

Title 8

ANIMALS

Chapters:

8.12 Animal Control

Chapter 8.12

ANIMAL CONTROL

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8.12.010 Intent. It is the intent of the Board of Trustees in adopting this Chapter pursuant to Section 31-15-401, C.R.S. that pet animal owners be responsible for their pet animals' conduct, that they exercise control with respect to their pet animals in a manner which recognizes the rights, health and safety of others in the community, and that they be held strictly liable for the conduct of their pet animals which violates the provisions of this Chapter. (Ord. 15-2005 §1 (part), 2005).

8.12.020 Definitions. Words used in this Chapter shall have their natural meaning, their statutory meaning if applicable or the meaning set forth below, according to the context in which they appear. For the purpose of this Chapter, the following definitions shall apply:

A. "Abandon" means:

1. To fail to provide a pet animal necessary care for a period in excess of twenty-four (24) hours or immediate care when notably injured; or (Ord. 15, Series 2015 §1)
2. To deposit, leave, drop off or otherwise dispose of any pet animal on public or private property without providing necessary care. For the purposes of this Chapter, any pet animal is presumed to be abandoned if, after the posting or personal service of written notice describing deficiencies of necessary care for a pet animal, the deficiencies are not corrected within twenty-four (24) hours of such notice by any person other than an animal control officer.

B. "Animal" means any living dumb creature.

C. "Animal control officer" means any person empowered by the Town of Eagle to enforce the provisions of this Chapter.

D. "Animal shelter" means all facilities and premises authorized by the Board of Trustees to care for pet animals impounded pursuant to the provisions of this Chapter. Such facilities and premises shall also be considered public animal shelters for the purpose of impounding dangerous dogs pursuant to the provisions of Section 18-9-204.5, C.R.S.

E. "Attack" means aggressive behavior such as in biting, injuring or chasing a person or animal that may result in bodily injury, serious bodily injury, or the death of a person or animal.

F. "Bite" means the piercing, laceration, or breaking of the skin by the teeth or jaws of any animal.

G. "Cat" means any animal of the species *felis domesticus* or any hybrid thereof.

H. "Common Ground" means the yard of any multiple occupancy building which is occupied by other persons; or in the common areas of mobile home parks, apartments or condominium developments; or in open space areas of subdivisions that are not owned or operated by the Town of Eagle, or an area that constitutes the access to public right-of-way for other residential or commercial areas. The term "Common Ground" does not include sidewalks, paved recreation paths and maintained recreation paths anywhere within the Town of Eagle which are open and have free access to the public, and which are otherwise not marked "private".

(Ord 15, Series 2015 §2, Amend. Ord. 17-2016 §1)

I. "Control" means supervision of, and influence over, any pet animal sufficient to prevent the violation of any of the provisions of this Chapter. Control shall be by physical control or demonstrable control as defined herein. (Amended Ord. 10-2006 §1 (part), 2006).

J. "Dangerous animal" means any pet animal or working dog that has inflicted serious physical injury to a human being without provocation on public or private property; or has, while off the premises of its owner or responsible person, killed a domestic animal without provocation; or has been previously classified as potentially dangerous and is found in violation of the provisions of this Chapter, or whose owner or relation to that animal, violated any provisions of this Chapter relating to potentially dangerous animals; or is a venomous animal or has caused the death of a person.

K. "Demonstrable Control" means control of an animal by the physical presence of the owner or responsible person and such person can exhibit real and demonstrable control over the pet animal. This type of control can be accomplished by voice, whistle or electronic means. Demonstrable control is further defined as the dog responding without delay to a verbal, whistle or electronic command of heel, come, sit, lie down or a similar command. The dog owner or keeper of a dog shall be able to demonstrate control if requested by an authorized officer. (Amended Ord. 4-2006 §3 (part), 2006).

L. "Dog" means any animal of the canine species, including dogs of wild extraction and any animal related to the wolf, fox, coyote or jackal.

M. "Dog Park" means area(s) officially designated and signed by the Town of Eagle allowing dogs to be off leash within the designated area. Any dog off leash within a dog park must still be under demonstrable control by the owner or the responsible person. (Amended Ord. 4-2006 §1 (part), 2006).

N. "Habitual Offender" means any pet animal owner who has pled guilty to, or been found guilty of, violating any provision of this Chapter or similar provisions of an Eagle County resolution or ordinance of another municipality in Eagle County, three (3) times within any twenty-four (24)

consecutive month period and such offenses do not involve a previously classified potentially dangerous animal or dangerous animal. “Habitual Offender” also means any pet animal owner who has pled guilty to, or been found guilty of, violating any provision of this Chapter, or similar provisions of a county resolution or ordinance of another municipality in the State of Colorado and such offense involves a previously classified potentially dangerous animal or dangerous animal, three (3) times within any twenty-four (24) consecutive month period. For the purposes of this Chapter, pleading guilty pursuant to a deferred judgment and sentence shall be considered a violation for purposes of determining a habitual offender. (Amended Ord. 4-2006 §2 (part), 2006; Amended Ord. 15, Series 2015 §6; Amended Ord. 07-2016 §1).

O. “Minor physical injury” means physical pain or minor impairment of physical condition. (Amended Ord. 4-2006 §2 (part), 2006).

P. “Mistreat” means every act or omission which causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering. (Amended Ord. 4-2006 §2 (part), 2006).

Q. “Necessary care” for a pet animal includes but is not limited to providing food, water, protection from the weather and removal of waste from the animal’s enclosure. (Amended Ord. 4-2006 §2 (part), 2006).

R. “Neglect” means failure to provide food, water, protection from the elements, or other care generally considered to be normal, usual, and accepted for a pet animal’s or working dog’s health and well-being consistent with the species, breed, and type of animal. (Amended Ord. 4-2006 §2 (part), 2006).

