



Background Paper for Proposed Ordinance

COUNCIL MEETING DATE: March 14, 2022

TO: President Heather Graham and Members of City Council
CC: Mayor Nicholas A. Gradisar
VIA: Marisa Stoller, City Clerk
FROM: Mike Miller, Assistant City Attorney
SUBJECT: AN ORDINANCE AMENDING TITLE XI OF THE PUEBLO MUNICIPAL CODE
TO CORRECT TERMINOLOGY FOR VENOMOUS ANIMALS

SUMMARY:

Attached for consideration is a text amendment that will amend Title XI of the Pueblo Municipal Code, correcting language for venomous animals.

PREVIOUS COUNCIL ACTION:

Not applicable to this Ordinance.

BACKGROUND:

The Pueblo Municipal Code, as originally enacted, prohibits poisonous animals as pets within the City. However, "poisonous" refers to something that is ingested, whereas "venomous," the correct term, refers to an animal that injects poison when it bites. This ordinance corrects the language of the code, clarifying that the provisions apply to venomous animals.

FINANCIAL IMPLICATIONS:

There are no financial implications for the City.

BOARD/COMMISSION RECOMMENDATION:

Not applicable to this Ordinance.

STAKEHOLDER PROCESS:

Not applicable to this Ordinance.

ALTERNATIVES:

If the code is not amended in accordance with this Ordinance, issues with regards to enforcement could occur.

RECOMMENDATION:

Staff recommends approval of this Ordinance.

Attachments:

Proposed Ordinance

ORDINANCE NO. 10145

AN ORDINANCE AMENDING TITLE XI OF THE PUEBLO
MUNICIPAL CODE TO CORRECT TERMINOLOGY FOR
VENOMOUS ANIMALS

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

SECTION 1.

Section 11-1-405 of the Pueblo Municipal Code is hereby amended to read as follows:

Sec. 11-1-405. - Nuisances.

(a) Definitions. As used in this Section:

(1) Nuisance shall mean any substance, condition or activity which results in a condition detrimental to the health or safety of any of the inhabitants of the City, and includes but is not limited to those substances, conditions and activities specifically deemed to be nuisances either by this Chapter or by any other ordinance of the City.

(2) *Wild or dangerous animal* shall mean and include any and all species of:

(i) [poisonous] **venomous** reptiles; (ii) lizards belonging to the family Varanidae; (iii) crocodilians with a length greater than one (1) foot; (iv) all species of nonhuman mammals excepting the: (A) domestic cat (*Felis catus*); (B) Chinchilla (*Chinchilla laniger*); (C) domestic dog (*Canus familiaris*); (D) domestic ferret (*Mustelaputoris furo*); (E) Mongolian gerbil (*Meriones unguicularus*); (F) guinea pig (*Cavia porcellus*); (G) hamster (*Mesocricetus auratus*); (H) domestic mouse (*Mus domesticus*); (I) domestic rabbit (*Orycholagus cuniculus*); (J) domestic rat (*Rattus rattus albino strain*); (K) squirrel monkey (*Saimiri scuirous*); (L) owl monkey (*Aotus trivirgatus*); (M) wooley monkey (*Lagothrix lagothrica*); (N) horse; (O) mule; (P) donkey; (Q) burro; (R) cow or bull; (S) sheep; (T) goat; (U) pig; (V) chicken; (W) goose; (X) duck; (Y) turkey; or (Z) honeybee, provided, however, that the number of honeybees does not exceed the number contained in two (2) beehives located on the same property. For purposes of subparagraph (Z), a beehive shall mean any container housing no more than one (1) colony of honeybees including one (1) queen bee.

...

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:

...

(14) *Wild animal* shall mean any species of animal which exists in a natural unconfined state and is not commonly domesticated or suitable for domestication. The term specifically includes, without limitation, all species of [poisonous] **venomous** reptiles, lizards belonging to the family Varanidae and crocodilians.

...

SECTION 3.

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] **venomous** 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 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. Sections 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. Sections 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 4.

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

SECTION 5.

This Ordinance shall become effective thirty (30) days after final action by the Mayor and City Council.

Action by City Council:

Introduced and initial adoption of Ordinance by City Council on March 14, 2022.

Final adoption of Ordinance by City Council on March 28, 2022.



President of City Council

Action by the Mayor:

☒ Approved on March 30, 2022.

☐ Disapproved on _____ based on the following objections:



Mayor

Action by City Council After Disapproval by the Mayor:

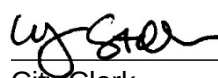
☐ Council did not act to override the Mayor's veto.

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

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

President of City Council

ATTEST



City Clerk