

Chapter 14 - ANIMALS

ARTICLE I. - IN GENERAL

Sec. 14-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandon means the leaving of an animal without adequate provisions for the animal's proper care by its owner, the person responsible for the animal's care or custody or any other person having possession of such animal.

Animal means a living organism other than a plant or bacterium. Animal in this Code includes arthropods, amphibians, reptiles, birds, and mammals. As used in this Code, the term "animal" excludes humans.

Animal care ~~protection~~ officer means any person empowered **assigned with the responsibility, power, and duty** by the city to enforce this chapter ~~by means of appropriate police powers.~~

Animal grooming service means any place or establishment where animals are kept less than 24 hours to be clipped, combed or otherwise groomed for compensation for the purpose of enhancing their appearance, aesthetic value or health.

***Animal rescue* means any firm, person, or corporation that accepts pet animals for the purpose of finding permanent adoptive homes for these animals and does not maintain a central facility for keeping animals.**

Animal shelter means any premises designated by the city manager for the humane boarding and caring for any animal impounded under this chapter or any other ordinance or laws of the state.

***Boarding, for purposes of the definition of kennel in Chapter 146 of the City Code* means any individual, firm, company, partnership, corporation or other association that cares for, houses, or handles household pets for any form of consideration in lieu of the household pet's owner.**

Cat means any member of the felidae family including the domestic cat, lion, tiger, leopard, jaguar, cougar, wildcat, lynx and cheetah and any member of the feline family regardless of sex.

~~*Cat, spayed/neutered* means any cat upon which spaying or other neutering procedure has been performed by a licensed veterinarian and accompanied by a certificate asserting such operation or other procedure has been performed.~~

~~*Cattery* means any structure or premises where more than three adult cats are kept, whether by the owners of the cats or by persons providing facilities and care whether or not for compensation. A cattery does not include a small animal hospital, clinic or pet shop.~~

~~*Circus* means a commercial variety show featuring feats of horsemanship, balancing, tumbling, vaulting, and where clowns or acrobats, wild animals, performers and actors entertain the audience.~~

***Community cat* means any un-owned, feral or free-roaming cat that may live in a community cat colony that is unfit for a home environment that is equipped to thrive in an outdoor environment with little or no human intervention.**

***Community cat caretaker* means a person registered with the City to assist in the management and control of a colony of community cats, who provides food, water and/or other care for one or more community cats, but who does not own, harbor, keep or have custody, control, or charge of such community cat.**

***Community cat colony* means a group of community cats that live and congregate together.**

***Convicted or conviction* means a verdict of guilty by a judge or jury, or plea of guilty, nolo contendere or no contest, to violating any law that is accepted by the court.**

~~*Dog, female/male* means any member of the canis familiaris occurring as a wide variety of breeds, many of which are traditionally used for hunting, herding, performing work and other tasks, and are commonly kept as domesticated pets dog upon which no alternative surgery of the genital organs or other neutering procedure has been performed.~~

~~*Dog kennel* means any facility for housing, boarding, harboring, training or breeding where more than three dogs that are four months of age or older are kept.~~

~~*Dog, spayed/neutered* means any dog upon which any neutering procedure has been performed by a licensed veterinarian and accompanied by a certificate asserting such operation or other procedure has been performed.~~

Domesticated means any animal customarily adapted so as to commonly live safely within the community.

***Ear-tipped* means removing approximately a quarter-inch off the tip of a cat's left ear while the cat is anesthetized for spaying or neutering.**

***Exotic* means a non-native animal or non-domestic hybrid animal.**

Household pet means any domesticated animal commonly kept in the primary residence. Household pets include dogs, domestic cats, domestic caged birds, canaries, parrots, rabbits, hamsters, guinea pigs and similar rodents, fish, and reptiles so long as such animals are not kept to supplement food supplies or for any commercial purpose whatsoever. Household pet does not include livestock or potbellied pigs **or other expressly prohibited animals.**

Hybrid means any offspring of two animals of different ~~breeds, varieties, species or genera.~~

~~Intact~~ means any ~~dog or cat~~ **animal** upon which no alternative surgery of the reproductive organs or other ~~neutering~~ **sterilization** procedure has been performed.

kennel means any **part of a** structure or premises used **for the keeping of any animal for the purpose of adoption, boarding, or breeding, grooming, handling, selling, sheltering, trading, or otherwise transferring** of any such animal for compensation or for profit. **kennel does not mean a common carrier engaged in intrastate or interstate commerce.**

Livestock means any domesticated animal, including but not limited to ~~equine~~ **horses, donkeys burros, llamas, cattle,** ~~bovine genus, ruminantia,~~ sheep, goats, pigs, peacocks, turkeys, chickens, pigeons, ducks, geese, ratite or other poultry or fowl or mink. **Livestock also includes any non-companion animal kept for commercial purposes.**

Microchip means an electronic transponder **or radio-frequency identification tag/chip** intended for the subcutaneous insertion into an animal for the use of identification.

~~Mistreatment~~ means ~~every act or omission which causes or unreasonably permits the continuation of unnecessary abuse or unjustifiable pain or suffering.~~

Motor vehicle means any motor vehicle, including but not limited to the open bed of a truck, a convertible vehicle with the top down or removed, the rear storage portion of a station wagon with the tailgate open and the trunk or hatchback portion of any vehicle with trunk or hatchback open.

~~Neglect~~ means ~~failure to provide food, water, protection from the elements or other care generally considered to be normal, usual and accepted for an animal's health and well-being consistent with the species, breed and type of animal.~~

Owner means **an owner, caretaker, handler, keeper, sitter, custodian or any person, other than a community cat caregiver,** in possession of, harboring, keeping or having custody and control of any animal to which the section in which the word appears is applicable. **Ownership of any animal shall not be a justifiable defense for a violation of any section of this Chapter.**

PACFA means **the Pet Animal Care Facilities Act, C.R.S. § 35-80-101 et seq. PACFA is a licensing and inspection program dedicated to protecting the health and well-being of those animals in pet care facilities throughout Colorado.**

~~Pack animals~~ means ~~animals used for carrying materials, including such animals as horses, donkeys, burros or llamas.~~

Pet shop means any business engaged in buying, selling, trading or bartering for resale or wholesale pet animals to consumers, brokers, commissioned merchants or any middleman.

Ratite means a sub-ordinal group of birds with small or rudimentary wings and no keel to the breastbone that are nonetheless descended from birds with the power of

flight, including ostriches, rheas, cassowaries and emus, elephant birds, moas and kiwis.

Release means the return to the owner, adoption, sale, or other transfer of the permanent custody of an animal by the Aurora Animal Shelter.

Rescue organization means an organization licensed by PACFA who accepts pet animals for the purpose of finding permanent adoptive homes for animals, who may or may not maintain a facility for keeping animals but uses a system of fostering in private homes or boarding or keeping pets in licensed pet animal facilities.

~~Rescue~~ means the capture of either a dog or cat that is either running at large, or abandoned.

Restitution means any fees, costs or expenses, whether or not ordered by the Court, that were incurred by the Animal Services Division to care for or impound an animal, or for any products or services provided by the Animal Services Division for an animal, including but not limited to, impound fees, boarding fees, vaccination fees, microchip fees, veterinary charges, and DNA test fees.

Return to field means to return a community cat to the place where trapped or the vicinity of the place where trapped.

~~Ruminantia~~ means any even-toed hoofed mammals including sheep, goats, deer, elk, llama and alpaca that chew their cud and have a complex three or four-chambered stomach.

Service animal means any guide dog, signal dog, or dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability.

Sex act means any person who performs, or who aids, abets, promotes, facilitates, or encourages another person to perform, any act of sexual intercourse, fellatio, cunnilingus, masturbation, anal intercourse or anilingus, as defined in Chapter 94, article V of the City Code, on or with any animal.

Spay or neuter means any animal upon which any sterilization procedure has been performed by a licensed veterinarian and accompanied by a certificate asserting such operation or other procedure has been performed.

Shelter-neuter-return (SNR) means a program whereby a community cat is humanely trapped, spayed or neutered, implanted with a microchip, vaccinated against rabies, ear-tipped and returned to field.

SNR organization means an organization registered with the Aurora Animal Services Division who provides food, water and/or other care for one or more community cats, but who does not own, harbor keep or have custody, control, or charge of such community cat and who is participating in a SNR program.

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~~Veterinary clinic means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.~~

~~Zoological park means a garden or a park where wild or exotic animals are kept for exhibition.~~

Sec. 14-2. - Inspection and enforcement powers.

- (a) ~~**Failure to cooperate**~~ ~~Interference~~ **unlawful**. It shall be unlawful for any person to interfere with, molest, **impair**, hinder or obstruct the animal ~~care~~ **protection** officer or any other city employee or official in the discharge of official duties under this chapter.
- (b) *Inspection procedure*. Whenever it becomes necessary to make an inspection to enforce any of the provisions of or to perform any duty imposed by this chapter or other applicable law or whenever the animal ~~care~~ **protection** officer or authorized representative has reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this chapter or other applicable law, the animal ~~care~~ **protection** officer or authorized representative is authorized to enter such property **following the procedures described below** at any reasonable time and to inspect the property and perform any duty imposed upon the animal ~~care~~ **protection** officer by this chapter or by other applicable law, ~~provided that:~~
- (1) *If such property is occupied*, the animal ~~care~~ **protection** officer shall first present proper credentials to the occupant and request and obtain **consent or permission for entry from the owner, or a person with the authority to give consent to enter and inspect the property**, explaining the reasons therefor; or
 - (2) *If such property is unoccupied*, the animal ~~care~~ **protection** officer shall first make a reasonable effort to locate the owner or other person having charge or control of the property and request entry, explaining the reasons therefor. If such entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, the animal ~~care~~ **protection** officer or authorized representative shall have recourse to every remedy provided by law **obtain a search warrant** to secure lawful entry and inspect the property. **If the property is unoccupied when the search warrant is executed a copy of the search warrant** ~~Notice of the entry~~ shall be given by posting **a copy of the search warrant** ~~such notification~~ at an entrance to or at a conspicuous place upon such area or building where such animal is confined **search was performed**.
- (c) *Immediate inspection*. Notwithstanding subsection (b) of this section, if the animal ~~care~~ **protection** officer or authorized representative has **an articulable** reasonable cause to believe that the keeping or the maintaining of any animal is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the animal or

the public health or safety, an “**exigent circumstance,**” the animal care ~~protection~~ officer shall have the right immediately to enter and inspect such property and may use any reasonable means required to effect such entry and make such inspection, whether such property is occupied or unoccupied and whether or not permission to inspect has been obtained.

