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RATON - COLFAX COUNTY EXTRA-TERRITORIAL

ANIMAL CONTROL

ORDINANCE NO. 89-6

ARTICLE I. IN GENERAL

Sec. 1-1. Definitions.

As used in this chapter, the following words and terms shall, unless the context indicates a different meaning, have the meaning given herein:

- a. Animal: All vertebrates, excluding man.
- b. Animal Control Officer: The animal control officer of the participating entity, to include town, village, or municipality.
- c. Animal Shelter: Any establishment authorized by the entity for the care and custody of impounded animals.
- d. Bite: A puncture or tear of the skin inflicted by the teeth of an animal.
- e. Exotic Animal: An animal which is rare or different from ordinary domesticated animals and is not indigenous to the state.
- f. Keeper: Any person who owns, harbors, keeps, or has control or custody of an animal for more than six (6) days; provided, that this term shall not apply to veterinarians or kennel owners temporarily maintaining on their premises animals owned by others.
- g. Kennel: An establishment for the breeding and boarding of dogs
- h. Animal Control Zone: That area lying within a three mile area outside the exterior boundaries of the entity.
- i. Nuisance: Means, but is not limited to, activity disturbing the peace, emitting noxious or offensive odors, or otherwise endangering or offending the environment of the entity.
- j. Quarantine: To detain or isolate an animal suspected of being infected with rabies.
- k. Running at large: An animal off the premises of the keeper and not under the direct control of a competent person. Direct control means connected by a secure leash not over six (6) feet in length or some other equivalent means of direct control.

- l. Stray or estray: Any animal that has no identifiable keeper.
- m. Vaccination: The vaccination of an animal with an antirabies vaccine approved by the secretary of the health and environment department and administered under the supervision of a veterinarian.
- n. Veterinarian: Any veterinarian licensed in the state.
- o. Vicious animal: Any animal which commits an unprovoked attack upon a person on private property, or which terrorizes or attacks a person on public property or in a public place.
- p. Wild animal: Any animal which is wild by nature and cannot normally be domesticated or controlled.

Sec. 1-2. Animal control officer; appointment.

The entity shall appoint an animal control officer whose duties shall be as prescribed in this chapter. The appointed animal control officer or his designated agent shall have the authority to issue a citation for violation of this ordinance and to perform such duties as are prescribed herein.

Sec. 1-3. Use of false and stolen documents.

It shall be unlawful for any person to transfer any license or rabies tag from one animal to another or to make use of a stolen counterfeit, or forged license, certificate or tag.

Sec. 1-4. Barking, howling, etc. animals.

It is unlawful for a keeper to allow any animal to persistently bark, howl, or make noise or to be kept or maintained in such a manner as to disturb or otherwise endanger the health and welfare of the inhabitants of the neighborhood.

Sec. 1-5. Cruelty to animals.

(a) Physical abuse. It is unlawful for any person to maliciously kill, maim, torture, mutilate, burn or to cruelly drive or work any animal.

(b) Poisoning. It is unlawful to poison domestic animals or to distribute poison or toxicants in any manner with the intent of so poisoning.

(c) Care and maintenance. It is unlawful for any keeper to fail to provide an animal with proper food, drink and shelter, or to carry an animal in or upon any vehicle in a cruel or inhumane manner.

Sec. 1-6 Causing animals to fight.

It is unlawful to cause, instigate, or promote any fight in which two(2) or more animals are engaged for the purpose of injuring, maiming or destroying themselves or another animal.

Sec. 1-7 Abandonment.

It is unlawful to abandon any animal within the Animal Control Zone.

Sec. 1-8. Use as premiums and novelties..

It is unlawful to sell, offer for sale, barter, or give away any live animal as a premium, prize, award, novelty, or incentive to purchase merchandise; it is unlawful to color, stain or dye any chicken, duckling or fowl.

Sec. 1-9. Wild and exotic animals.