S. “Owner” means a person or any parent, guardian, or legal custodian of any unemancipated child under 18 years of age who owns, co-owns, possesses, controls, maintains, keeps, or harbors a pet animal or knowingly permits, or intends to permit a pet animal to remain for seven (7) consecutive days on or about property or premises owned, controlled, or occupied by him or her; a kennel is not a pet animal owner within the purview of this definition. (Amended Ord. 4-2006 §2 (part), 2006).

T. “Permitted Area of a Special Event” means the geographic area within which the Town has authorized a special event to be conducted on a specified date and time as described in a special event permit issued by the Town of Eagle. The term "permitted area of a special event" applies only to those date(s) and time(s) specified in the special event permit issued by the Town. (Ord.15, Series 2015 §4)

U. “Pet animal” means dogs, cats, rabbits, guinea pigs, hamsters, mice, ferrets, birds, fish, reptiles, amphibians, and invertebrates, or any species of wild or domestic or hybrid animal sold, transferred, or retained for the purpose of being kept as a household pet, except livestock, and includes any other animal specified in Section 35-80-102(10), C.R.S., as that subsection may be amended from time to time. As used herein, “livestock” includes cattle, horses, mules, burros, sheep, poultry, swine, llama, goats, and any other animal, when used for working purposes or raised

for food or fiber production on a farm or ranch. “Pet animal” does not include an animal used for working purposes on a farm or ranch or a working dog. (Amended Ord. 4-2006 §2 (part), 2006).

V. “Pet animal facility” means any facility licensed as such pursuant to the provisions of Part 1 of Article 80 of Title 35, C.R.S. (Amended Ord. 4-2006 §2 (part), 2006).

W. “Physical control” means control of a pet animal by means of a tether or a leash, not longer than ten feet (10’), attached to the animal, and held by the owner or responsible person, or confinement within a vehicle or secure animal enclosure. (Amended Ord. 4-2006 §4 (part), 2006).

X. “Potentially Dangerous Animal” means any pet animal or working dog that without provocation, threatens to attack, chases or approaches a person on any property other than the owner's property in a menacing fashion or apparent attitude of attack, or bites causing minor physical injury to, a human being or domestic animal; or without provocation, chases or approaches a person upon the streets, highways, sidewalks, or other areas open to the public in a menacing fashion; or has a known propensity, tendency, or disposition to attack without provocation, or cause physical injury or otherwise threatens the safety of human beings or domestic animals; or is owned or harbored primarily or in part for the purpose of fighting or is trained for fighting, or is a poisonous animal. (Amended Ord. 4-2006 §2 (part), 2006, Amended Ord 15, Series 2015 §5).

Y. “Premises” means property owned, leased, or expressly permitted to be used by an owner, including any confined area or locality such as a residence, business, room, shop, building, or motor vehicle, including the open space bed of a truck. (Amended Ord. 4-2006 §2 (part), 2006).

Z. “Provocation” means harassment, teasing, threatening, striking, or attacking an animal or its owner in the animal’s presence, by either a person or another animal. (Amended Ord. 4-2006 §2 (part), 2006).

AA. “Public custody” means the confinement of an animal in an animal shelter, or in the physical control of an animal control officer performing duties pursuant to the provisions of this Chapter. (Amended Ord. 4-2006 §2 (part), 2006).

BB. “Quarantine” means the confinement of a pet animal in public custody for observation to detect symptoms of disease. (Amended Ord. 4-2006 §2 (part), 2006).

CC. “Secure animal enclosure” means a structure which is suitable to prevent the escape of the animal and prevents the entry of young children, having a top, bottom, all sides, and is locked. (Amended Ord. 4-2006 §2 (part), 2006).

DD. “Serious physical injury” means such injury which, either at the time of the attack or at a later time, involves a substantial risk of injury that results in long term or permanent physical disability, impairment; or a disfigurement; or a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures or burns of the second or third degree; or death. (Amended Ord. 4-2006 §2 (part), 2006).

EE. “Special Event” means an event or occurrence for which a special event permit has been issued by the Town of Eagle. (Ord. 15, Series 2015 §7)

FF. “Tether” means to securely tie, chain or leash a pet animal to an inanimate object. (Amended Ord. 4-2006 §2 (part), 2006).

GG. “Town” means the Town of Eagle, Colorado. (Amended Ord. 4-2006 §2 (part), 2006).

HH. “Trespass” means the entry by a pet animal upon any private property other than that of the animal’s owner, or upon public property which is posted as not permitting animals or such particular animals. (Amended Ord. 4-2006 §2 (part), 2006).

II. “Working dog” means a dog which is actually working livestock, assisting law enforcement officers, assisting in rescue efforts or dispersing geese at the Eagle Ranch Golf Course under the demonstrable control of authorized golf course personnel. (Ord. 15-2005 §1 (part), 2005; (Amended Ord. 4-2006 §2 (part), 2006).

8.12.030 Vaccination of Pet Animals Required. A. Owners of pet animals and working dogs which are harbored, kept, or maintained in the Town of Eagle, for which animals the United States Department of Agriculture has licensed a rabies vaccine, shall (i) vaccinate, (ii) maintain the efficacy of the vaccination, and (iii) maintain proof of current, efficacious rabies vaccination for their pet animals and working dogs.

B. Pet animals and working dogs shall be vaccinated when the animal reaches the age of four (4) months or is licensed (if applicable) whichever occurs first, and the vaccinations shall be repeated as necessary in accordance with recommendations of the United States Department of Agriculture or vaccine manufacturer to maintain efficacy of the vaccination. (Amend. Ord. 17-2016 §2 – 6/14/2016)

C. Any person who violates any provision of this Section commits a non-criminal municipal offense.

(Ord. 15-2005 §1 (part), 2005).