(1) *If the property is occupied* the animal care ~~protection~~ officer shall first present proper credentials to the occupant and demand entry, explaining the reasons ~~therefor~~ and the purpose of the inspection.

(2) *If the property is unoccupied* the animal protection officer shall make reasonable efforts to locate the owner or other person having charge or control of the property and request entry explaining the reasons for the need.

(i) If consent or permission to enter is granted by the owner or person in charge or control of the property the animal protection officer shall enter and inspect only that portion of the property necessary to remedy the exigent circumstance.

(ii) If the owner or person in charge or control of the property cannot be contacted the animal protection officer shall enter only that portion of the property, and take only those actions necessary, to remedy the hazardous, unsafe or dangerous condition. This entry should not be used as an opportunity to find evidence of a crime.

(d) *Exemption for police dogs.* Police dogs shall be deemed exempt from the provisions of this chapter while being used by the police department in the performance of the functions and duties of the police department.

Sec. 14-3. – ~~Destruction~~ **Euthanization** of injured animals.

Any police officer or animal care shelter ~~Aurora Animal Services~~ field supervisor, **division manager, animal protection officer, or designee, or veterinarian** may lawfully ~~destroy~~ **euthanize** or cause to be ~~destroyed~~ **humanely euthanized** any animal in his or her charge when, in the judgment of such officer **on scene outside of the animal shelter**, such animal appears to be seriously injured, disabled, diseased past recovery or unfit for any useful purpose.

Sec. 14-4. - Impoundment; court proceedings; ~~destruction~~ **disposition** of animals.

(a) *Animal shelter.* The city shall provide for an animal shelter for the city in the enforcement of this chapter. The city animal shelter shall be any premises designated by the city manager for the humane boarding and caring for any animal impounded under this chapter or any other ordinance or law of the state. ~~This~~

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~~chapter shall be enforceable by any animal care officer and by any police officer or other person who may be so authorized by the Code. They shall be authorized to issue, sign and serve summonses and complaints and to make all determinations within their discretion in compliance with this chapter.~~

- (b) *Length of impoundment.* If there is probable cause to believe that there is a violation of section 14-5, 14-6, 14-7, 14-8, 14-10, 14-11, 14-12, 14-13, 14-71, 14-72, 14-74, 14-75, 14-101, 14-102, **14-131, 14-134**, or 14-161, the animal may be taken into custody by the animal ~~care~~ **protection** officer or member of the police department and impounded in the animal shelter in a humane manner. Except as otherwise provided in subsection (g), such impoundment shall be for a period of not less than ~~three~~ **five** days, unless earlier claimed. If the owner fails to claim the impounded animal after ~~three~~ **five** days subsequent to being notified or reasonable efforts to notify have been made, the animal shall **be deemed surrendered to the Aurora Animal Services Division.** ~~become the property of the city and shall be disposed of in a humane manner at the discretion of the city manager or designee.~~ The owner shall still be subject to **responsible for** all fees and costs **for the impoundment of the animal.**
- (c) *Failure to produce animal or records.* The owner of any animal subject to impoundment under subsection (b) of this section shall, on demand of the animal ~~care~~ **protection** officer, or other person who may be so authorized by the **City Code or the City Manager**, produce the animal for impoundment, **or requested record(s), to the animal protection officer, or other authorized person,** as prescribed in this section. It shall be unlawful for the owner of any such animal to fail or refuse to produce the animal **or record(s)** on demand. Any such failure or refusal **to produce such animal** shall subject the owner to immediate arrest **and incarceration**, should probable cause exist to believe that the owner is harboring or keeping the animal and refuses to produce it upon such demand. Upon arrest **and incarceration**, the owner shall be held to appear before a judge of the municipal court who may order the immediate production of the animal. Each day of such willful refusal to produce the animal shall constitute a separate violation **and offense.**
- (d) ~~*Fees.* The city manager shall promulgate the fees relevant to this chapter in accordance with city procedures concerning administrative charges for city services.~~
- (e) *Notice.* The animal ~~care officer~~ **Aurora Animal Services Division** shall make every reasonable effort to identify and notify the owner of the impoundment of the animal.
- (f)(e) *Court proceedings against animal owner.* If a dog or other animal is impounded, the animal care officer or member of the police department may institute proceedings in the municipal court on behalf of the city against the animal owner, if known, charging the owner with a violation of this chapter. Nothing in this section shall be construed as preventing the animal ~~care~~ **protection** officer, a member of the police department or any other person who may be authorized

~~pursuant to this Code~~ **by the City Manager** from instituting a proceeding in the municipal court for violation of this chapter when there is probable cause to believe that the violation occurred but where there has been no impoundment.

- ~~(g)~~**(f)** *Court findings; release of animal; surrender.* If a complaint has been filed in the municipal court against the owner of an animal impounded for violation of section 14-6, 14-7, 14-8, 14-10, ~~14-12, 14-13~~, 14-71, ~~14-72~~, 14-74 or 14-75, the animal shall not be released from impoundment except on the order of the municipal judge. **For violations of section 14-5, 14-11, 14-12, or 14-13, a field supervisor or the division manager have the discretion to release the animal without the need for a court ordered release or may hold the animal for an order from the municipal judge.** The municipal judge may, upon making a finding that the alleged owner has failed to appear for any court date on the complaint, order the animal to be surrendered to the Aurora Animal Care ~~Services~~ **Services** Division ~~or destroyed in a humane manner.~~ When, at a **court disposition** hearing for release or surrender of an animal that has been found by the municipal court, by a preponderance of the evidence, to be a restricted breed, **or the animal is in violation of any provision of section 14-75**, the animal shall be ordered surrendered unless the owner produces evidence deemed sufficient by the court pursuant to section 14-75(e) that the restricted breed will be permanently taken out of the city. At any other hearing for release, **or** surrender the animal shall be ordered surrendered unless the municipal judge finds, by a preponderance of the evidence, there exists reasonable assurance that the animal can be safely maintained, cared for and controlled without danger to the community and that the animal does not create a nuisance to the surrounding neighbors or community. In determining whether the animal can be safely maintained, cared for and controlled by its owner, the judge shall consider all relevant and reliable evidence, whether or not the evidence is admissible at trial, including, without limitation, pre-bite or post-bite behavior indicative of aggressive or dangerous tendencies regardless of impoundment status. If the animal's owner wishes to have a behavior assessment performed before the surrender hearing, he or she shall notify and work with Aurora Animal Services to set up and complete such assessment following the Aurora Animal Service's shelter policies. Aurora Animal Services shall include language giving written notification (in bold print) of the right to a behavior assessment to any owner of an animal impounded and set for an impound hearing under this section. If the animal's owner chooses to conduct an assessment, the findings from each assessment shall be shared with the other party within five (5) days of the assessment being conducted, and at least five (5) days before the date of the impound hearing provided for in Section 14-4~~(g)~~**(f)**. The assessment shall be presented to the Judge at the impound hearing. The Judge shall also hear any proffered evidence of the circumstances of the initial bite including whether it occurred on the owner's property, including provocation and evidence relating to the ability to keep the animal on/with the owner utilizing any requirements able to be taken by the owner to minimize any recurrence. All options in lieu of

surrender shall be considered. An order of ~~destruction~~ or surrender of an animal shall not relieve the owner of payment of ~~fees or costs~~ **restitution ordered by the court** which resulted from the impoundment.

~~(h)~~**(g)** *Procedures following a court-ordered surrender.*

After any judicial order to surrender the animal:

- (1) The court shall grant an automatic stay of the surrender order for seven (7) calendar days. During this automatic stay, the surrendered animal shall remain at the Aurora Animal Shelter and the animal will not be adopted, transferred, or humanely euthanized. If the seventh (7th) day falls on a weekend or a holiday, the period of the stay will be extended to close of business of the next business day. The animal's owner will not be responsible for any fee or costs commencing from the time of the court's surrender order through the expiration of the automatic stay period.
- (2) The court shall verbally advise and provide written notice to the owner of her or her right to appeal the surrender order. The notice shall reference the automatic stay for seven (7) calendar days and inform the owner that failure to take action within the period of the stay could result in the animal being adopted, transferred, or humanely euthanized. The written notice shall advise the owner that hiring an attorney is not required but is recommended and that an appeal can be pursued without an attorney.
- (3) The court shall advise the owner and the written notice shall state that at the expiration of the seven (7) calendar day stay an appeal bond in the amount of \$100 for the first 30 days after the initial seven (7) day automatic stay must be posted as set out in section 14-4~~(l)~~**(k)** in order to further stay the courts surrender order.
- (4) At the conclusion of the seven (7) day stay of execution, if the owner has not posted the amount of the appeal bond, Aurora Animal Services must conduct a post surrender evaluation and make a determination about the outcome of the animal. Aurora Animal Services shall attempt and make reasonable efforts to find alternatives other than humane euthanasia for the animal, while balancing public safety, the safety of the people and animals near any new placement, and the health and safety of the animal itself. Adoption by individual person(s) shall be considered and not summarily rejected. Aurora Animal Services shall prepare a report of the evaluation setting out in detail the efforts made to place the animal outside the City or otherwise adopt, transfer or place the animal. Before any placement, transfer or adoption of a court-ordered surrendered animal, the City shall prepare a comprehensive waiver of liability to be acknowledged and signed by anyone accepting ownership of such animal.