(a) Keeping certain animals prohibited. Keeping the following animals is prohibited:

(1) Wild animals kept in such a numbers or in such a manner as to constitute a likihood of harm to the animals themselves or to other animals, or to human beings, or which constitute a public or private nuisance.

(2) Exotic or wild animals prohibited by federal or state law or regulation.

(b) Permit required. No person shall receive, purchase, own or keep wild or exotic animals without first applying for and receiving from the state department of game and fish a permit to do so. The applicant must provide evidence or knowledge and facilities for the care and feeding of the animals involved. The animal control officer is permitted to enter the premises of any permittee hereunder at any reasonable time for the purpose of inspection or reinspection to determine compliance with this chapter. The department of game and fish may deny, revoke, or suspend a permit for failure to comply with this chapter. A separate permit shall be required for each species of wild or exotic animal.

Sec. 1-10. Enforcement.

It shall be the duty of the appointed animal control officer to enforce the terms of this chapter through the issuance of a complaint or citation.

Sec. 1-11. Complaint or citation notifies violators to appear.

The complaint or citation shall notify violators to appear before the magistrate judge and answer charges of violations of any provision of this chapter as may be requested.

Sec 1-12. Failure to obey complaint or summons.

Any person who fails to appear before the magistrate judge for any violation of this chapter within the time set forth in the complaint is guilty of misdemeanor regardless of the disposition of the original charge for which he was cited.

ARTICLE II. DOGS**DIVISION 1. GENERALLY****Sec. 1-13. Running at large generally.**

It shall be unlawful for any keeper of a dog to permit such animal to run at large, in any part of the Animal Control Zone except on his own premises, or unless such dog is in the direct control of such keeper, as herein set forth. The keeper of any dog which runs at large shall be liable for any and all damage which it may cause to the person or property of another.

Sec. 1-14. Certain dogs running at large declared public nuisance.

Every fierce, dangerous or vicious dog, or bitch while in estrus (heat), when running at large, is hereby declared to be a public nuisance; and it shall be the duty of the animal control officer or any Law Enforcement Officer to take up and confine any such dog, or if necessary, to destroy such dog at once, whether or not the same may be registered.

Sec. 1-15. Confinement during estrus.

Any female dog in the state of estrus (heat) shall be confined to a building or other secure enclosure so that contact with a male animal of the same species will be prevented except for intentional breeding purposes. Keepers who do not comply with this section may be required to place such animal in a boarding kennel or veterinary

hospital at the keeper's expense.

Sec. 1-16. Vicious animal.

It is unlawful for any person to keep or harbor any animal known to be vicious and liable to attack and injure human beings unless such dog is securely kept so as to prevent injury to any person. It is unlawful to keep any unvaccinated dog or any dog which has shown any symptoms of rabies.

DIVISION 2. LICENSING AND REGISTRATION

Sec. 1-17. Required; fee; prerequisites.

(a) Every keeper of one dog and not more than three (3) dogs, six (6) months of age or older; shall procure a license.

(b) The license fee shall be two dollars (\$2.00) for each male or spayed female and three and one-half dollars (\$3.50) for each unspayed female dog, and each dog so licensed shall wear on its collar a metallic tag to be furnished by the entity with the number and year of registration to be marked thereon.

(c) Every keeper of more than three(3) dogs, six(6) months of age or older, not meeting the provisions of division 3 of this article, shall procure a license as hereinabove described. It is further ordained that in order to maintain more than three (3) dogs under this section, it is hereby made necessary for the keeper thereof, to obtain the written consent from every household within a radius of five hundred (500) feet of such proposed location, and in the event of the change of occupancy of any of the property within five hundred (500) feet, written consent to the maintenance of the animals from any and all succeeding occupants of such premises shall be obtained.

(d) Before any dog is registered, it shall be vaccinated against rabies by a licensed veterinarian. The certification of vaccination of such dog in this state or showing vaccination in another state or country in conformity with the vaccination requirements in this state shall be presented to the entity when application is made for registration. No dog shall be registered until such certificate is furnished showing proper vaccination and that the period of immunity is unexpired. It shall be the duty of the keeper of any dog to have such dog revaccinated for rabies within one week after expiration of each period of immunity.