8.12.040 Annual Dog Licensing. All dogs harbored, kept, or maintained in the Town of Eagle shall be licensed, except dogs kept as part of the operation of a pet animal facility or Town maintained or authorized animal shelter.

A. All dogs over the age of four (4) months shall have a valid pet animal license issued by the Town or any agency designated by the Board of Trustees in writing such as the Eagle County Animal Control Department, after the dog has been kept, maintained, or harbored in the Town for any consecutive thirty (30) day period or immediately upon citation for any other violation of this Chapter. (Amend. Ord 07-2016 §2 - 3/10/2016, Amend. Ord 17-2016 §3 – 6/14/2016)

B. An owner or responsible party is required to maintain a valid dog license and shall be responsible for renewal of the license upon expiration when the intent is to keep a dog harbored or maintained in the Town of Eagle. (Amend. Ord. 17-2016 §4 – 6/14/2016)

C. A valid dog license tag shall be attached to a collar or harness and shall be worn by the dog at all times. It shall be a defense to prosecution that the owner or responsible party can produce a certification by a veterinarian that the dog cannot wear a collar or harness because of a permanent medical condition or the dog was, at the time of notice, working in a capacity that made the wearing of a collar or harness hazardous to the dog.

D. A dog license shall be comprised of and evidenced by a written license form and a dog license tag.

E. The Town, or any agency designated by the Board of Trustees in writing, such as the Eagle County Animal Control Department and/or any animal licensing vendors of the Eagle County Animal Control Department, will issue a dog license upon the receipt of the executed application, payment of the license fee and evidence of a current rabies vaccination with efficacy extending past the date of license issuance. (Amend. Ord 17-2016 §5 – 6/14/2016)

F. Any person who violates any provision of this Section commits a non-criminal municipal offense.

(Ord. 15-2005 §1 (part), 2005).

8.12.050 Voluntary Cat Identification. Owners of cats harbored or kept or maintained in the Town of Eagle may obtain an identification tag suitable to be worn on a collar or harness. Cat identification tags will be available from the Town or any agency designated by the Board of Trustees in writing, such as the Eagle County Animal Control Department and/or any animal licensing vendors of the Eagle County Animal Control Department, upon the receipt of the executed application, payment of the identification tag fee and evidence of a current rabies vaccination with efficacy extending past the date of tag issuance. (Ord. 15-2005 §1 (part), 2005, Amend. Ord. 17-2016 §6 – 6/14/2016).

8.12.060 Failure to Control a Pet Animal. It shall be unlawful, and considered a failure to control a pet animal, when:

A. A pet animal is off the owner's premises in any area of the Town, other than a Town designated dog park as defined in subsection (L) of Section 8.12.020 of this Chapter, or a common ground, as defined in subsection (H) of Section 8.12.020 without the presence of a person having physical control as defined in subsection (W) of Section 8.12.020 of this Chapter. (Amended Ord. 4-2006 §6 (part), 2006; Amended Ord. 10-2006 §2 (part), 2006; Amended Ord. 7-2013, §1, 2013, Amended Ord. 15, Series 2015 §8).

B. A pet dog is within a Town designated dog park as defined in subsection (K) of Section 8.12.020 of this Chapter, without the presence of a person having either physical control or demonstrable control of such animal as defined in subsections (M) and (U) of Section 8.12.020 of this Chapter;

C. A pet animal is allowed to become a danger to any person or property:

D. A pet animal is tethered upon any public property or is tethered upon private property without the permission of the person owning, leasing, or otherwise controlling the property in question; (Amend. Ord 07-2016 §3 3/10/2016)

E. Any pet animal reaches past the perimeter of the owner's premises with its teeth or claws causing or threatening injury or property damage to another;

F. A pet animal is allowed to defecate on public or private property and the owner or responsible person of the animal does not remove the waste in a timely manner; (Amended Ord. 7 §2, 2013)

G. A female cat or dog, during estrus, is not under physical control, confined indoors or confined within a secure animal enclosure;

H. A pet dog is not under physical control in areas posted by any agency of the federal government, the State of Colorado, or the Town of Eagle as requiring the animal to be on a leash;

I. A pet animal is allowed to enter private property not that of the owner's or on public property which is posted as not permitting such animals. (Amended Ord. 13 §1, 2013)

J. A pet dog is within a common ground, as defined in subsection (H) of Section 8.12.020 of this Chapter, without the presence of a person having either physical control of said animal or demonstrable control of such animal as defined in subsections (K) and (W) of Section 8.12.020 of this Chapter.

(Ord. 15-2005 §1 (part), 2005; Amended Ord. 10 -2006 §3 (part), 2006, Amended Ord. 15, Series 2015 §9 Amended Ord. 26-2015 §1 9/8/2015)).

K. (1) Any person who is convicted of, or any person whose pet animal violates, the provisions of subsections (A), (B), (H), or (J) for the first time in twenty-four (24) consecutive months such and offense does not involve a previously classified potentially dangerous animal or danger animal commits a non-criminal municipal offense punishable by a fine of not less than forty dollars (\$40.00). Any person who is convicted of, or any person whose pet animal violates the provisions of subsections (A), (B), (H) or (J) or similar provisions contained in an Eagle County resolution or ordinance of a municipality located in Eagle County for a second time in twenty-four (24) consecutive months and such offense does not involve a previously classified potentially dangerous or dangerous animal commits a Class B municipal offense punishable by a fine of not less than one hundred dollars (\$100.00) and possible incarceration. Any person who is convicted of, or any person whose pet animal violates, the provisions of subsections (A), (B), (H), or (J), or similar

provisions contained in an Eagle County resolution or ordinance of a municipality located in Eagle County for third or subsequent time within twenty-four (24) consecutive months and such offense does not involve a previously classified potentially dangerous or dangerous animal commits a Class B municipal offense punishable by a fine of not less than two hundred fifty dollars (\$250.00) and possible incarceration.