- ~~(i)~~**(h)** *Payment of fees prior to animal's release restitution.* Subject to subsections ~~(f)~~**(e)** and ~~(g)~~**(f)** of this section, any impounded animal may be ~~redeemed by~~ **released to the owner upon the owner paying restitution to the Aurora Animal Services Division or the court ordering restitution to be paid to the Aurora Animal Services Division.** ~~prior payment of the impound fee, if the animal was not voluntarily impounded by the owner; boarding fees; veterinary charges, if any; and such other costs assessed incidental to the impoundment of the animal.~~
- ~~(j)~~**(i)** *Fails or refused to pay fees; penalty restitution.* **It shall be unlawful for any owner to fail or refuse to pay restitution.** ~~The refusal to redeem any impounded animal by the owner thereof shall not relieve the owner of the duty to pay the impoundment, boarding and veterinary charges that may be assessed. The owner of any animal who fails or refuses to pay~~ **restitution may also be ordered by the court to immediately surrender the animal to the Animal Services Division. Failing to pay all or any portion of the restitution owed to the Animal Services Division may result in unpaid restitution being sent to a collection agency.** ~~fees and charges shall be in violation of this section and may be summoned and be subject to both such fine and imprisonment as provided by section 1-13, upon conviction of violation of this section.~~
- ~~(k)~~**(j)** *Liability.* Neither the city, its employees, nor any person enforcing this section shall be held liable for any accident or subsequent disease that may occur in connection with the administration of this section.
- ~~(l)~~**(k)** *Appeal bond.* At the conclusion of the automatic stay period, if the owner of an animal that is ordered surrendered **to the Aurora Animal Services Division** pursuant to subsection ~~(g)~~**(f)** of this section desires a further stay of execution of the surrender order pending appeal, the owner shall, as a condition of any further stay of execution, post with the clerk of the court, **within the deadline ordered by the court or no more than three business days from the court's surrender order,** an initial appeal bond in the amount of \$100, for the first 30 days. At the expiration of the 30 day period, in order to continue to stay the surrender order, the owner must return to the court and request that the judge set and the owner shall post with the clerk of the court an amount sufficient to pay the costs, fees and expenses specified in subsections ~~(k)~~**(4)**(1) and (2) of this section. Regardless of the pendency of any formal legal proceedings, the owner and Aurora Animal Services shall collaborate in good faith to find an outcome for the animal other than being humanely euthanized including rehabilitative measures, training and regular enrichment sessions. The fees specified in subsection ~~(k)~~**(4)**(2) of this section shall be posted with the clerk of the municipal court in advance, and in successive 30-day increments thereafter during the pendency of the appeal. **The owner must maintain at least a 30 day advance fee balance of the fee during the pendency of the appeal.** If any required deposit is not made, **or a 30 day advance fee balance is not maintained,** the stay of execution shall expire and the order for surrender ~~or destruction~~ of the

animal shall be executed. During this 30 day period, the owner shall only be assessed the boarding fees and the cost of medicines and medical devices. In no case shall any veterinarian fees be assessed. If required appeal bond is not paid and the stay of the surrender order is lifted, Aurora Animal Services, before moving forward with disposition of the animal, must conduct an assessment, following animal welfare best practices, and shall attempt and make reasonable efforts to find alternatives other than humanely euthanasia for the animal, while balancing public safety, the safety of people and animals near any new placement, and the health and safety of the animal itself. If a final order is entered authorizing the surrender or destruction of the animal, the costs, fees and expenses posted pursuant to subsections ~~(k)(1)~~(1) and (2) of this section shall be forfeited and paid to the animal shelter. If, after final appeal, it is determined that the animal should not be surrendered or destroyed and that the order for surrender or destruction was entered in error, the fees posted as a condition of the stay of execution pursuant to subsection ~~(k)(2)~~(2) of this section shall be refunded to the appellant and the animal shall be released to the owner. In such event, the costs and expenses posted pursuant to subsection ~~(k)(1)~~(1) of this section shall be ordered forfeited to the court and paid to the animal shelter **Aurora Animal Services Division as restitution**. In addition to those costs, fees and expenses covered by subsections ~~(j)(k)~~(1) and (2) of this section, costs and expenses covered by subsection ~~(k)(3)~~(3) of this section shall be **ordered by the court to be paid as restitution to the Aurora Animal Services Division**. ~~remitted to the animal shelter within 15 days of the billing thereof. The date of the bill shall be the day the bill is mailed to the owner's last known address.~~ In lieu of a cash deposit, the appellant may execute a bond to the city as provided in this subsection. One or more sureties may be required or the defendant may furnish cash security or, in the discretion of the court, no security or surety need be required. Costs and fees shall be designated as follows:

- (1) Costs and expenses from and including the date of impoundment through and including the date of the court's surrender order.
- (2) Boarding fees from the expiration of the automatic seven (7) day stay provided for in subsection ~~(h)~~(g) of this section but only after the 37th day if the initial \$100 appeal bond has been filed.
- (3) Reasonable and necessary costs and other expenses, undertaken for the welfare of the animal not covered by subsections ~~(k)(1)~~(1) and (2) of this section, incurred from and including the expiration of the automatic seven (7) day stay provided for in subsection ~~(h)~~(g) of this section but only the 37th day if the initial \$100 appeal bond has been filed.

Sec. 14-5. - Running at large.

- (a) *Prohibited*. It shall be unlawful for the owner or custodian of any dog or other animal to fail to keep the dog or other animal from running at large within the city.

For the purposes of this chapter, an animal shall be deemed running at large when such animal is not physically restrained as follows:

- (1) When the animal is being restrained by tethering upon the premises of the owner ~~or custodian~~, it must have a cord, ~~leash~~ **cable** or chain that is a minimum of six feet in length. ~~‡~~ **The animal** must not be able to enter upon public property, including sidewalks, or the premises of another. **Any cord, cable or chain must be anchored in a manner to prevent tangling or shortening of the cord, cable or chain and must prevent strangulation of the animal.** Any animal off the premises of the owner ~~or custodian~~ shall be restrained by a leash, cord or chain a maximum of ten feet in length, held by a person who is physically able to control the animal.
 - (2) For the purposes of this chapter, the term "premises of the owner ~~or custodian~~" shall be defined as the residence of the owner ~~or custodian~~, including the attached property surrounding the residence that is leased or owned by the owner ~~or custodian~~, but not including any common area, park or recreational property jointly owned or leased by the members of a homeowners' or tenants' association, **or any public easement or right of way.**
 - (3) No animal shall be deemed to be running at large when the animal is upon the premises of the owner. ~~or custodian and when the animal is contained on or restricted to the premises by fencing, or other means secured by an adequate locking device.~~
 - (4) Any animal enclosed within the automobile or other vehicle of its owner ~~or custodian~~ shall be deemed to be upon the owner's ~~or custodian's~~ premises.
 - (5) 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.
- (b) *Animal killed or injured on highway.* Notwithstanding any provisions herein to the contrary, animals injured or killed on or along public streets or other rights-of-way shall ~~may~~ **may** be presumed to be running at large. The animal ~~care~~ **protection** officer shall ~~may~~ **may** remove all such animals and, at his or her discretion, take those needing medical attention to a veterinarian ~~or to the city animal shelter~~. The owner of such animal shall be liable for all expenses of treatment and of impoundment, as well as any penalties which may be imposed for violation of this section.
- (c) ~~Unspayed females.~~ Any ~~unspayed female animal in the state of estrus (heat) shall be deemed to be running at large unless confined during such period of time within a house, building or other secure enclosure which shall be so constructed that no other animal of the opposite sex of the same species may gain access to the confined area unless intentionally admitted to such area by the confined animal's owner for breeding purposes.~~ The animal care officer shall have the authority to order the owner to remove any unspayed female animal in the state of estrus (heat) to the type of confinement described in this subsection and may furthermore require the animal to be confined to a boarding kennel or veterinary hospital of the owner's choice or to the animal shelter for the duration of the estrus cycle. ~~Any animal so~~

~~confined to the animal shelter shall not be disposed of as provided in subsection 14-4(b). However, after notification that the animal is no longer in estrus, and the animal is not redeemed after three days, the owner is deemed to have abandoned and subsection 14-4(b) shall become applicable. All expenses that were incurred as a result of confinement shall be paid by the owner. No impound fee shall be assessed. Failure to comply with the confinement order of the animal care officer shall constitute a violation of this section and the animal will then be impounded as set forth in section 14-4 and its owner shall be subject to the penalty set forth in subsection (d) of this section.~~

- (d) ~~Penalty. Any person owner who is convicted found guilty of violating this section shall be subject to the maximum penalty provisions as provided in section 1-13 of the City Code upon the first conviction be subject to the payment of a fine of not less than \$25.00, and shall be required to obtain an city license for the animal if the owner is a resident of the city.; upon Upon a second conviction of violating this section the conviction of a second offense involving the same animal the owner shall be subject to the maximum penalty provisions as provided in section 1-13 of the City Code fined a sum not less than \$75.00 and shall be required to spay or neuter and microchip the animal,; (unless the owner provides a written statement from a licensed veterinarian that the spay or neuter procedure would be harmful or dangerous to the health of the animal.); and upon the third and subsequent offenses shall be fined in an amount not less than \$150.00. In addition to the fines stated in this subsection, a person convicted under this section may be subject to not more than one year in jail. The minimum monetary fines stated in this subsection may not be suspended by the municipal court. Nothing in this subsection shall be construed as preventing the animal care protection officer from instituting a proceeding in the municipal court for violation of this section where there has been no impoundment.~~

Sec. 14-5.5. – Encroachment.

It shall be unlawful for the owner of an animal to permit the encroachment of the animal. For purposes of this chapter an animal shall be deemed encroaching, and violating this section, when any part of the animal can extend beyond the property of the owner.

Sec. 14-6. - Cruelty; mistreatment.

- (a) *Cruelty.* It shall be unlawful for any person to commit cruelty to animals. A person commits cruelty to animals if he or she knowingly, **recklessly**, or with criminal negligence overdrives, overworks, tortures, torments, deprives of necessary sustenance, unnecessarily or cruelly beats, needlessly mutilates, **engages in or**

encourages a sex act on or with any animal, needlessly kills or, having the charge or custody of any animal, fails to provide it with proper food, drink ~~or~~ **and** protection from the weather, **fails to provide adequate veterinary care for a sick or injured animal**, or abandons it.

- (b) *Open vehicle.* No ~~owner person who owns or has control~~ of any animal shall allow such animal to ride in any open motor vehicle or vessel in such a manner as to permit injury to the animal. For purposes of this subsection, the operator of a motor vehicle shall be deemed to ~~have control~~ **be the owner** of any animals riding therein. Factors to be considered by the court shall include, but are not limited to the following:

- (1) Transporting any animal in an open truck or any motor vehicle or vessel in such a manner as to permit an animal to jump or be thrown ~~therefrom~~ **from the motor vehicle or vessel, or injured** by acceleration of, stopping of or accident involving the vehicle.
- (2) Weather conditions and temperature of the vehicle.
- (3) Tethering or securing any animal in such a way that it may be thrown from the vehicle by acceleration of, stopping of or **an** accident involving the vehicle.

This subsection shall not apply to the owner ~~or controller~~ of such animal if such animal is confined to a cage or enclosure of adequate construction to prevent its escape therefrom and provides proper ventilation.

- (c) *Care of confined animal.* Except as authorized by law, no animal shall be confined without an adequate supply of food and water or protection from the elements and extremes in temperature. If any animal is found to be confined without adequate food, ~~or~~ water, **or protection and the police officer or animal protection officer can articulate a reason(s) why the animal is in imminent danger of death or suffering serious bodily injury**, it shall be lawful for any police officer or animal ~~care~~ **protection** officer, from time to time as may be necessary, to enter into and upon any area or building where such animal is confined and supply it with adequate food and water in accordance with the procedures found in section 14-2. If such animal is not cared for by a person other than an animal ~~care~~ **protection** officer within 24 hours of the posting of notification as described in section 14-2, such animal shall be presumed to have been abandoned under circumstances in which the animal's life or health is endangered.

