not impounded. An animal impounded under this Section may not be returned to the owner until after a hearing on the charge, at which time the Municipal Court may return the animal to its owner, declare the animal forfeited and impounded, or order humane euthanasia in accordance with Chapter 4.5 of this Title XI if deemed necessary for public health and safety. The owner of the impounded animal shall be responsible for the payment of all charges and fees, including those for impoundment, boarding, euthanasia, disposal, veterinary and all other services as needed. When a veterinarian, animal shelter, Animal Control Officer or law enforcement officer has determined that an animal is critically ill or injured, is suffering extreme pain or has a poor prognosis for recovery, nothing in this Chapter shall be construed to prevent the immediate destruction of such domestic or wild animal.

(c) It shall be unlawful and a municipal offense to leave an animal in an unattended vehicle without adequate ventilation or in any manner which subjects the animal to extreme temperatures that are dangerous or detrimental to the animal's health or welfare. The Animal Control Officer has discretion to enter the vehicle to retrieve the animal if they reasonably believe that the animal's life is in danger and the officer is unable to locate or contact the owner, or if other exigent circumstances exist.

(d) It is a finding of the City that tethering an animal leads to under-socialization and greater aggression in an animal, threatening public health and safety. Therefore, it shall be unlawful to tether an animal for a cumulative total of more than four (4) hours in any twenty-four (24) hour period or to otherwise fail to meet the requirements of this section. It shall be unlawful to tether an animal for a cumulative total of more than thirty (30) minutes where the weather is detrimental to the health and safety of the animal, including, but not limited to, temperatures of ninety (90) degrees or over, or temperatures of forty (40) degrees or lower. Animals shall not be tethered outside during persistent rain, sleet, hail, or snow, or other dangerous conditions. It shall be unlawful to tether an animal in such a way that the animal presents a substantial risk of hanging or injuring itself, including through entanglement in dangerous debris. An animal control officer or other peace officer observing and recording the tethered animal at least once an hour shall create the rebuttable presumption that the animal was tethered in between said observations. For the purpose of tethering a dog, a chain, leash, rope, or other tether shall be at least ten (10) feet long. However, the tether may be shorter to, and must in all cases, restrict the dog and keep it at least six (6) feet from the property line or any public sidewalk or right-of-way. It shall be unlawful to use a tether that is excessively heavy and endangers the health of an animal. Violation of this Subsection shall constitute cruelty to the animal and be a Class 1 municipal offense.

(e) No owner of an animal shall fail to provide it with minimum care and to ensure that its enclosure is not overcrowded, unclean, or unhealthy.

(f) An animal is deprived of minimum care if it is not provided with care sufficient to preserve the health and well-being of the animal considering the species, breed and type of animal; and, except for emergencies or circumstances beyond the reasonable control of the owner, minimum care includes, but is not limited to, the following requirements:

(1) Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight. Food receptacles should be located for easy accessibility to the animal and to minimize contamination from trash, debris and waste.

(2) Open or adequate access to potable water in sufficient quantity to satisfy the animal's needs. Water receptacles must be kept clean and sanitary.

(3) In case of animals other than livestock or poultry, access to a barn, doghouse or other enclosed structure:

a. Sufficient to protect the animal from wind, rain, snow, sun, or other elements of the weather;

b. Which has adequate bedding to protect against cold and dampness;

c. Which is large enough to prevent overcrowding and to allow the animal to turn about freely and to easily stand and lie in a comfortable normal position;

d. Which is structurally sound and maintained in good repair so as to contain the animal and protect it from injury and adverse conditions; and

e. That is adequately ventilated to provide for the health and comfort of the animal.

(4) Veterinary care deemed necessary by a reasonable and prudent person to relieve distress from injury, neglect or disease.

(5) Premises on which the animals are kept shall be kept clean, healthy and in good repair to protect the animal from injury and disease and so that the animal can avoid contact with feces, urine, moisture, trash or debris.