(2) Any person who is convicted of, or any person whose pet animal violates, the provisions of subsections (C), (D), (G), or (I) for the first time within twenty-four (24) consecutive months and such offense does not involve a previously classified potentially dangerous or dangerous animal commits a non-criminal municipal offense. Any person who is convicted of, or any person whose pet animal violates, the provisions of subsections (C), (D), (G), or (I), or similar provisions contained in an Eagle County resolution or ordinance of a municipality located in Eagle County for second or subsequent time in twenty-four (24) consecutive months and such offense does not involve a previously classified potentially dangerous or dangerous animal commits a Class B municipal offense.

(3) Any person who is convicted of, or any person whose pet animal violates, the provisions of subsections (A), (B), (C), (D), (E), (H), (I), or (J) for the first time within twenty-four (24) consecutive months and such offense does involve a previously classified potentially dangerous or dangerous animal commits a Class B municipal offense and shall be subject to a fine in an amount not less than two hundred dollars (\$200.00) and possible incarceration.

(4) Any person who is convicted of, or any person whose pet animal violates, the provisions of subsections (A), (B), (C), (D), (E), (H), (I), or (J), or similar provisions contained in a county resolution or ordinance of another municipality located in the State of Colorado, for a second time within twenty-four (24) consecutive months and such offense involves a previously classified potentially dangerous or dangerous animal commits a Class A municipal offense and shall be subject to a fine of not less than five hundred dollars (\$500.00) and possible incarceration. Said minimum fine shall not be suspended by the Court.

(5) Any person who is of, or any person whose pet animal violates, the provisions of subsections (A), (B), (C), (D), (E), (H), (I) or (J), or a similar provision contained in a county resolution or ordinance of another municipality located in the State of Colorado for any third or subsequent offense and such offense involves a previously classified dangerous animal commits a Class A municipal offense and shall be subject to a minimum fine of nine-hundred ninety nine dollars (\$999.00) and possible incarceration. Said minimum fine shall not be suspended by the Court.

(6) Any person who violates the provisions of subsections (F) or (G) commits a non-criminal municipal offense.

(Ord. 15, Series 2015 §10, Amend 07-2016 §4 – 3/10/2016)

8.12.065 Dogs Prohibited at Designated Special Events. It shall be unlawful for the owner of a dog, or a person in charge or control of a dog, to permit such dog to be within the permitted area of any special event that is held within the Town of Eagle if:

A. A written notice has been posted at or near each main entrance to the special event stating that dogs are prohibited at such event; or

B. The dog owner or person in charge or control of the dog has received actual notice from an enforcement officer or a representative of the special event that dogs are prohibited at such event, and the dog owner or person in charge or control of the dog fails or refuses to promptly remove the dog from the permitted area of the special event; or

C. Having previously removed the dog from the permitted area of the special event at the direction of an enforcement officer or representative of the special event, the dog owner or person in charge or control of the dog brings the dog back into the permitted area of the special event.

D. Neither physical or demonstrable control nor immediate control of the dog is a defense to prosecution under this Section.

E. This Section does not apply to:

1. Law enforcement dogs; or
2. Dogs authorized to be in the permitted area of a special event under the special event permit issued by the Town; or
3. Service dogs trained to provide a specific service for the owner.

E. Any person who violates this Section commits a non-criminal municipal offense.

(Ord. 15, Series 2015 §11)

8.12.070 Athletic Fields and Public Parks - Dogs Prohibited. It is unlawful for the owner or keeper of a dog to allow said dog to be on or within one hundred feet (100') of any athletic field or public park within the Town while an athletic event or other organized activity or event is in progress, except that a dog may be within one hundred feet (100') of an athletic field or public park while any athletic event or other organized activity or event is in progress if the dog is on a public road or right-of-way. Any person who violates this Section commits a non-criminal municipal offense. (Ord. 15-2005 §1 (part), 2005).

8.12.080 Interference With an Owner's Control of a Pet Animal. It shall be a non-criminal municipal offense for any person to perform any act which interferes with, prevents, or hinders the efforts of an owner to control any of the owner's pet animals.

(Ord. 15-2005 §1 (part), 2005).

8.12.090 Dangerous and Potentially Dangerous Conduct by Animals Prohibited. It shall constitute a Class A municipal offense for any person to own or harbor any pet animal or working dog that, without provocation, attacks, threatens to attack, bites, inflicts minor physical injury, serious physical injury, or death to a human being or domestic animal; or without provocation, chases or approaches a person upon the streets, highways, sidewalks, or other areas open to the public in a menacing fashion. (Ord. 15-2005 §1 (part), 2005).

8.12.100 Classification of Dangerous and Potentially Dangerous Animals; Appeals; Restrictions Pending Appeals. A. An animal control officer or the Chief of Police or his designate, shall have the authority to determine, based on probable cause, that a pet animal or working dog is potentially dangerous or dangerous. The Eagle Municipal Court, based upon a preponderance of the evidence shall also have the authority to determine that a pet animal or working dog is potentially dangerous or dangerous.

B. Written notice of a pet animal's classification under subsection (A) above shall be served on the owner or the responsible person of the animal at the owner's or responsible person's last known address. The notice shall describe the animal, state the grounds for its classification, and state the restrictions applicable to such pet animal by reason of its classification. If the determination is made by an animal control officer or the Chief of Police or his designate, the notice shall also state that, if a written request for an administrative hearing is filed with the Town Clerk within fourteen (14) days after receipt of the notice, an administrative hearing will be conducted to review the classification of the pet animal. The right to an administrative hearing shall be deemed waived if not timely requested as set forth in this Chapter. There is no right to an administrative hearing if the classification of the pet animal has been determined by the Court.