- (d) *Endangering animal's health or life.* No animal shall be mistreated or neglected to such degree or abandoned in any circumstance so that the animal's life or health is endangered. ~~The term "mistreatment," "neglect" or "abandon" are as defined in section 14-1.~~

- (e) *Poisoning.* It shall be unlawful for any person to poison any animal or to distribute poison in any manner whatsoever with the intent to or for the purpose of poisoning any animal; provided, however, for the purpose only of this subsection, the term "animal" shall not include bats, mice, rats, **jackrabbits, prairie dogs, or pocket**

gophers or other rodents approved by state law, but shall include hamsters, guinea pigs, rabbits **other than jackrabbits**, and squirrels. The distribution of any poison or poisoned meat or food, other than those specifically for insect or bat, mouse, rat, **jackrabbit, prairie dog or pocket gopher** other rodent poisoning, shall be prima facie evidence of violation of this subsection.

- (f) **Harassing Molesting birds.** It shall be unlawful for any person within the city to at any time willfully frighten, shoot at, wound, kill, capture, ensnare, net, trap or in any other manner molest or injure any bird, fowl or water fowl or in any manner willfully molest or injure the nest, eggs or young of any such bird, fowl or water fowl.
- (g) **Unsafe tethering.** It shall be unlawful for the owner of any animal to tether any animal in such a manner that the animal may become entangled and unable to reach shelter, food, or water, or in such a manner that the animal may be injured, strangled, or otherwise cause to suffer.
- (h) **Fighting Animals.** It shall be unlawful for any person to cause, sponsor, instigate, allow or encourage any animal to fight with another animal. It shall be unlawful for any person to train, breed, or keep any animal for the purpose of fighting. It shall be unlawful for any person to maintain a place where animals are permitted to fight for exhibition, wager or sport.

Sec. 14-7. - Keeping aggressive or dangerous animals.

- (a) **Prohibited.** It shall be unlawful for any ~~person~~ **owner** to keep or harbor an aggressive or dangerous animal. For the purposes of this chapter, the term "aggressive or dangerous animal" shall mean any dog or other animal that, without intentional provocation, bites or attacks humans or other animals or in an aggressive or dangerous manner approaches any person or other animal in an apparent attitude of attack, ~~whether or not the attack is consummated or capable of being consummated.~~ It shall be an affirmative defense to charges under this section if the actual or intended victim of any attack has made an unlawful entry into **or onto the dwelling property** of the owner.
- (b) **Guard dogs excepted.** Dogs maintained as guard dogs, as defined in section 14-74 and in compliance with such section, shall not be included under this section.
- (c) **Immediate ~~destruction~~ euthanization.** Nothing in this chapter shall be construed to prevent the immediate ~~destruction~~ **euthanasia** by an animal care **protection** officer or a police officer of any aggressive or dangerous animal when less drastic methods, ~~such as tranquilizing,~~ are not available or effective and when an animal ~~care~~ **protection** officer, a police officer or the animal's owner is unable to promptly and effectively restrain or control the animal ~~so that it might be impounded.~~
- (d) **Penalty.** An owner who is convicted of violating this section shall be subject to the maximum penalty provisions as provided in section 1-13 of the City Code. If the court orders the animal released to the owner the animal shall be

spayed or neutered, if not already done, and microchipped at the owner's expense. Upon a second conviction of violating this section involving the same animal the owner shall be subject to the maximum penalty provisions as provided in section 1-13 of the City Code and the court shall order the animal surrendered to the Aurora Animal Services Division.

Sec. 14-8. - Keeping wild, exotic or dangerous animals or livestock.

- (a) *Prohibited.* It shall be unlawful for any person to own, possess, harbor, sell or in any other manner traffic in the following species ~~or hybrid species~~ of animals:
- (1) All poisonous or venomous animals, anacondas, Reticulated Pythons, Burmese Pythons and Amethystine Pythons.
 - (2) All other non-venomous snakes with a length greater than six feet measured from the tip of the nose to the tip of the tail.
 - (3) All other reptiles with a length greater than three feet measured from the tip of the nose to the tip of the tail.
 - (4) Gorillas, chimpanzees, orangutans, baboons and any other primates.
 - (5) Any species of feline not falling within the categories of ordinary domesticated house cats.
 - (6) Bears of any species.
 - (7) Marsupials, squirrels, raccoons, porcupines, skunks, badgers or other like species, except ferrets (*Mustela furo*).
 - (8) Foxes, wolves, **wolf hybrids**, coyotes or other species of canines other than dogs. **For purposes of this section "wolf hybrid" means the offspring of a wolf (*canis lupus*) and a domestic dog (*canis lupus familiaris*) as determined by any percentage of wolf (*canis lupus*) in the animal's DNA test.**
 - (9) Crocodilians and monitor lizards.
 - (10) Any animal that is not indigenous to the state and is not classified as a household pet.
 - (11) Livestock as defined in section 14-1 is not permitted unless allowed by zoning district provisions ~~in chapter 146~~ **of the City Code.**
- (b) **Domestication or Alleged alleged** domestication of any prohibited animal shall not affect its status under this section. **In the event of uncertainty whether a particular animal is a prohibited animal, it shall be presumed prohibited until proven not prohibited by a preponderance of the evidence to the satisfaction of the Municipal Court.**

- (c) *Exceptions.* Subsection (a) of this section shall not be applicable to any bona-fide zoological garden or any circus or carnival licensed by the city **Colorado Parks and Wildlife** or any bona-fide **licensed** research institute using wild, exotic or dangerous animals for scientific research or any state licensed wildlife rehabilitator, organization or individual who performs wildlife rescue and rehabilitation and is permitted with the city animal care division. **All poisonous or venomous animals, anacondas, reticulated pythons, Burmese pythons and amethystine pythons are not subject to this exception.**
- (d) *At large.* The animal care **protection** officer will have the authority to apprehend any livestock, wild, exotic or dangerous animal that may be at large within the city. Such livestock, wild, exotic or dangerous animal may be impounded, released in wild areas outside of the city which are representative of the animal's natural habitat or released to an appropriate keeper or humanely destroyed when the animal care officer in his or her discretion shall determine such, subject to applicable state law. **Nothing in this chapter shall be construed to prevent the immediate euthanasia of any aggressive, dangerous wild or exotic animal or an animal that presents a danger to itself or to the public health and safety when less drastic methods are not available or effective and when an animal protection officer, police officer, or owner is unable to promptly and effectively restrain or control the wild, exotic or dangerous animal.** The animal care officer is authorized to use any tranquilizer gun or other firearm to subdue or destroy any wild, exotic or dangerous animal that is determined by the animal care officer in his or her discretion to be of danger to either itself or to the public health and safety.

Sec. 14-9. - Removal of excrement.

It shall be unlawful for the owner of any dog or other animal not to immediately remove excrement deposited by such animal upon a common thoroughfare, street, sidewalk, play area, park or upon any other public property, ~~except unlandscaped city-owned property in its native state, or upon private property when permission of the owner or tenant of the property has not been obtained, and such is declared to be a public nuisance and a violation of this chapter.~~ **It shall be unlawful to place animal excrement shall not be placed in storm sewers or street gutters., but shall Animal excrement shall** be disposed of in a sanitary manner. It shall also be unlawful under this chapter to permit excessive excrement to accumulate on any property to the degree that it becomes offensive, or injurious to health, **or is the subject of complaints.**

Sec. 14-10. - Damage to property.

Any animal owner whose animal, whether or not running at large, destroys, damages or injures any shrubbery, plants, flowers, grass, lawn, fence or anything

whatsoever upon any public property or upon any private property, ~~when permission of the owner or tenant of the property has not been obtained,~~ shall be in violation of this ~~section chapter and such is declared to be a public nuisance.~~ **Any animal running at large struck by a vehicle and causing damage to such vehicle may be charged with violating this section.**

Sec. 14-11. - Rabies control.

- (a) *Inoculation.* Any animal lawfully kept as a household pet or working in the city which is capable of transmitting rabies shall be inoculated against rabies by a licensed veterinarian before attaining the age of ~~four~~ **six** months unless the owner presents to the ~~animal care division~~ **Aurora Animal Services Division** a written statement from a licensed ~~Colorado~~ veterinarian that vaccination for rabies would be detrimental to the health of the specific animal. Such vaccination shall be kept current at all times with booster shots administered by a licensed veterinarian on or before the appropriate anniversary date of the initial inoculation. The owner acquiring such animal without current rabies inoculation ~~and tag~~ shall have such animal inoculated against rabies within 30 days after the acquisition or when the animal reaches ~~four~~ **six** months of age. ~~The owner or custodian of any animal required by this section to be inoculated against rabies shall keep a current rabies tag securely attached to the animal at all times. Such tag shall contain the year of the vaccination.~~ **No owner, when requested to do so by an Animal Protection Officer, shall fail to immediately present to the requesting officer evidence of a current rabies inoculation for the animal.**
- (b) *Biting animals; quarantine.* The owner of any dog or other animal required by this section to be inoculated against rabies that has bitten any person or other animal shall immediately notify an animal care **protection** officer or the animal shelter of such. Any **domestic** dog or other animal covered by this section that has bitten any person ~~or any other animal or that has been exposed to another animal which is believed to have rabies~~ shall be immediately confined and observed for a period of no fewer than ten days from the date of the bite or exposure. It shall be unlawful for the owner of any dog or other animal that has bitten any person ~~or other animal or that has been exposed to an animal that is believed to have rabies~~ to destroy **or have euthanized** such **dog or other** animal before it can be properly confined and observed under the supervision of the animal care **protection** officer **unless otherwise ordered by the Colorado Department of Health.** Such confinement may be on the premises of the owner if deemed an appropriate and sufficient safeguard in the discretion of the animal care **protection** officer. If not on the owner's premises, the confinement shall be at the city animal shelter or any licensed veterinary hospital of the owner's choice **if approved by the Aurora Animal Services Division.** **Cost of such** ~~Such~~ confinement shall be at the sole expense of the owner.

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- (c) *Removal from quarantine.* It shall be unlawful for any person to remove from ~~any place of~~ quarantine any animal which has been quarantined pursuant to this section, without the express consent of the **Aurora Animal Services Division manager, shelter supervisor, shelter veterinarian, shelter veterinary technician, or animal care protection officer.**
- (d) *Diagnosis by veterinarian.*
- (1) When an animal under quarantine has been diagnosed by a licensed veterinarian as being rabid, the veterinarian making such diagnosis shall immediately notify the Colorado Department of Public Health and Environment and advise it of any reports of human contact with such rabid animal. ~~The Colorado Department of Public Health and Environment shall then, pursuant to its rules and procedures, humanely destroy such rabid animal.~~
 - (2) If any animal under quarantine dies while under observation and before a diagnosis has been made, the animal care **protection** officer shall immediately take action to notify the Colorado Department of Public Health and Environment which will take action to obtain a pathological and inoculation examination **and inoculation history** of the animal.
 - (3) If, after the ten-day or longer confinement and observation period provided for in this section, the dog or other animal **is determined not to show symptoms of rabies at that time** ~~has not been diagnosed by a licensed veterinarian as having rabies,~~ the quarantined animal **shall may** be released from confinement by the animal care **protection** officer ~~upon payment of all impoundment and other quarantine fees,~~ unless the animal is being held pursuant to section 14-4.