(e) License fees shall be paid annually not later than January thirty-first of each year and full amount shall be paid of any fraction of the licensing year. Upon collection of the license fee by the entity, a dated and numbered certificate shall be issued stating the name and address of the owner, rabies tag number, and the animal's

description. No license fee shall be charged for guide dogs trained to lead a blind person.

(f) No dog shall be licensed without proof of rabies vaccination as provided in this chapter.

Sec. 1-18. Certificates and tags.

The current license and rabies tag shall be affixed to a dog licensed under this division at all times except when the dog is being kept in an approved kennel, veterinary hospital or training class. The original license and the rabies certification of all dogs shall be retained by the owner and shall be available for inspection by any person charged with enforcement of this chapter.

Sec. 1-19. Loss of license tag.

In the event the original license tag is lost, the keeper shall obtain a duplicate tag from the entity at a cost of two dollars(2.00).

DIVISION 3. KENNELS

Sec. 1-20. License - Required; term; prerequisites; fee.

(a) No person, group of persons, or business entity in the Animal Control Zone may own, keep or harbor more than three (3) dogs of three months of age or older, without obtaining a kennel license.

(b) Persons operating a kennel must obtain a non-transferable kennel license, which shall be posted in a conspicuous place in the kennel. A kennel license shall expire on December thirty-first of each year and shall be renewed by February first of the following year. No kennel license may be issued without an inspection certificate issued by the animal control officer. The annual kennel license fee shall be twenty-five dollars (\$25.00).

Sec. 1-21. Same - Denials, suspensions and revocations.

(a) A kennel license may be denied, suspended or revoked by the animal control officer upon a determination that the operator of the kennel or pet store is in violation of this chapter.

(b) An opportunity for a hearing on any denial, suspension or revocation shall be provided at a time and place determined by the entity.

(c) Based upon the record of such hearing the entity shall make a finding and shall sustain, modify or rescind the action considered at

the hearing. Any owner of a kennel or pet store whose license has been suspended or revoked may make application for reinstatement of the license. If, following inspection, the applicant has complied with the requirements of this chapter, the license shall be reinstated.

Sec. 1-22. Facilities and care requirements.

(a) Animal housing facilities must be structurally sound and shall be constructed of non-toxic materials. The facility shall be maintained in good repair and kept clean and sanitary at all times, so as to protect animals from disease and injury.

(b) Animals maintained in pens, cages, or runs for periods exceeding twenty-four (24) hours must be provided with adequate space to prevent overcrowding and to permit adequate exercise according to the requirements of the species. Indoor housing shall be provided with adequate ventilation and temperature control to provide for the animals' comfort and health. Sufficient lighting shall be provided by either natural or artificial means. If outside housing is provided, it must be sufficient to protect the animal from sunlight, rain, snow, or cold weather detrimental to the animal's health.

(c) Provisions shall be made for the removal and proper disposal of animal food and waste, bedding, dead animals, and debris. Disposal facilities shall be provided and operated so as to minimize vermin infestation, odors, and disease hazards.

(d) Except where indicated, for health, animals shall be provided with clean, fresh, sufficient and wholesome food and water. Food and water containers must be kept clean.

(e) Every animal kept in a kennel must be observed daily and diseased or injured animals must be provided with veterinary care.

Sec. 1-23. Inspection.

The animal control officer or his agent shall be permitted to enter, at any reasonable time, for the purpose of inspecting any kennel or pet shop to determine compliance with this chapter.

Sec. 1-24. Exemptions.

This division shall not apply to and shall not be construed to require a kennel license for:

- (1) A veterinary hospital or clinic operated by a licensed veterinarian.
- (2) A publicly owned animal control center or shelter.

- (3) A bona fide animal shelter operated by an organized humane society.