C. The notice referred to subsection (B) above of this subsection shall be given either by personal delivery to the owner or responsible person or by registered or certified mail, return receipt requested, addressed to the owner or responsible person at the person's last known address. Notice by personal delivery shall be complete upon delivery and the receipt or upon return of the notice as undeliverable, refused, or unclaimed.

D. All administrative hearings held under this Section shall be heard by the Board of Trustees or its designate, hereinafter referred to as the "Hearing Officer", pursuant to Chapter 2.20 of the Eagle Municipal Code. The burden of proof shall be on the owner or responsible person to show cause as to why the animal's behavior does not support the designation of dangerous or potentially dangerous animal. The classification shall be determined based upon the preponderance of the evidence. The Hearing Officer shall not be required to file a full opinion or make formal findings of fact or conclusion of law, but the Hearing Officer must state the reasons for the determination, and indicate the evidence relied upon. Such determination shall be made no later than seventy-two (72) regular business hours after the close of the hearing. The proceedings at the hearing shall be recorded and retained for a reasonable period of time.

E. When an animal has been classified as dangerous by an animal control officer or the Chief of Police or his designate, the Hearing Officer shall first determine if that classification is proper. If the Hearing Officer determines that the animal was improperly classified as dangerous, the Hearing Officer shall then determine if the animal is potentially dangerous. Should the Hearing Officer determine that the pet animal is potentially dangerous, the owner or person responsible shall comply with the requirements of this Chapter applicable to potentially dangerous animals.

F. During the pendency of any hearing and any appeal therefrom on the classification of a potentially dangerous pet animal, the Town may require that the animal be kept securely confined

on the premises of the owner or responsible person, or other location acceptable to an animal control officer.

G. During the pendency of any hearing and any appeal therefrom on the designated classification of a pet animal as dangerous, the pet animal shall be quarantined at the Town's designated animal shelter at the owner's or responsible person's expense.

H. Should the Hearing Officer determine that the pet animal is neither dangerous nor potentially dangerous, no costs shall be charged for quarantine of the pet animal during pendency of the hearing.

(Ord. 15-2005 §1 (part), 2005).

8.12.110 On-Premises Confinement for Potentially Dangerous Animals. A. While on the owner's or responsible person's property, a previously classified potentially dangerous animal must immediately be securely confined indoors or in a securely enclosed and locked pen or structure suitable for preventing the entry of young children and designed to prevent the pet animal from escaping by climbing, burrowing, or otherwise. The potentially dangerous pet animal must be securely confined indoors at all times until such enclosure is available. Such enclosure must have minimum dimensions of four feet (4') by eight feet (8') and must have secure sides and a secure top. If the enclosure has no bottom secured to the sides, the sides must be embedded into the ground to a depth of not less than one foot (1'). The enclosure must also provide adequate protection from the elements and be kept in a clean and sanitary condition.

B. Violation of the provisions of this Section for the first time in eighteen (18) consecutive months shall constitute a Class B municipal offense. Violation of such provisions for a second or subsequent time within eighteen (18) consecutive months shall constitute a Class A municipal offense.

(Ord. 15-2005 §1 (part), 2005).

8.12.120 Off-Premises Restraint for Potentially Dangerous Animals. A. A previously classified potentially dangerous pet animal may be off the owner's or responsible person's premises only if it is restrained by a substantial leash not exceeding four feet (4') in length. The leash and pet animal shall be under the actual physical control of a person suitable for controlling the pet animal at all times. Such pet animal shall not be leashed to inanimate objects such as trees, posts, buildings, etc.

B. Violation of the provisions of this Section for the first time in eighteen (18) consecutive months shall constitute a Class B municipal offense. Violation of such provisions for a second or subsequent time within eighteen (18) consecutive months shall constitute a Class A municipal offense.

(Ord. 15-2005 §1 (part), 2005).

8.12.130 Notification of Change of Status of Potentially Dangerous Animals. A. The owner or responsible person shall immediately notify the Eagle Police Department or animal control officer if a potentially dangerous pet animal is loose, unconfined, has attacked another animal, or a human being, or has died, been sold, been given away, or is otherwise no longer in the possession of the owner or responsible person. If the pet animal has been sold or given away, the owner or responsible person shall provide the Police Department or an animal control officer with the new owner's or responsible person's name, address and telephone number. If the new owner or responsible person maintains the pet animal within the Town of Eagle, the new owner or responsible person shall comply with the requirements previously applied to such animal and the requirements of this Chapter.

B. Violation of any of the provisions of this Section shall constitute a Class B municipal offense.

(Ord. 15-2005 §1 (part), 2005).

8.12.140 Signs for Potentially Dangerous Animals. A. Display Required - The owner or responsible person shall display a sign or signs in such form as required by the Town of Eagle on his premises warning that there is a potentially dangerous pet animal on the premises. Such a sign or signs shall be visible and capable of being read from any public right-of-way abutting the premises. Such a sign shall also be posted on the enclosure for the potentially dangerous pet animal. Violation of this subsection (A) shall constitute a non-criminal municipal offense.

B. Cost; Additional Signs - The Town shall provide one (1) sign required by this Section at no cost to the owner or responsible person. Additional or duplicate signs shall be purchased from the Town for an amount equal to the Town's cost for providing the signs.

(Ord. 15-2005 §1 (part), 2005).

8.12.150 Special License and Tag for Potentially Dangerous Animals. A. The owner or person responsible for any potentially dangerous pet animal shall obtain an annual special license for such animal, which license shall expire on December 31st of the year for which the license is issued.

B. An application for a special license shall be made to the Town or the Town's designated animal control agency which shall include the information required by Section 8.12.040 of the Eagle Municipal Code.

C. All potentially dangerous pet animals shall be issued a special license identification tag which shall be worn by the pet animal at all times.