Sec. 14-12. - Public nuisance.

Under this chapter, it shall be unlawful for any person to cause or constitute a public nuisance or to knowingly permit, encourage or unreasonably fail to prevent such nuisances. Nuisance, for purposes of this section, shall be deemed to be but not limited to:

- (1) Any continuous and habitual violation of any section within this chapter. Factors to be considered may be but are not limited to **accumulated a minimum of two** convictions for ~~separate and distinct~~ violations **of this chapter within a twelve month period**, degree of aggravation or failure of the owner to take **reasonable** corrective action for any violation or all violations **for which documentation exists.**
- (2) Any **habitual** behavior involving animals that endangers the health, safety or **welfare** ~~public peace~~ of the community **or animal.**

- (3) Negligence in allowing the accumulation of waste matter to the degree of creating a putrid, offensive, unsanitary or unhealthy condition to the surrounding area.

Sec. 14-13. - ~~Humane care~~ **Mistreatment or neglect.**

- (a) ~~Generally~~ **General.** Each animal **in the custody or care of the owner** shall be adequately supervised by the owner and cared for so as to prevent injury, diseases or neglect. ~~Sick or injured animals shall be provided with veterinary care and~~ **All animals shall be** cared for in a manner that provides for the health, ~~and~~ comfort, **and safety** of the animal at all times.
- (b) *Standards.* Every owner, agent, lessee, tenant or occupant of any premises where any animal is kept shall ensure all equipment, buildings and facilities are constructed and maintained to not less than the following standards:
 - (1) ~~Structural strength.~~ ~~Housing facilities or shelters for animals shall be structurally sound and able to contain the animals and shall be maintained in good repair to protect the animals from injury, adverse weather, safety or health hazards.~~
 - (2) *Water.* Adequate and potable water shall be available to the animals at all times unless veterinary orders indicate to the contrary. Watering receptacles shall be kept clean.
 - (3) ~~Electric power.~~ ~~Reliable and adequate electric power shall be provided if required for lighting or heating.~~
 - (4)(2) *Storage.* Supplies of feed and bedding shall be stored and protected against infestation or contamination by vermin or decaying organic matter **or spoilage.**
 - (5)(3) *Cleaning of pet shops, kennels, cages, facilities and surrounding premises.* In pet shops, kennels, cages, facilities and surrounding premises, waste material shall be removed as often as necessary to prevent contamination and to reduce disease, hazards and odors. **All surfaces shall also be cleaned and disinfected.**
 - (6)(4) *Ventilation.* Cages, corrals, kennels, stables, stalls, facilities and ~~enclosure shelters~~ shall be ventilated to provide for the health and comfort of the animals at all times. Animals shall be provided with fresh air, either by means of windows, doors or vents, which shall be ventilated so as to minimize draft, odors, **mold and mildew** and moisture condensation.
 - (7)(5) *Lighting.* Where lighting is required, such lighting shall provide uniformly distributed illumination of sufficient intensity to permit routine inspection and cleaning during inspections or working periods.
 - (8)(6) *Heating.* The ambient temperature shall be consistent with the health requirements of the animals.

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- (9)(7) *Cages, corrals, kennels, stables, stalls or any other enclosures.* Cages or enclosures shall be structurally sound to contain the animal and shall be maintained in good repair to protect the animal from injury and any adverse conditions. Enclosures shall provide sufficient space to meet the conditions and size of the animal and allow the animal to turn about freely and to easily stand and lie in a comfortable, normal position.
- (10)(8) *Housekeeping.* All facilities **and habitation areas** shall be kept clean and in good repair in order to protect the animals from injury and disease and to facilitate good animal husbandry, and the owner shall keep surrounding areas free of accumulations of trash, debris and waste.
- (11)(9) *Feeding.* Each animal shall be fed food of a sufficient quantity and of good nutritive quality to meet the normal daily requirements according to size and needs of the animal. Food receptacles shall be located for easy accessibility to the animal and to ~~minimize~~ **prevent** contamination from trash, debris and waste.
- (12)~~Fencing.~~ All ~~fencing~~ requirements shall comply with chapter 146 of this Code.

Sec. 14-14. - Trapping.

- (a) *Illegal traps.* It shall be unlawful to use or set, or cause to be used or set, a leghold, snare, instant kill, body gripping trap or such other trap which can cause pain, injury or suffering for the purpose of trapping any ~~feral cat or household pet~~ **animal, except for any mouse or rat. Traps for pest extermination must not permit suffering of the animal.**
- (b) *Trapping permits.* Except as provided in subsection (c), it shall be unlawful for any person to use or set or cause to be used or set any trap, for the purpose of trapping any ~~feral cat, or household pet~~ without first obtaining a permit. Such permit shall be issued by the ~~animal care division~~ **Aurora Animal Services Division** of the city for a specified address and period of time ~~not to exceed one year~~ and shall limit and specify the type and number of traps which may be utilized. Such permit may be denied or revoked if the applicant, or any member of the applicant's household has been convicted of any violation relating to cruelty or mistreatment of animals within one year preceding the date of the application for the permit, or during the term of permit. **A trapping permits may be suspended by an animal protection officer, pending the outcome of the court proceeding, if the applicant or any member of the applicant's household has been issued a criminal summons and complaint for any violation relating to cruelty or mistreatment of animals.**
- (c) *Exceptions.* **The requirement for a trapping permit shall not apply to the Colorado Parks and Wildlife Division.** No permit, as described in subsection (b), shall be required to trap any ~~feral cat or household pet~~ if such trapping is being done inside the individual's ~~residence~~ **dwelling** or place of business. ~~This~~

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~~exception shall not apply to any attached or detached garage or storage structure which is being utilized in connection with a residential use.~~

- (d) *Inspection of traps.* It shall be unlawful for any person, who uses, ~~to~~ sets, or causes to be used or set, any trap which is designed to not harm the animal, to fail, refuse, or neglect to check the trap **at a minimum of every 24 hours** ~~on a timely basis~~ to prevent endangering the life or health of any animal which is captured by such trap.
- (e) **Traps discovered by the Aurora Animal Services Division to not be in compliance with this section may be seized by the division.**

Sec. 14-15. - Beekeeping.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have meanings ascribed to them in this section:
- (1) Apiary shall mean a place where bee colonies are kept.
 - (2) Bee shall mean any stage of the common domestic honey bee, *Apis mellifera* species.
 - (3) Colony shall mean a hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood.
 - (4) Hive shall mean a structure intended for the housing of a bee colony.
 - (5) Tract shall mean a contiguous parcel of land under common ownership.
- (b) *Hives.* All bee colonies shall be kept in inspectable type hives with removable combs, which shall be kept in sound and usable condition.
- (c) *Setback.* All hives shall be located at least five feet from any adjoining property with the back of the hive facing the nearest adjoining property.
- (d) *Fencing of flyways.* In each instance in which any colony is situated within 25 feet of a developed public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six feet in height consisting of a solid wall or fence parallel to the property line and extending ten feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six feet above ground level over the property lines in the vicinity of the apiary.
- (e) *Water.* Each beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at swimming pools, **faucets** ~~bibcocks~~, pet water bowls, birdbaths or other water sources where they may cause human, bird or domestic pet contact. The water shall be maintained so as not to become stagnant.
- (f) *Maintenance.* Each beekeeper shall ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon

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their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

- (g) **Queens Removal.** In any instance in which a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to ~~re-queen~~ **remove** the colony. ~~Queens shall be selected from stock bred for gentleness and nonswarming characteristics.~~
- (h) **Colony densities.**
- (1) It shall be unlawful to keep more than the following number of colonies on any tract within the city, based upon the size or configuration of the tract on which the apiary is situated:
- a. One-quarter acre or less tract size—Two colonies;
 - b. More than one-quarter acre but less than one-half acre tract size—Four colonies;
 - c. One-half acre or more but less than one acre tract size—Six colonies;
 - d. One acre or larger tract size—Eight colonies;
 - e. Regardless of tract size, where all hives are situated at least 200 feet in any direction from all property lines of the tract on which the apiary is situated, there shall be no limit to the number of colonies.
- (2) For each two colonies authorized under colony densities, subsection (h)(1) above, there may be maintained upon the same tract one nucleus colony in a hive structure not exceeding one standard 9 5/8 inch depth ten frame hive body with no supers attached as required from time to time for management of swarms. Each such nucleus colony shall be disposed of or combined with an authorized colony within 30 days after the date it is acquired.
- (i) **Prohibited.** The keeping by any person of bee colonies in the city not in strict compliance with this section is prohibited. Any bee colony not residing in a hive structure intended for beekeeping, or any swarm of bees, or any colony residing in a standard or homemade hive which, by virtue of its condition, has obviously been abandoned by the beekeeper, is unlawful and may be summarily destroyed or removed from the city by the city manager or designee.

Sec. 14-16 – Restitution.

All restitution paid, whether ordered paid by the court or otherwise authorized or imposed by this chapter without a court order, shall go to the Aurora Animal Services Division's gifts and grants fund.

Sec. 14-17. – Intact license.

- (a) Any owner who desires to keep their animal intact shall obtain an annual intact license from the city.
- (b) It shall be unlawful for any owner to breed a litter of puppies or kittens in the city without having an intact license issued by the city.
- (c) It shall be unlawful for any animals less than 8 weeks of age to be sold, traded, given away, bartered or otherwise permanently removed from the care of their mothers, unless by order of a licensed veterinarian or to prevent injury to juveniles by dam.
- (d) *Penalty.* An owner who is convicted of violating this section is subject to the maximum penalty provisions as provided in section 1-13 of the City Code. Upon a second conviction of this section, in addition to any penalty provided by section 1-13, the owner shall be required to spay or neuter the parent(s) unless the owner provides a written statement from a licensed veterinarian that the spay or neuter procedure would be harmful or dangerous to the health of the animal. Nothing in this subsection shall be construed as preventing the animal protection officer from instituting a proceeding in the municipal court for violation of this section where there has been no impoundment.

Sec. 14-18. – Fees and costs.