SECTION 13.

Section 11-4-24 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 11-4-24. - Disposition of animal carcasses.

It is hereby declared to be a nuisance and it shall be unlawful and a municipal offense for any person to permit the carcass of any animal to remain upon property owned, controlled or occupied by such person in the City for a period of more than twenty-four (24) hours following the death of such animal, or to bury the carcass of any animal upon any property within the City. **It shall be unlawful to dump or abandon any dead animal on any public or private property within the City. If any animal dies on public property, it may be removed by an Animal Control Officer or law enforcement officer. The owner shall be responsible for disposal fees in addition to penalties for violation of Section 11-4-15 of this Chapter, if applicable.**

SECTION 14.

Section 11-4-26 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 11-4-26. - Maiming; abandoning; rendering aid.

It shall be unlawful and a municipal offense for any person to abandon any [dog or other small] animal or to fail to stop and attend to such animal if such person strikes it with a vehicle, or to in any way maim or harm any such animal.

SECTION 15.

Section 11-4-29 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 11-4-29. – [Reserved] Enjoinment.

Any person convicted of a crime and sentenced for a violation of Section 11-4-14 (Dangerous animals; potentially dangerous animals), 11-4-15 (Restraining), or 11-4-21 (Cruelty to animals; humane care) may at the discretion of the Municipal Court be enjoined from owning any animals as defined by Section 11-4-1 of the Pueblo Municipal Code, or otherwise maintaining any animals on their property within the City limits, for up to one year, along with any other appropriate penalty imposed by the Municipal Court.

SECTION 16.

Section 11-4-31 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 11-4-31. - Keeping of animals and fowl which disturb comfort, peace, etc., of neighborhood.

(a) It is hereby declared to be a nuisance, and it shall be unlawful and a municipal offense for any person to keep or permit upon any parcel of land within the City any animal or fowl which by any sound, cry, or offensive odor shall disturb the peace and comfort of any neighborhood, or interfere with any person in the reasonable

and comfortable enjoyment of life or property, or in any other manner present an unreasonable hazard to the public health, safety, or welfare.

(b) For the purpose of this Section, it shall be presumed that the barking, whining, howling, baying or crying of any dog continuously for a period of time in excess of **[five] ten (10 [5])** minutes or intermittently for a period of time in excess of one (1) hour, which is plainly audible from a distance of twenty-five (25) feet from the property line of the premises where the dog is kept, constitutes a nuisance. The presumption may be rebutted by evidence that such barking, whining, howling, baying or crying was caused, at that relevant time, by either taunting of the dog by a person or persons other than the owner or person in control of the dog, injury to the dog which is not the result of neglect or abuse by the owner or person in control of the dog, or trespass upon the premises where the dog is kept.

SECTION 17.

Section 11-4-32 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 11-4-32. - Nuisances; certain fowl and animals.

(a) It is hereby declared to be a nuisance, and it shall be unlawful and a municipal offense for any person to suffer or permit any chicks, chickens, geese, ducks or turkeys, or any hare or hares, rabbit or rabbits, **rat or rats, [or] cavy or cavies, or other fowl or rodents** owned or controlled by such person to run at large or to go upon the premises of any other person in the City.

(b) It is hereby declared to be a nuisance, and it shall be unlawful and a municipal offense for any person to keep or maintain any chicks, chickens, geese, ducks, turkeys, pigeons, doves, **[or] squabs, or other fowl** in an enclosed structure or building within eight (8) feet of the property line of any adjacent improved lot or parcel of land or in an unenclosed structure or open pen or run within fifteen (15) feet of such property line or, whether enclosed or unenclosed, within fifty (50) feet of any dwelling other than that occupied by such person.

(c) It is hereby declared to be a nuisance, and it shall be unlawful and a municipal offense for any person to keep or maintain any hare or hares, rabbit or rabbits, **rat or rats, [or] cavy or cavies, or other rodents** in any structure, enclosed or unenclosed, within ten (10) feet of the property line of any adjoining improved lot or parcel of land or within forty (40) feet of any dwelling other than that occupied by such person.