D. Failure to obtain the special license and tag required by this Section shall constitute a non-criminal municipal offense.

(Ord. 15-2005 §1 (part), 2005).

8.12.160 Spay or Neuter Requirement for Potentially Dangerous Animals. Within fourteen (14) calendar days after its classification as a potentially dangerous animal, the owner or responsible person shall have the pet animal spayed or neutered and present proof of that fact to the Town Clerk or animal control officer. Failure to comply with such requirements shall constitute a non-criminal municipal offense. (Ord. 15-2005 §1 (part), 2005).

8.12.170 Destruction of Dangerous Animals. A. It shall constitute a Class A municipal offense to own a classified dangerous animal.

B. Any animal that is classified as dangerous shall be humanely euthanized in accordance with any recommended State of Colorado standards after being quarantined for the period provided by law.

(Ord. 15-2005 §1 (part), 2005, Amend Ord. 07-2016 §5 3/10/2016).

8.12.180 Duty to Report Animal Bites and Injury Caused by Animals. It shall be a Class B municipal offense for any medical personnel who provide treatment to a person or animal for animal bite or injury caused by a pet animal to fail to report to the Eagle Police Department or Eagle County Animal Control Department any information known to him regarding the animal bite or injury. The report shall be made within twenty-four (24) hours after such information is received by him, and shall include with the report the name, address, and telephone number of the person making the report. The report may be made by telephone to the Eagle County Animal Control Department on voice mail. (Ord. 15-2005 §1 (part), 2005).

8.12.190 Duty to Produce Biting Animal for Inspection or Quarantine. Upon the request of a police officer or an animal control officer, an owner shall make available for inspection and/or quarantine any pet animal or working dog which has bitten a person or is suspected of biting a person.

A. If the quarantine of a pet animal is deemed necessary, the place of quarantine shall be determined by the Town's Police Chief or an animal control officer.

B. All costs of a quarantine shall be the responsibility of the owner.

C. If the quarantine of a pet animal is deemed necessary, the disposition of the animal will be at the discretion of the Town, which may include a home quarantine, quarantine by Eagle County Animal Services, or quarantine by State of Colorado officials. (Amend. Ord. 07-2016 §6 – 3/10/2016).

D. Failure to comply with the requirements of this Section shall constitute a Class B municipal offense.

(Ord. 15-2005 §1 (part), 2005).

8.12.200 Impoundment of Animals. A. Any Eagle police officer or animal control officer may impound any animal that is not under control as required by this Chapter, or when it and/or its owner is in violation of any of the provisions of this Chapter.

B. Any Eagle police officer or animal control officer may impound any potentially dangerous or dangerous animal that is not under proper control. A police officer or animal control officer may perform such impoundment prior to notifying the owner, if such owner is not immediately present to exercise proper control of such animal.

C. As soon as practical after the impoundment of any animal, the Eagle Police Department or an animal control officer shall make a reasonable effort to notify the owner of the animal's location by telephone, posting of a notice at the owner's residence, or by written notice mailed to the owner's last known address, if the identity of the owner is known. If needed to establish the identity of the owner, information contained on any identification, rabies, or license tag found attached to the animal shall be used.

(Ord. 15-2005 §1 (part), 2005).

8.12.210 Owner's Duty to Redeem Impounded Animal and Pay Fees. A. The owner of any impounded animal shall be held responsible for all the costs of impoundment, including medical treatment and boarding, and such costs shall be fully paid prior to the release of the animal. In addition, prior to the release, the owner shall pay for rabies inoculation or provide proof of efficacious rabies vaccination.

B. Prior to release of any impounded dog the owner shall pay for a Town dog license or provide proof of current licensure in the Town of Eagle or the place the animal regularly is kept.

C. It shall constitute a Class B municipal offense for any owner to fail to make arrangements for the redemption or surrender of any animal impounded pursuant to the provisions of this Chapter, or fail to pay any fees associated with the redemption or surrender of such animal.

(Ord. 15-2005 §1 (part), 2005).

8.12.220 Disposition of Impounded Animals. A. Any animal impounded pursuant to the provisions of this Chapter, shall become the property of the Town after five (5) days of impoundment, after which the Town may humanely euthanize the animal. For purposes of this Section, a "day" means a twenty-four (24) hour period beginning at the time of the day at, and on the date on, which the animal was taken into public custody.

B. The Town's designated animal shelter may humanely euthanize any animal in accordance with any recommended State standards at any time prior to the expiration of the ten (10) day impoundment period if the animal is seriously injured or ill, or if the animal poses a risk to the health of any person. (Amend. Ord. 07-2016 §7; 3/10/2016)

C. After the required time period, in lieu of having an animal destroyed, the Town may release an animal which is not diseased to a bona fide humane society or to a person having no previous interest in the animal. Upon release of the animal, the recipient shall pay a fee as established by the Town, including but not limited to fees for adoption, rabies inoculations, dog license, and sterilization costs.

D. All animals adopted from the Town's designated animal shelter are required to be sterilized at the time of adoption unless such surgery would be dangerous to the animal due to its age or physical condition, as determined by the selected veterinarian of record. Transfer of ownership shall not occur until sterilization has been performed although possession may be given to the adopting person upon his or her promise to have the sterilization performed by a specified date.

(Ord. 15-2005 §1 (part), 2005).

8.12.230 Liability for Accident or Subsequent Disease From Impoundment. The Board of Trustees of the Town of Eagle, its employees, agents and persons authorized herein to enforce the provisions of this Chapter, shall not be held responsible for any accident or subsequent disease which may be suffered by an animal as a result of the administration or implementation of this Chapter. (Ord. 15-2005 §1 (part), 2005).