All fees and costs authorized by this chapter shall be established by the manager of the Aurora Animal Services Division in accordance with the provisions of section 2-587 of the City Code. The manager of the Aurora Animal Services Division may, in the manager's sole discretion, waive any and all fees and costs, except restitution ordered by the court, in whole or in part, where the payment of such fees is a demonstrated financial hardship or the waiver is otherwise in the public interest.

Sec. 14-19. – Service Animals or Emotional Support Animals Misrepresentation.

(a) It shall be unlawful for any person to intentionally misrepresent an animal as a service animal for purposes of obtaining any of the rights or privileges set forth in local, state or federal law for individuals with a disability.

(b) It shall be unlawful for any person to intentionally misrepresent entitlement to an animal as an assistance or emotional support animal for purposes of obtaining any of the rights and privileges set forth in local, state or federal law for an individual with a disability as a reasonable accommodation in housing.

ARTICLE II. - DOGS AND CATS

DIVISION 1. - GENERALLY

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Sec. 14-41. - Licensing.

- (a) **City license License required.** Any owner of a domesticated dog or cat kept as a household pet or working within the city shall obtain ~~a one-year or a three-year~~ **a city animal license** from the city or its designated agents for each animal over the age of six months. No license shall be issued until the applicant for the license provides proof of current vaccination for rabies as required in this chapter.
- (b) ~~Assessment of fees.~~ ~~An animal license fee for domesticated dogs and cats kept as household pets shall be assessed pursuant to the annual administrative fees as adopted by the council.~~
- (e) ~~Expiration and renewal.~~ A one-year animal license shall expire 12 months from the date of issuance. A three-year animal license shall expire 36 months from the date of issuance. **A city An animal license may be renewed** ~~reissued~~ upon payment of **the city license fee** ~~fees as stated in subsection (b) of this section.~~
- (d)(c) **City license License tags.** It is the responsibility of any owner, ~~keeper or possessor~~ of a domesticated dog or cat kept as a household pet or working within the city to cause **the current city license tag to be securely attached to the collar or harness of** such animal to wear at all times. **The city license tag shall bear a metal tag bearing the legible number of a current city license issued for such animal as provided for in this section. At any trial concerning a violation charged under this section, the absence of such tags shall be prima facie evidence that such animal was not properly licensed. The absence of a city license tag attached to the collar or harness of the animal shall be prima facie evidence that such animal is not properly licensed pursuant to this section and the owner is in violation of this section.**
- (e)(d) ~~Penalty.~~ Any ~~person found guilty~~ **owner convicted** of violating this section shall **be subject to the maximum penalty provisions as provided in section 1-13 of the City Code and shall be required to obtain a city license if a resident of the city of Aurora, Colorado.** ~~upon the first conviction, be subject to the payment of a fine of not less than \$50.00, upon the conviction of a second offense occurring within a one-year period shall be fined a sum not less than \$75.00., and upon the third and any subsequent convictions shall be fined not less than \$100.00 and not more than \$1,000.00. In addition to the fines stated in this subsection, a person convicted under this section may be subject to not more than one year in jail. None of the minimum monetary fines in this subsection shall be suspended by the municipal court.~~

Sec. 14-42. - Spay or neuter.

- (a) *Spay or neuter required.* It shall be unlawful to own, possess or keep in the city any dog, rabbit or cat over the age of six months that has not been spayed or neutered, except as provided in subsection (b) of this section.

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- (b) *Exceptions.* The following are exceptions to the spay or neuter requirements in subsection (a) of this section:
- (1) *Medical.* A licensed veterinarian has determined that an animal is medically unsuited to undergo the surgical procedure. A signed statement from a licensed veterinarian is required and shall state specifically the medical grounds for the exemption.
 - (2) *Temporary medical.* When the animal's medical condition is temporary in nature, the licensed veterinarian shall sign a written statement as to the prognosis of when the surgery may be performed. The date given on that prognosis shall become the expiration date of the temporary medical exemption. After the period of the temporary medical exemption, spay or neuter shall be required unless a licensed veterinarian provides another temporary medical exemption and prognosis of when the surgery may be performed.
 - (3) *Transitory status.* An animal which is temporarily in the city. When an animal is temporarily in the city for breeding purposes, the owner of such animal is required to have and present, when requested, a certificate of health signed by a licensed veterinarian.
 - (4) *Intact animal license.* An owner obtains an annual intact animal license and is in compliance with the city annual **intact** licensing requirements contained in this chapter.
- (c) ~~*Litter permit and registration number.* All litters, or a portion thereof, of puppies or kittens that are to be whelped, queened, sold, traded, bartered, given away, or otherwise transferred within the City of Aurora, shall have a litter permit and registration number.~~
- ~~(1) The owner or possessor obtain a litter permit and registration number within one week of obtaining possession of any litter, or portion thereof, of puppies or kittens.~~
 - ~~(2) Owners or possessors shall abide by all the litter permit and registration administrative requirements.~~
 - ~~(3) The litter permit and registration number requirements, of this subsection, shall not apply to pet shops.~~
- (d) *Penalty.* Any owner found guilty **convicted** of violating this section and not classified within the exceptions shall be subject to **the maximum penalty provisions** both fine and imprisonment as provided by section 1-13 of this City Code. Upon the first conviction the court shall impose a fine of not less than \$100.00. A portion of the minimum monetary fines and imprisonment may be suspended by the municipal court only if the owner of any animal in violation presents to the court proof of the spay or neuter of the animal. Upon a second conviction **of violating this section involving the same animal**, in addition to any **the maximum penalty provisions as** provided by section 1-13, the owner shall be

required to spay or neuter the animal; ~~(unless the owner provides a written statement from a licensed veterinarian that the spay or neuter procedure would be harmful or dangerous to the health of the animal).~~ Nothing in this subsection shall be construed as preventing the animal ~~care~~ **protection** officer from instituting a proceeding in the municipal court for violation of this section where there has been no impoundment.

Sec. 14-43. - Sale in public places.

A person shall not display any dog or cat in a public place for the purpose of selling or giving the animal away. The term "public place" shall include but not be limited to streets, highways, areas exterior to shops or businesses, carnivals, sidewalks and flea markets. This section does not apply to a ~~registered rescue group~~ **PACFA licensed rescue organization**, ~~or animal welfare~~ **a PACFA licensed humane society or a PACFA licensed shelter**.

DIVISION 2. - DOGS

Sec. 14-71. - Excessive number prohibited.

- (a) It shall be unlawful for any person to keep or harbor more than three dogs ~~that are four months of age or older~~ on any premises, **except puppies whelped by dam at the residence**. Only one litter of offspring may be kept on the premises until the age of four months. Exceptions are licensed kennels, **licensed pet shops, PACFA licensed pet animal rescuers and PACFA licensed** ~~city~~ shelters and individuals in possession of a valid fancier's permit with the conditions established by the city council for the permit. In no event shall the permit authorize the possession of more than six dogs except as provided in subsection (b). **A PACFA licensed pet animal rescuer shall have no more than three months to dispose of the dog or otherwise return to the limit of permitted dogs.**
- (b) *Exceptions.* The following exceptions shall apply to the issuance of a fancier's permit.
- (1) A fancier's permit may be issued for American Kennel Club (AKC) registered dogs for the possession of up to six intact dogs, or eight intact dogs if at least two are actively being shown at a current AKC dog show. This limit shall be in addition to one litter until the age of six months.
 - (2) A fancier's permit may be issued for residents in R-A zoned districts for four dogs per each full acre not to exceed ten household pets per property. This limit shall be in addition to one litter until the age of six months.
 - (3) The issuance of permits under these exceptions shall be in accordance with the conditions established by the city council.

- (c) It shall be an affirmative defense to excessive number of dogs permitted if the owner ~~is engaged in a bona fide effort to rescue dogs and~~ possesses an animal a **PACFA rescue permit license**. ~~The owner must make application for the permit to the animal care division within 14 days of taking custody of the additional dogs. The permit shall give the owner three months to dispose of the dogs or otherwise return to the limit of permitted dogs. A maximum of two permits shall be issued to a household at any one time.~~

Sec. 14-72. - Keeping barking dogs.

It shall be unlawful to keep or harbor any dog which by frequent, habitual or continued barking, yelping or howling shall cause an annoyance or inconvenience to **the neighbors**. ~~a neighbor or to people passing to and from upon the public streets or sidewalks, and such is declared to be a nuisance as defined in section 14-12 and a violation of this chapter. The animal care officer or a member of the police department shall have the authority to use all reasonable means to abate such nuisance, including but not limited to requiring that the owner make bona fide efforts to quiet the dog or impoundment of the dog where the owner is absent from the premises. Upon impoundment of a dog for violation of this section, the animal care officer or police officer shall attempt to locate and notify the absent owner by any reasonable means as readily as possible. No summons and complaint shall be issued nor shall there be a conviction for violation of this section unless there are at least two or more complaining witnesses from separate households who shall have signed such a complaint form stating the date, time, and how the barking caused an annoyance or inconvenience to the complaining party. The complaining party and shall be willing to appear and testify have testified at the trial for their complaint. Any witness who fails to testify at trial on a barking dog complaint shall not be considered as a "witness willing to testify at trial" for any subsequent barking dog complaints. An animal care officer or police officer who has personally investigated the complaint of a single complainant and observed problem behavior of the dog with regard to its frequent, habitual or continued barking, yelping or howling may satisfy the requirement for the second complaining witness and may give testimony to such observations at trial. An Animal Protection Officer, or designee, will review the complaint forms delivered to the Aurora Animal Shelter and determine if there is probable cause for a summons and complaint to be issued. The Animal Protection Officer is not required to appear for the trial or any court proceeding on barking dog complaints.~~

Sec. 14-74. - Guard dogs.

The term "guard dog" shall mean any dog trained or used to protect persons or property by attacking or threatening to attack any person found within the area patrolled

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by the dog and that is either securely enclosed within that area at all times or under the continuous control of a trained handler. It shall be unlawful for any person to place or maintain guard dogs in any area for the protection of persons or property unless the following are met:

- (1) The dogs shall be confined to an enclosed area adequate to ensure they will not escape; or
- (2) They shall be under the absolute control of a handler at all times when not securely enclosed; and
- (3) The owner or other person in control of the premises upon which a guard dog is maintained shall post warning signs on, over or next to all exterior doors stating that such a dog is on the premises. At least one such sign shall be posted at each driveway or entranceway to the premises. Such signs shall be in lettering clearly visible from either the curb line or a distance of 50 feet, whichever is less, and shall contain a telephone number where some person responsible for controlling such guard dog can be reached 24 hours a day; and
- (4) Prior to the placing of a guard dog on any property, the person responsible for the ~~placing~~ **guard dog** shall inform the animal ~~care~~ **protection** officer, the police department and the fire department, in writing, of his or her intention to post the dog; the number of dogs to be posted; the location where the dog will be posted; the approximate length of time the dog will be guarding the area; the daily hours the dog will be guarding the area; the breed, sex and age of the dog; and the rabies tag number **and the city license number** of the dog. Such notice must be renewed every six months.