ARTICLE III. IMPOUNDMENT

Sec. 1-25. Animal shelter.

A suitable animal shelter shall be provided for the purpose of boarding and caring for animals impounded under the provisions of this chapter.

Sec. 1-26. Authorized.

Animals kept in violation of this chapter and stray animals shall be taken into custody by the animal control officer and thereupon impounded.

Sec. 1-27. Right-of-entry.

The animal control officer in performance of his duties may enter upon any unfenced lot, tract or parcel of land for the purpose of apprehending animals running at large and stray animals.

Sec. 1-28. Register.

The animal control officer, upon impounding or receiving any animal, shall register such animal by entering the breed, color, and sex of the animal and the time and place such animal was apprehended into the registry kept for this purpose.

Sec. 1-29. Notice to owner.

If the keeper of an impounded animal is known, he must immediately be notified by telephone or mail. If the keeper of the animal is not known, notice of the impoundment shall be posted in a conspicuous place at the animal shelter for a period of five (5) days.

Sec. 1-30. Redemption - Right generally.

The keeper of any animal which has been impounded under the provision of this chapter shall have the right to redeem the animal upon payment of the impounding fees, care and feeding charges, veterinary charges, and such other costs attributable to such impoundment.

Sec. 1-31. Same - Fees.

(a) The following fees shall be charged for the impoundment of any animal under the provision of this article:

- (1) First redemption within calendar year, fifteen dollars (\$15.00);
- (2) Second redemption within calendar year, thirty-five dollars (\$35.00);
- (3) Third redemption within calendar year, sixty dollars (\$60.00).

(b) Whenever any animal is impounded, an additional fee of three dollars (\$3.00) shall be charged for each day, or fraction thereof, of impoundment for feeding and caring for such animal. In addition, should the services of a veterinarian be required, in the opinion of the animal control officer, his fees shall be added.

Sec. 1-32. Same - Time.

All impounded animals shall be redeemed within five (5) days after impoundment. Any animals not redeemed within the required period shall become the property of the Raton Humane Society or other appropriate Society and may be placed for adoption upon the payment of the license fee, care and feeding charges, veterinary charges, and such other costs as set by the animal control officer, or the animal may be humanely destroyed.

Sec. 1-33. Disposition of animals being held on complaint.

If a complaint has been filed in the magistrate court against the keeper of an impounded animal for a violation of this chapter, the animal shall not be released except upon order of the court, which may also direct the owner to pay any penalties for violation of this chapter in addition to all impounding fees, care and feeding charges and veterinary fees.

Sec. 1-34. Running at large unlawful.

It is unlawful for any domestic livestock, including, but not limited to, meat cattle, horses, mules, donkeys, burros, swine, goats, sheep, or fowl, or other animals, to be turned loose, abandoned or to run at large within the limits of the Animal Control Zone or for any such animal to be tethered that it may roam across or into any street or public place in the Animal Control Zone; and it is unlawful for any person to herd or detain such animals in any streets, avenue, alley or other public place in the Animal Control Zone.

Sec. 1-35. Impoundment.

(a) The animal control officer shall take up and impound every animal found running at large in violation of this article and shall provide proper care and sustenance for such animal impounded at the expense of the entity, or the owner, if known.

(b) Within twenty-four (24) hours after any animal has been impounded the animal control officer shall notify the owner, possessor or keeper of such animal, that the animal has been impounded. If the owner, possessor, or keeper of such animal is not known or if his address cannot be determined, the animal control officer shall cause to be posted in at least two (2) conspicuous public places in the entity for five (5) consecutive days a notice of impoundment with a description of the animal.

(c) Any person who shall break or in any manner, directly or indirectly, aid in breaking into the enclosure in which any animal is impounded, without having paid all costs, charges and fees herein provided for, or who shall willfully or intentionally hinder or obstruct the animal control officer in the discharge of his official duty under the provision of this chapter, shall be, upon conviction, punished as provided by law.