8.12.240 Failure to Comply with Certain Terms of a Sales or Adoption Contract. It shall constitute a non-criminal municipal offense to fail to comply with any of the terms of an adoption or fostering contract when the animal is obtained from the Town's designated animal shelter pursuant to such contract. (Ord. 15-2005 §1 (part), 2005).

8.12.250 Abandonment, Cruelty to Animals, or Neglect of Animals Prohibited. A. It shall constitute a Class A municipal offense if any person knowingly, recklessly or with criminal negligence over drives, overloads, overworks, torments, deprives of necessary sustenance, poisons, unnecessarily or cruelly beats, allows to be housed in a manner that results in chronic or repeated serious physical harm, carries or confines in or upon any vehicles in a cruel or reckless manner, or otherwise mistreats or neglects any pet animal or working dog, or causes or procures it to be done, or, having the charge or custody of any pet animal or working dog, fails to provide it with proper food, drink, or protection from the weather consistent with the species, breed and type of animal.

B. It shall constitute a Class A municipal offense for any person to knowingly, recklessly or with criminal negligence abandon a pet animal or working dog.

(Ord. 15-2005 §1 (part), 2005).

8.12.260 Threatening of Livestock or Wildlife. A. It shall constitute a Class A municipal offense for any person to fail to properly control any pet animal in his custody or control so as to prevent such animal from running after, chasing, pursuing, biting, attacking, or in any other way threatening livestock or wildlife.

B. Any pet animal threatening livestock or wildlife may be immediately destroyed at the discretion of any police officer or animal control officer. If not destroyed, the animal shall be immediately impounded.

C. A violation of this Section shall require a mandatory Court appearance by the defendant. Upon conviction, if the pet animal was not destroyed at the time of the incident, the Court may order it destroyed under the supervision of the Town's designated animal shelter; if the Court does not order the animal destroyed, the Court shall designate the animal as a potentially dangerous animal, and possession shall be returned to the owner subject to the regulations applicable to potentially dangerous animals under this Chapter and other State law. Upon a second conviction of a violation of this Section with respect to a specific pet animal, the Court shall designate the animal as dangerous and the animal destroyed under the supervision of the Town's designated animal shelter.

D. Upon conviction of any violation of this Section, the defendant shall be required by the Court to pay restitution for any livestock or wildlife injured or killed by the pet animal.

(Ord. 15-2005 §1 (part), 2005).

8.12.270 Nuisance Animal Noise and Feces. A. It shall be unlawful for any owner to fail to prevent his pet animal from disturbing the peace of any other person by habitual or persistent barking, howling, yelping, or whining, or any other unprovoked noise, whether the animal is on or off the owner's property.

B. It shall be unlawful for any owner to permit the accumulation of a pet animal's feces on the property on which the animal is kept such that it is detectable visually or odorously by neighbors.

C. It shall be unlawful for any owner to fail to confine pet animal feces, or any part thereof, within the perimeters of the property on which the animal is kept, regardless of whether such failure to confine is the result of natural causes, such as surface water flow, or other causes.

D. Any person who violates the provisions of subsection (A) of this Section for the first time within eighteen (18) consecutive months commits a non-criminal municipal offense. Any person who violates subsection (A) a second or subsequent time within eighteen (18) consecutive months commits a Class B municipal offense. Provided, however, no person shall be charged with a first violation of subsection (A) of this Section within said eighteen (18) month period unless a written warning for a separate violation has previously been given at least seventy-two (72) hours prior to the issuance of the citation.

Any person who violates subsections (B) and (C) of this Section commits a non-criminal municipal offense.

(Ord. 15-2005 §1 (part), 2005; Amended Ord. 4-2006 §7 (part), 2006).

8.12.280 Habitual Offender. It shall constitute a Class A municipal offense for any person to become a habitual offender as defined in Section 8.12.020(N) of this Chapter. Any person committing such offense upon conviction shall be subject to a minimum fine of three hundred dollars (\$300.00) and possible incarceration. In the event such person is deemed a habitual offender because such person owned or harbored a dangerous or potentially dangerous animal as prohibited by Section 8.12.090 of the Eagle Municipal Code or similar provisions of a county resolution or ordinance of another municipality three (3) times within any twenty-four (24) month period, the minimum fine shall not be suspended by the Court. Any person may be charged as a habitual offender in addition to any other charges brought pursuant to the provisions of this Chapter. Upon conviction of an owner as a habitual offender, the owner's offending animal(s) may be ordered by the Court removed from the Town or surrendered to the Town's designated animal shelter, along with any other penalties imposed by this Court. (Ord. 15-2005 §1 (part), 2005; Amended Ord. 15, Series 2015 §12, Amend. Ord. 07, Series 2016 §9 3/10/2016).

8.12.290 Penalties. A. Any person who violates any provision of this Chapter shall be punished for such offense in accordance with the classification of such offense and the penalties set forth in Section 1.12.010 of the Eagle Municipal Code. Unless otherwise provided in a section describing the offense, all offenses contained in this Chapter shall be deemed offenses of "strict liability." If any offense contained in this Chapter is not classified as a Class A offense, Class B offense, or non-criminal municipal offense, and such offense does not involve serious injury to persons or property, said offense shall be deemed to be a non-criminal municipal offense upon the first complaint within eighteen (18) consecutive months. Upon a second or subsequent complaint concerning such violation within eighteen (18) consecutive months, such person shall be deemed to have committed a Class B municipal offense. Unless otherwise provided in this Chapter, any violation of any provisions of this Chapter which result in serious bodily injury to any person or animal caused by a pet animal shall constitute a Class A municipal offense.