Sec. 14-75. - Unlawful keeping of ~~pit bulls~~ **restricted breeds**.

- (a) *Prohibited*. It shall be unlawful for any person to have, own, possess, keep, exercise control over, maintain, harbor, transport, or sell within the city any ~~pit bull~~ **restricted breed**.
- (b) *Definitions*.
 - (1) "Immediate family" for purposes of this chapter, includes the owner's spouse, child, parent or sibling.
 - (2) "Handler" for purposes of this chapter, means an individual with a disability who is utilizing a service dog, as that term is defined in this chapter, to do work or perform tasks directly related to the individual's disability. If over the age of 18, the handler must also be the owner of the service dog. If under the age of 18, the handler's legal guardian must be the owner of the service dog.
 - (3) "Muzzle" for purposes of this chapter, shall mean a restraining device made of metal, plastic, leather, cloth or a combination of these materials that, when fitted and fastened over a snout/mouth/head, prevents the dog from biting but allows

room for the dog to breath and pant. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.

- (4) "~~Pit bull~~ **Restricted breed**" for purposes of this chapter, is defined as any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog displaying the majority of physical traits or genetic markers of any one or more of the above breeds, or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds.
- (5) "Secure temporary enclosure" for purposes of this chapter, is a secure enclosure used for purposes of transporting a ~~pit bull~~ **restricted breed** and which includes a top and bottom permanently attached to the sides except for a "door" for removal of the ~~pit bull~~ **restricted breed**. Such enclosure must be of such material and secured with a keyed or combination lock so that the ~~pit bull~~ **restricted breed** cannot exit the enclosure on its own.
- (6) "Secure pen or enclosure" for the purposes of this chapter, shall mean a six-sided structure designed to prevent entry of a child or escape of a ~~pit bull~~ **restricted breed**. Such pen or structure must have minimum dimensions of five-feet by ten-feet **by five-feet in height** per animal housed within and must have secure chain-link sides, a secured top and a secure bottom. The enclosure must provide protection from the elements for the dog. All structures erected to house a ~~pit bull~~ **restricted breed** must comply with all zoning and building ordinances and regulations of the city and shall be kept in a clean and sanitary condition. **All secure pens or enclosures must be approved by the Aurora Animal Services Division.** The gate of the pen or enclosure shall be secured with a keyed or combination lock.
- (7) "DNA testing" DNA (Deoxyribonucleic Acid) is the genetic blueprint that contain most of the genetic instructions for every canine's body make up (height, weight, size etc.). DNA testing means a genetic analysis to identify key single-nucleotide polymorphisms marker locations (genetic markers) that may detect the breed, type and variety of a dog and may show the ancestral breed composition of a particular dog.
- (8) "DNA test evidence" the owner may, at the owner's expense, submit a DNA sample ~~of a dog to a veterinarian or other professional~~ to test for the genetic history of a dog **following the Aurora Animal Services Division's policy on DNA collection**. Such test should look for the genetic markers for the following breeds: American Pit Bull Terrier, American Staffordshire Terrier, and Staffordshire Bull Terrier. In order to be considered a ~~pit bull~~ **restricted breed** the DNA testing must demonstrate a genetic blueprint of excess of 50 percent ~~of pit bull restricted breed~~. The DNA test results shall constitute **prima facie** evidence which the court may consider in establishing ~~that a dog is other than a breed banned by this section~~ **the breed of the dog**. DNA testing results shall

override any subjective evidence including observational findings to the contrary. If an owner indicates to a judge that a DNA test will be performed, the court may issue appropriate orders as to the release of the dog with any additional conditions that the court believes will minimize any danger to the community during the pendency of the testing and obtaining the results.

- (c) *Exceptions.* The prohibition in subsection (a) shall not apply in the following enumerated circumstances. Failure by the owner to comply and remain in compliance with all of the terms of any applicable exception may subject the ~~pit bull~~ **restricted breed** to immediate impoundment and disposition.
- (1) The owner of a ~~pit bull~~ **restricted breed** who has applied for and received a ~~pit bull~~ **city** license and who maintains the ~~pit bull~~ **restricted breed** at all times in compliance with the ~~pit bull~~ **restricted breed** license requirements of subsection (d) of this section and all other applicable requirements of this chapter, may keep a ~~pit bull~~ **restricted breed** within the city.
 - (2) The ~~animal care division~~ **Aurora Animal Services Division** may temporarily transport and harbor any ~~pit bull~~ **restricted breed** for purposes of enforcing the provisions of this chapter.
 - (3) Any veterinarian while treating or grooming a ~~pit bull~~ **restricted breed**, or holding such ~~pit bull~~ **restricted breed** after treatment until claimed by the owner or released to an animal care **protection** officer.
 - (4) A person may temporarily transport into and hold in the city a ~~pit bull~~ **restricted breed** only for the purpose of showing such ~~pit bull~~ **restricted breed** in a place of public exhibition, contest or show sponsored by a dog club association or similar organization. However, the sponsor of the exhibition, contest, or show must receive written permission from the city manager or designee, must obtain any other permits or licenses required by city ordinance, and must provide protective measures adequate to prevent ~~pit bulls~~ **restricted breeds** from escaping or injuring the public. The person who transports and holds a ~~pit bull~~ **restricted breed** for showing shall, at all times when the ~~pit bull~~ **restricted breed** is being transported within the city to and from the place of exhibition, contest, or show, keep the ~~pit bull~~ **restricted breed** confined in a secure temporary enclosure locked with a keyed or combination lock and bearing a caution sign affixed in a conspicuous location warning people a pit bull is confined within.
 - (5) The owner of a ~~pit bull~~ **restricted breed** may temporarily transport the ~~pit bull~~ **restricted breed** through the city. During such transport the owner may not stop within the city for any reason not reasonably related to and necessary for travel. During such travel, the owner shall keep the ~~pit bull~~ **restricted breed** muzzled and either in a secure temporary enclosure or securely leashed with a leash no longer than four feet in length held by someone ~~24~~ **18** years of age or older who is capable of effectively controlling the dog. Extension-style leashes may not be used. Leashes may not be attached to inanimate objects.

- (6) The owner/~~handler~~ of a ~~pit bull~~ **restricted breed** that is the ~~handler's~~ **owner's** service animal who has applied for and received a ~~pit bull~~ license in accordance with subsection (d) of this section, and who maintains the ~~pit bull~~ **restricted breed** at all times in compliance with the ~~pit bull~~ **restricted breed** license requirements of subsection (d) of this section and all other applicable requirements of this chapter, may keep a ~~pit bull~~ **restricted breed** that is a service animal within the city. If an ~~animal care division~~ **Aurora Animal Services Division** or other authorized city law enforcement officer makes contact with an owner/~~handler~~ of a ~~pit bull~~ **restricted breed** not licensed pursuant to this section and the owner/~~handler~~ asserts that his or her dog is a service animal, the owner/~~handler~~ shall be informed of this section and instructed to obtain a ~~pit bull~~ license pursuant to subsection (d) below within 72 hours of the initial contact. Failure to obtain a ~~pit bull~~ license **pursuant to subsection (d) of this section** shall result in impoundment of the dog pursuant to subsection (e) of this section.
- (7) A non-resident owner/~~handler~~ may temporarily transport into and hold in the city a ~~pit bull~~ **restricted breed** that is the ~~owner/handler's~~ **owner's** service animal for a period not exceeding two weeks. During such temporary transport or holding, the owner/~~handler~~ shall keep the ~~pit bull~~ **restricted breed** muzzled and securely leashed with a leash no longer than four feet in length held by the owner/~~handler~~ who requires the use of the service animal. In the event the ~~handler~~ **owner**, because of a disability, is not able to use a muzzle or leash no longer than four feet in length, or in the event the use of a muzzle or a leash no longer than four feet in length would interfere with the service animal's safe, effective performance of work or tasks, the service animal must be otherwise under the ~~handler's~~ **owner's** control.
- (8) **An owner or handler of a designated service dog or designated emotional support animal may be under 21 years of age.**
- (d) **City License.** The owner of a ~~pit bull~~ **restricted breed** ~~who has applied for and received a pit bull license within 60 days of the effective date of this section or the owner/handler of a pit bull~~ that is a **designated service animal or designated emotional support animal** who has applied for and received a ~~pit bull~~ **city** license shall be allowed to keep such ~~pit bull~~ **restricted breed** within the city. As a condition of issuance of a ~~pit bull~~ **city** license, the owner shall at the time of application, comply with or otherwise provide sufficient evidence that the owner is in compliance with all of the following regulations:
- (1) The owner of the ~~pit bull~~ **restricted breed** shall provide proof of a current rabies vaccination and shall pay an annual ~~pit bull~~ **city** license fee ~~to be set by city council~~. The annual ~~pit bull~~ **city** license fee shall be waived for a ~~pit bull~~ **restricted breed** that is a service animal.
- (2) The owner of the ~~pit bull~~ **restricted breed** shall keep current the **city** license for such ~~pit bull~~ **restricted breed** through annual renewal. Such license is not transferable or renewable except by the holder of the license. ~~or by a member~~

~~of the immediate family of such licensee. A pit bull license tag will be issued to the owner at the time of issuance of the license. Such license tag shall be attached to the pit bull by means of a collar or harness which must be worn by the animal at all times, clearly visible, and shall not be attached to any pit bull other than the pit bull for which the license was issued.~~