ARTICLE V. RABIES CONTROL**Sec. 1-36. Annual vaccination required.**

It is the duty of every person keeping a dog or cat over the age of six (6) months to have such animal vaccinated against rabies. All dogs and cats must be revaccinated annually. Every veterinarian who vaccinates a dog or cat hereunder shall issue to the owner or keeper of the animal a numbered vaccination certificate and tag. The Certificate shall contain the name and address of the owner or keeper of the animal vaccinated, the type of vaccine used, the date of vaccination and the expiration date of the period of immunity.

Sec. 1-37. Exhibition of vaccination certificate upon demand.

Every person who keeps a vaccinated dog or cat must exhibit his copy of the certificate of vaccination upon the demand of any person charged with the enforcement of this chapter.

Sec. 1-38. Harboring unvaccinated animals.

It is unlawful for any person to keep a dog or cat which has not been vaccinated against rabies as provided herein. The penalty for violation of this section shall be a fine of fifty dollars (\$50.00).

Sec. 1-39. Report of human exposure to rabies.

Any person with knowledge that an animal has bitten a human being shall immediately report the incident to the animal control officer and to the local district health office. Every physician or other health care professional who treats a person for such a bite shall report such treatment to the local district health office within twelve (12) hours of such treatment. Such treatment must specify the name and address of the person bitten.

Sec. 1-40. Quarantine - Generally.

Any district health officer may declare a quarantine against rabies within the health district of his jurisdiction when, in his judgement, rabies exists to the extent that it is a danger to public health. Upon such declaration, all dogs within the health district shall be confined on the premises of the owner or keeper, in a veterinary hospital, commercial dog kennel or in a municipal animal shelter. After reasonable effort to apprehend any dog running at large and uncontrolled by its owner or keeper during a period of quarantine, any peace officer may kill the dog and properly dispose of the body. A quarantine shall not be removed except by order of the district health officer.

Sec. 1-41. Same - Rabies suspects.

Any dog or cat which has bitten a person shall be confined and observed for a period of ten (10) days from the date of the bite at the animal shelter, a veterinary hospital, or an approved kennel; provided, however, that, if the animal has a current vaccination for rabies and the area involved is not under quarantine for rabies, the control officer may permit quarantine of such animal at the owner's home. Home confinement shall not be permitted unless the premises have been inspected and approved for such purposes by the animal control officer.

Sec. 1-42. Same - Enforcement.

It is unlawful to remove any dog or cat from enforced quarantine during the period of confinement without consent of the responsible animal control officer.

Sec. 1-43. Procedure as to dog or cats bitten by rabid animals, etc.

Any dog or cat bitten by an animal known or proved to be rabid shall be destroyed immediately by its owner or by a peace officer; provided that, any animal which has been vaccinated at least three (3) weeks before being bitten shall be confined for ninety (90) days. At

the end of the confinement period the animal shall be released if declared free of rabies by a licensed veterinarian. If, as determined by the veterinarian, the animal develops rabies during the period of confinement, the owner or keeper shall have it destroyed and properly disposed of.

Sec. 1-44. Wild animal bites.

Bites inflicted by animals other than dogs and cats must be reported to the and discussed with the local district health office for proper disposition.

Sec. 1-45. Animal Control Zone.

An Animal Control Zone in an area three miles outside the exterior boundaries of an entity, (municipality, village or town) it is hereby created when the Board of County Commissioners and the governing body of an entity enter into a service agreement for animal control in the zone. Zones are necessary for the health, safety and welfare of persons in the zones.

Done in open Meeting the 5th day of December, 1989.

COLFAX COUNTY BOARD OF COMMISSIONERS

Mary Ann M. Hunter
MARY ANN HUNTER - CHAIRMAN

Edgar K. Bernard
EDGAR K. BERNARD - VICE CHAIRMAN

Joe M. Gallegos
JOE M. GALLEGOS - MEMBER



ATTEST:

Stelia M. Lopez
CLERK OF THE BOARD - STELIA M. LOPEZ