. . .

(f) It is hereby declared to be a nuisance, and it shall be unlawful and a municipal offense for any person to keep or maintain in the City more than ten (10) rabbits, hares, **rats** or cavies over the age of eight (8) months, and the offspring of such rabbits, hares, **rats** or cavies.

. . .

SECTION 18.

Section 11-4-33 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 11-4-33. - Prohibited animals.

(a) It is hereby declared to be a nuisance, and it shall be unlawful and a municipal offense for any person to keep, pasture or maintain in the City any wild animals, poisonous snakes, constricting snakes over twelve (12) feet in length, hogs, pigs, swine, sheep, horses, emus, rheas, ostriches, llamas, cattle, pea fowl, guinea hens or goats, except in a public zoo; except that hogs, pigs, swine, sheep, horses, cattle, pea fowl, guinea hens or goats may be kept upon land zoned for agricultural use, provided that said animals are kept, pastured and maintained in compliance with this Chapter and all applicable ordinances of the City.

(b) Notwithstanding anything to the contrary in Subsection (a) of this Section, it shall not be unlawful for any person to possess, harbor, keep or maintain not more than **[one (1)] two (2)** domesticated pot-bellied pig upon any premises within the City, provided that said person complies with all other provisions of this Chapter. **Domesticated pot-bellied pigs shall not exceed one hundred (100) pounds. Any such pigs must be registered with the Pueblo Animal Shelter, spayed or neutered if over two (2) months old, and vaccinated. Pot-bellied pigs must be licensed under P.M.C. 11-4-43, 11-4-44, 11-4-45, and 11-4-46.**

(c) **Notwithstanding anything to the contrary in Subsection (a) of this Section, it shall not be unlawful for any person to possess, harbor, keep or maintain not more than two (2) domesticated miniature goats upon any premises within the City. Domesticated miniature goats shall not exceed one hundred (100) pounds. Any such goats must be registered with the Pueblo Animal Shelter, neutered if over two (2) months old, vaccinated, and hornless or debudded. Miniature goats must be licensed under P.M.C. 11-4-43, 11-4-44, 11-4-45, and 11-4-46. The person possessing, harboring, keeping or maintaining the goat or goats must comply with all other provisions of this Chapter.**

(d) **Any animal which constitutes a known safety or health hazard or other type of nuisance, may at the order of the Mayor be impounded in accordance with this Chapter and shall not be released to the owner or any other person; provided, however the animal may be released to the appropriate authorities or zoo if applicable. Animals may be humanely euthanized in accordance with Chapter 4.5 of this Title XI if in the opinion of the License Officer the animal constitutes a safety or health hazard.**

SECTION 19.

Section 11-4-43 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 11-4-43. - Licenses.

(a) It shall be unlawful and a Class 2 municipal offense for any person to own, keep or harbor **[a dog or cat] an animal** over the age of **[six (6)] four (4)** months within the City without obtaining a license for such **[dog or cat] animal**.

(b) This Section shall not apply to **[dogs or cats] animals**:

(1) Temporarily within the City for not more than thirty (30) days;

(2) Located in licensed pet shops or at licensed dog racing facilities; or

(3) Held for redemption or sale by a licensed animal shelter.

(c) A special license shall be created for animals adjudicated to be dangerous or potentially dangerous, where it shall be unlawful and a Class 2 municipal offense for any person to own, keep or harbor a dangerous or potentially dangerous animal without first obtaining such a license.

SECTION 20.

Section 11-4-44 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 11-4-44. - License application; issuance.

(a) Applications for licenses shall be made on forms furnished by the License Officer.