B. The presiding Municipal Court Judge is hereby authorized to promulgate a penalty assessment schedule for violations of this Chapter in accordance with the Colorado Municipal Court Rules of Procedure, except as otherwise provided herein. Penalty assessments shall not be issued for violations of Sections 8.12.060(A), (B), (C), (D), (G) or (H) (involving classified potentially dangerous or dangerous animal or a second or subsequent offense), 8.12.090, 8.12.110, 8.12.120, 8.12.170, 8.12.180, 8.12.190, 8.12.210, 8.12.250, 8.12.260, 8.12.270(A) (second and subsequent offenses), 8.12.280 and 8.12.350 of this Chapter.

C. When a person is charged with a violation of this Chapter for which a penalty assessment exists pursuant to an order of the Eagle Municipal Court, the charging officer may either give the person a Penalty Assessment Notice, and release him upon its terms, or take him before a Judge of the Eagle Municipal Court. The choice of procedure shall be based upon the circumstances which reasonably persuade the officer that the alleged offender is likely or unlikely to comply with the terms of the Penalty Assessment Notice. Said circumstances may include the officer accompanying the offender to a post office or mail box and witnessing the deposit in the mail of the Notice with payment of the fine attached. Any penalty assessment issued pursuant to this Chapter shall constitute a Summons and Complaint containing the identification of the alleged offender, specification of the offense and applicable fine, a requirement that the alleged offender pay the fine

or appear to answer the charge at a specific time and place, and other matters reasonably adopted to effectuate the purposes of this Section. A duplicate copy shall be delivered to the Clerk of the Eagle Municipal Court by the officer or agency designated by the Board of Trustees. When a payment of the Penalty Assessment Notice has not been made within twenty (20) days of the date of issuance of said Notice such person shall be required to appear before the Municipal Court. If a person given a Penalty Assessment Notice chooses to acknowledge his guilt, he may pay the specified fine in person or by mail within twenty (20) days of issuance of the Notice. If the person elects not to pay the Penalty Assessment Notice, trial is held or a default judgment entered, and the alleged offender is found guilty, the fine imposed shall be that specified in the Notice for the offense of which he was found guilty, but customary court costs may be assessed against him in addition to the fine.

D. For purposes of determining the proper sentence for violations of this Chapter which do not result in bodily injury to any person or animal, only those convictions (admissions of guilt) occurring within eighteen (18) consecutive months of the date of the offense for which the penalty is now being imposed shall be considered. This eighteen (18) month limitation shall not apply to what evidence may be introduced in aggravation of any sentencing for any violation of this Chapter which does result in bodily injury to any person or animal, nor shall any time limitation apply to determination of sentences for violation of Sections 8.12.090 and 8.12.260 of this Chapter.

E. Upon conviction of any violation involving injury to persons, other animals, or property, the Court may order restitution be paid to the injured party or owner of the animal or animals harmed.

F. Nothing contained herein shall be construed to prevent impoundment of any dog under Section 8.12.200 of the Eagle Municipal Code.

(Ord. 15-2005 §1 (part), 2005).

8.12.300 Power of the Court to Order Destruction of Animals. In addition to any penalties which may be provided for in this Chapter, the Court shall have the authority, upon making a finding that a pet animal constitutes a nuisance or that a pet animal constitutes a real and present danger to the citizens of the Town, to order that the animal be destroyed in a humane fashion. (Ord. 15-2005 §1 (part), 2005).

8.12.310 Notice and Evidence of Warnings. Unless otherwise provided in this Chapter, an owner shall be deemed to have been issued and received an appropriate notice or warning as herein referred if the warning is personally served upon the owner, posted on the owner's premises, or placed in the U.S. Mail, postage prepaid and addressed to the owner according to the last address given by the owner to obtain a dog license or cat identification tag, or to such other address as may be on file for the owner with any government agency. (Ord. 15-2005 §1 (part), 2005).

8.12.320 Enforcement. The provisions of this Chapter shall be enforced by the Eagle Police Department or any designated Eagle animal control officer. (Ord. 15-2005 §1 (part), 2005).

8.12.330 Hot Pursuit. A police officer or an animal control officer in hot pursuit of an animal that is suspected of inflicting minor or serious injury to a human being or other animal may enter onto private property for the purposes of enforcing this Chapter, including for the purpose of effecting an impoundment and/or quarantine and, removing the animal from the property, ascertaining the identity of the animal, its owner, and/or the currency or existence of dog tags, or issuing a citation. This Section, however, does not grant any police officer or animal control officer authority to enter into any dwelling. (Ord. 15-2005 §1 (part), 2005).

8.12.340 Animal Control Officers. A. The Town Manager may from time to time appoint a person or persons to serve as the Town animal control officer who shall be employed by the Town, at such compensation and such qualifications as from time to time shall be fixed by order of the Board of Trustees.

B. Pursuant to Section 30-15-105, C.R.S., personnel engaged in animal control, however titled or administratively assigned, may issue citations or summons and complaints enforcing this Chapter. Personnel so engaged shall be included in the definition of “peace officer or fireman” as described in Section 18-3-201(2), C.R.S. Nothing herein contained is intended to vest authority in any person so engaged to enforce any ordinance or statute other than this Chapter.

(Ord. 15-2005 §1 (part), 2005).

8.12.350 Interference With an Animal Control Officer. A. No person shall interfere with, molest, hinder, prevent, or obstruct an animal control officer in his/her performance of duty pursuant to this Chapter.

B. No person shall remove any animal from the public custody of such animal without the consent of an animal control officer.

C. Any violation of this Section shall constitute a Class A municipal offense.

(Ord. 15-2005 §1 (part), 2005).

8.12.360 Authority to Contract for Services. The Town may enter into agreements with other entities, such as Eagle County, for the performance of the duties provided for in this Chapter concerning the licensing and control of dogs or other animals and the enforcement of this Chapter. If such an agreement is entered into, it may provide that certain Eagle County officials may act in the place of Town officials under this Chapter. (Ord. 15-2005 §1 (part), 2005).