(b) Upon presentation of an application together with a copy of the vaccination certificate or the Exemption from Rabies Vaccination Form issued for the **[dog or cat] animal** pursuant to Section 11-4-3 to the License Officer, or a veterinarian or licensed animal shelter designated in writing by the License Officer, and payment of the appropriate license fee, a license receipt for the **[dog or cat] animal** and a tag bearing a number corresponding to that of the receipt shall be issued. If an application is made to license a spayed/neutered **[dog or cat] animal**, the applicant shall in addition furnish satisfactory evidence that the **[dog or cat] animal** has been spayed/neutered, which evidence may consist of a certificate signed by a veterinarian or the affidavit of the owner that the **[dog or cat] animal** has been spayed/neutered. Without such evidence, the license issued and fee paid shall be for **[a dog or cat] an animal** which has not been spayed/neutered.

. . .

(g) A license for a dangerous or potentially dangerous animal shall meet the requirements of this Section and at a minimum incorporate the terms of any protective order issued in relation to the animal. The License Officer may add

terms and conditions that he or she deems necessary to effectuate care of the animal or compliance with the protective order. Should an owner of a dangerous or potentially dangerous animal fail to comply with the terms of this license in a timely manner and reinspection of the animal or animal's premises is required, the License Officer may impose a reasonable fee for the time and cost of said reinspection.

SECTION 21.

Section 11-4-45 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 11-4-45. - Licenses; expiration; fees.

(a) Licenses and tags may be issued and be valid for one (1) year or three (3) years from the date of issuance.

(b) The license fee for one (1) year shall be twenty-five dollars (\$25.00) for each **[dog or cat] animal** which has not been spayed/neutered or twelve dollars (\$12.00) for each **[dog or cat] animal** which has been spayed/neutered.

(c) The license fee for three (3) years shall be sixty-five dollars (\$65.00) for each **[dog or cat] animal** which has not been spayed/neutered or thirty-three dollars (\$33.00) for each **[dog or cat] animal** which has been spayed/neutered.

. . .

(g) No license fee shall be required for:

(1) Guide dogs for the blind or deaf;

(2) Service dogs used by the handicapped; **[or]**

(3) Law enforcement service and rescue dogs**[.]; or**

(4) An animal where the License Officer waives said fee. The License Officer may also charge a reduced or discounted fee at his or her discretion.

. . .

(j) There shall be a ten dollar (\$10.00) late fee for any license or tag expired for more than a week.

(k) Licenses and tags for dangerous or potentially dangerous animals may be issued and valid for one (1) year from the date of issuance. The initial license fee, and any renewal fee, shall be one hundred dollars (\$100.00) for dangerous animals and fifty dollars (\$50.00) for potentially dangerous animals. Should a protective order be removed, a dangerous or potentially dangerous

animal shall no longer be required to obtain a special license, and thereafter, the owner shall instead obtain a regular license for the animal.

SECTION 22.

Section 11-4-46 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 11-4-46. - License tags.

(a) It shall be unlawful and a Class 2 municipal offense for an owner of a dog over the age of four (4) months or older to fail to cause the license tag to be attached to the collar, harness or other device worn by the licensed dog and to thereafter maintain the license tag upon such dog. If any dog is found not wearing a collar with the license tag attached, the owner of the dog shall be deemed in violation of this Section.

(b) It shall not be required of the owner of any **[cat] other animal** to affix the license tag to the licensed **[cat] animal**; however, it shall be unlawful and a Class 2 municipal offense for the owner of **[a cat] an animal** to fail or refuse to exhibit the tag issued for the **[cat] animal** and his or her copy of the license receipt upon demand of any person enforcing this Chapter.

SECTION 23.

Section 11-4-48 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 11-4-48. - Sale in public places.

(a) No person shall display any **[dog or cat] animal** for the purpose of selling or giving the **[dog or cat] animal** away:

(1) On any street, highway, alley, sidewalk, public place or park; or,

(2) In an open area where the public is invited by the owner or person controlling such area, including, but not limited to, areas exterior to shops or businesses, carnivals and flea markets.

(b) Subsection (a)(2) above shall not be applicable to the display of any **[dog or cat] animal** for adoption by the Shelter Operator or by a tax-exempt nonprofit organization whose purpose is to protect **[dogs and cats] animals**, including the humane treatment and disposition of **[dogs and cats] animals**; provided, however, that such organization:

(1) Holds a current license issued under the Colorado Pet Animal Care and Facilities Act for a pet animal facility located in Pueblo County, Colorado,

(2) Does not engage in the business of breeding or raising [dogs and cats] **animals**, and

(3) Does not coax or cajole any person to adopt [a dog or cat] **an animal**.

(c) It shall be unlawful and a Class 2 municipal offense for any person to violate any provision of this Section.

SECTION 24.

Section 11-4-55 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 11-4-55. - Enforcement of provisions by Shelter Operator.

(a) The shelter operator or an Animal Control Officer shall have the right to trap in a humane manner any cat that is deemed to be a threat to public health or safety. Any feral cat considered a [vicious] **dangerous** animal shall be confined and euthanized, if appropriate, as provided in Chapter 4.5 of this Title XI.

(b) Nothing in this Section shall limit an Animal Control Officer's ability to trap and impound stray cats that present a nuisance as set forth in Section 11-4-8 of this Chapter.

SECTION 25.

Section 11-4.5-4 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 11-4.5-4. - Animal holding periods.

. . .

e. Nothing in Section 11-4.5-4(d)(i), (ii) and (iii) prevents an animal shelter from euthanizing an irremediably suffering animal, a [vicious] **dangerous** animal, an unsafe animal, or a court-declared dangerous animal without delay, pursuant to and consistent with the requirements of C.R.S. § 35-80-106.3(1).

SECTION 26.

Section 11-4.5-5 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 11-4.5-5. - Animal care.

a. Every animal shelter shall provide all animals during the entirety of their shelter stay with fresh food, fresh water, and environmental enrichment to promote the animals' psychological well-being through socialization and the use of toys and treats, as needed. Dogs that are owned by the shelter shall be given adequate exercise. The requirements of this Subsection (a) are not applicable to dogs exhibiting **[vicious] dangerous** behavior towards people or adjudged to be **[vicious] dangerous** by a court of competent jurisdiction.

. . .

SECTION 27.

Section 11-4.5-7 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 11-4.5-7. - Animal euthanasia procedures.

a. Euthanasia shall be by lethal intravenous injection of sodium pentobarbital except as follows:

(i) Intraperitoneal injections may be used only when intravenous injection is not possible for: infant animals; companion animals other than cats and dogs; or unconscious or comatose animals with depressed vascular function.

(ii) Intracardiac injections may be used when intravenous injection is not possible for animals who are completely unconscious or comatose.

b. No one other than a licensed veterinarian or staff trained to perform euthanasia shall perform the procedures referenced in this Section 11-4.5-7.

c. No animal shall be allowed to witness any other animal being euthanized or to see the bodies of animals that have been euthanized.

d. Animals may be sedated or tranquilized before being euthanized as necessary to minimize their stress or discomfort, or in the case of **[vicious] dangerous** animals, to ensure staff safety. Neuromuscular blocking agents shall not be used.

. . .

SECTION 28.

The officers and staff of the City are authorized to perform any and all acts consistent with this Ordinance to implement the policies and procedures described herein.

SECTION 29.

This Ordinance shall become effective thirty (30) days following final passage and approval.

Action by City Council:

Introduced and initial adoption of Ordinance by City Council on _____.

Final adoption of Ordinance by City Council on _____.

President of City Council

Action by the Mayor:

Approved on _____.

Disapproved on _____ based on the following objections:

Mayor

Action by City Council After Disapproval by the Mayor:

Council did not act to override the Mayor's veto.

Ordinance re-adopted on a vote of _____, on _____

Council action on _____ failed to override the Mayor's veto.

President of City Council

ATTEST

Acting City Clerk