- (3) The owner must be at least 21 years of age. This regulation shall be waived for a ~~pit bull~~ **restricted breed** that is a **designated** service animal or a **designated emotional support animal** when the handler is between at least 18 years of age, but under 21 years of age.
- (4) The owner shall present to the city manager or designee proof that the owner has homeowner's or renter's insurance with a minimum of \$100,000.00 for liability coverage which will cover any damage or injury caused by a ~~pit bull~~ **restricted breed** during the 12-month period covered by the ~~pit bull~~ **restricted breed**. This regulation shall be waived for a pit bull **restricted breed** that is a **designated** service animal or a **designated emotional support animal**.
- (5) The owner shall, at the owner's own expense, have the ~~pit bull~~ **restricted breed** spayed or neutered and shall present to the city manager or designee documentary proof from a licensed veterinarian that this sterilization has been performed.
- (6) The owner shall, at the owner's own expense, have a microchip containing an identification number implanted into the ~~pit bull~~ **restricted breed**. The owner shall also, at the owner's expense, register the microchip number with a national data bank and provide proof of such registration to the ~~animal care division~~ **Aurora Animal Services Division**. The city manager or designee shall maintain a file containing the registration numbers and names of the ~~pit bull~~ **restricted breed** and the names and addresses of the owners. The owner shall notify the city manager or designee of any change of address.
- (7) Except as stated below and at all times when a ~~pit bull~~ **restricted breed** is at the property of the owner, the owner shall keep the ~~pit bull~~ **restricted breed** confined. When outdoors, all ~~pit bulls~~ **restricted breed** shall be confined in a locked secure pen or enclosure or with its owner/handler or an adult at least ~~21~~ **18** years of age in the rear yard with the dog, and the rear yard enclosed by a six foot fence maintained in accordance with ~~chapter 146 of this~~ **the City Code**. ~~A warning sign shall be affixed to the gate of the structure notifying people a pit bull is contained within. This regulation related to the warning sign shall be waived for a pit bull that is a service animal.~~
- (8) No ~~pit bull~~ **restricted breed** may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. This regulation shall **may** be waived for a ~~pit bull~~ **restricted breed** that is a service animal **if this restriction interferes with the work or task the service animal is trained to perform.**

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- (9) At all times when a ~~pit bull~~ **restricted breed** is away from the property of the owner, the owner shall keep the ~~pit bull~~ **restricted breed** muzzled and either in a secure temporary enclosure or securely leashed with a leash no longer than four feet in length held by someone ~~21 years of age or older~~ who is capable of effectively controlling the dog. Extension-style leashes may not be used. Leashes may not be attached to inanimate objects. In the event the ~~handler~~ **owner**, because of a disability, is not able to use ~~A leash no longer than four feet in length~~, or in the event the use of a muzzle or a leash ~~no longer than four feet in length~~ would interfere with the service animal's safe, effective performance of work or tasks, the service animal must be otherwise under the handler's control at all times when away from the property of the owner/~~handler~~ in a manner relayed to the city manager or designee at the time of licensing. This regulation and the means for controlling the ~~pit bull~~ **restricted breed** may be modified and portions may be waived for service animals by the city manager or designee as determined on a case-by-case basis.
- ~~(10) The owner shall not sell or otherwise transfer the pit bull to any person residing within the city except a member of the owner's immediate family who will then become the owner and will be subject to all of the provisions of this section.~~
- ~~(11)~~ **(10)** The owner shall immediately notify the ~~animal care division~~ **Aurora Animal Services Division** in the event that the ~~pit bull~~ **restricted breed** is loose, stolen, at-large, unconfined, has mauled, bitten, attacked, threatened, or in any way menaced another animal or human, or has died.
- ~~(12) The owner shall have posted at the front door entrance to the owner's property where the pit bull is kept a conspicuous and clearly legible pit bull warning sign obtained from the animal care division. This regulation shall be waived for a pit bull~~ **restricted breed** that is a service animal.
- ~~(13)~~ **(11)** No person applying for a ~~pit bull~~ **city** license ~~for a restricted breed~~ shall be granted ~~a litter an intact license or fancier's permit pursuant to section 14-42 of this section~~ **this chapter** for such ~~pit bull~~ **restricted breed**.
- ~~(14)~~ **(12)** Failure to comply with any of these conditions shall result in a revocation of the license, impoundment and disposition pursuant to subsection (e) of this section.
- (e) *Impoundment.* The ~~animal care division~~ **Aurora Animal Services Division** is authorized to immediately impound any ~~pit bull~~ **restricted breed** found within the city limits which does not fall within the exceptions listed in subsection (c) or (d). If the dog is found to be an unlicensed ~~pit bull~~ **restricted breed** it shall be ordered surrendered or ~~destroyed~~ **humanely euthanized** unless the owner produces evidence deemed sufficient by the court that the ~~pit bull~~ **restricted breed** is to be permanently taken out of the city. Sufficient evidence must include, but is not limited to, a notarized agreement from the person taking custody of the animal containing an address and date of transfer. Additionally, the owner must consent to an in-home inspection by the ~~animal care division~~ **Aurora Animal Services**

Division within 30 days of release for the purpose of verifying the dog's removal from the city. Prior to release **of the dog the owner must have the dog microchipped, if not already microchipped, have the microchip identification number recorded with the Aurora Animal Services Division, and** the owner must pay the cost of impoundment and microchip the dog pursuant to subsection (d)(6) of this section. If the dog is found not to be a pit bull **restricted breed** or if the dog is found to be a service animal, the dog shall be released to the owner. Notwithstanding a finding that the dog is not a pit bull **restricted breed** or a finding that the dog is a service animal, a dog may be impounded and the owner/handler may be held responsible for violations of this section or any other applicable state or local law, including but not limited to, the ordinances contained in chapter 14 of the Aurora Municipal **Colo. Code (the "City Code")**.

(f) *Penalty.*

- ~~(1) Any person found guilty of violating this section with a licensed pit bull, upon conviction, could be subject to the penalty provisions of City Code section 1-13.~~
- (2) In addition to the maximum penalty provisions provided in section 1-13 of the City Code, any** Any person found guilty **convicted** of violating this section with an unlicensed pit bull **restricted breed** shall, upon conviction, be subject to the payment of a fine of not less than \$700.00. ~~In addition to the fines stated in this subsection a person convicted under this section may be subject to not more than one year in jail.~~ None of the minimum monetary fines in this subsection shall be suspended by the municipal court and the penalties in this subsection may be imposed in addition to the court-ordered ~~destruction~~ **eutanasia** provided in section 14-4.

DIVISION 3. - CATS

~~Sec. 14-101. - Running at large.~~

- ~~(a) *Prohibited.* It shall be unlawful for the owner of any cat to fail to keep the cat from running at large within the city.~~
 - ~~(1) For the purposes of this chapter, a cat not physically restrained when off the premises of the owner or custodian shall be deemed running at large.~~
 - ~~(2) For purposes of this chapter, the term "premises of the owner or custodian" shall be defined as the residence of the owner or custodian, including the attached property surrounding the residence that is leased or owned by the owner or custodian, but not including any common area, park or recreational property jointly owned or leased by the members of a homeowners' or tenants' association.~~
 - ~~(3) No cat shall be deemed to be running at large when the animal is upon the premises of the owner.~~

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- ~~(4) Any cat enclosed within the automobile or other vehicle of its owner or custodian shall be deemed to be upon the owner's or custodian's premises.~~
- ~~(b) — *Penalty.* Any person found guilty of violating this section shall, upon the first conviction, be subject to the payment of a fine of not less than \$15.00 \$25.00, upon the conviction of a second offense occurring within a one-year period shall be fined a sum not less than \$25.00 \$50.00, and upon the third and subsequent offenses committed within a one-year period shall be fined an amount not less than \$75.00 nor more than \$1,000.00. In addition to the fines stated in this subsection, a person convicted under this section, may be subject to not more than one year in jail. None of the fines shall be suspended by the municipal court. Nothing in this subsection shall be construed as preventing the animal care **protection** officer from instituting a proceeding in the municipal court for violation of this section where there has been no impoundment.~~

Sec. 44-402 **14-101** - Excessive number prohibited.

- ~~(a) It shall be unlawful to own, keep or harbor more than five cats that are four months of age or older on any premises **except a litter of kittens belonging to a queen at the residence.** Only one litter of offspring may be kept on the premises until the age of four months. Exceptions are as follows: **to this requirement are (4) — Licensed licensed kennels, licensed pet shops, PACFA licensed rescue organizations, and PACFA licensed city shelters** and individuals in possession of a valid fancier's permit with the conditions established by the city council for the permit. In no event shall the permit authorize the possession of more than ten cats.~~
- ~~(2) Individuals exceeding the allowable number of cats at the time of the enactment of the ordinance from which this section derives may be permitted excess allowable number of cats if the specific existing cats were licensed by the animal care division at the time this section became effective on February 18, 1994.~~
- ~~(b) It shall be affirmative defense to excessive number of cats prohibited if the owner is engaged in a bona fide effort to rescue cats and possesses an animal rescue permit. The owner must make application for the permit to the animal care division within 14 days of taking custody of the additional cats. The permit shall give the owner three months to dispose of the cats or otherwise return to the limit of permitted cats. A maximum of two rescue permits shall be issued to a household at any one time.~~

SEC. 14-102. – SHELTER-NEUTER-RETURN (SNR) PROGRAM.

- (a) A shelter-neuter-return (SNR) program is a method to encourage the stabilization and reduction of the population of community cats.**

- (b) A registered community cat caretaker, or a registered SNR organization, who participates in the SNR program shall:
- (1) Obtain a SNR permit from the Aurora Animal Services Division before engaging in the SNR program;
 - (2) Provide the Aurora Animal Services Division with the general location or territory of the community cat colony;
 - (3) Notify the Aurora Animal Services Division of a cat in the community cat colony that is sick or injured;
 - (4) Trap a community cat in a humane manner;
 - (5) Take the trapped community cat to the Aurora Animal Services Division to have the cat surgically sterilized, ear-tipped, and vaccinated against rabies by a licensed veterinarian; and
 - (6) Return the cat as soon as is practical to as close as possible to its location of capture after treatment, unless the Aurora Animal Services Division impounds or takes custody of the cat according to subsection (c) below.
- (c) The Aurora Animal Services Division that receives a community cat under the provision of this section shall evaluate each community cat. The Aurora Animal Services Division may impound cats identified as having owners for violating section 14-5, running at large. The Aurora Animal Services Division may take custody of community cats the Aurora Animal Services Division determines to be adoptable, sick or injured, or deemed to be a public health or safety risk and such cats shall be deemed surrendered to the Aurora Animal Services Division and shall not be returned to the community cat colony.
- (d) A community cat received by the Aurora Animal Services Division under the provision of this section is exempt from the six-day impound hold requirement of section 14-4 to better ensure the cat is assimilated back into the community cat colony.
- (e) A registered community cat caretaker or a registered SNR organization participating in a SNR program will not be cited for violating section 14-5 of the City Code for cats taken to the Aurora Animal Services Division for the SNR program and will not be required to pay any impound fees or medical costs.
- (f) A community cat is exempt from the licensing requirements of section 14-41 of the City Code.

DIVISION 1. - GENERALLY

Sec. 14-131. - Running at large.

It shall be unlawful for any person who is the owner or keeper of any horse, cow or other livestock to fail to keep any such horse, cow or other livestock securely corralled or fenced and under such reasonable control as to prevent such horse, cow or other livestock from going attended or unattended on any public property or any private property for which the owner or tenant **of the property** has not given permission for such entry. This section does not apply where the exception contained in section 14-133 is applicable.

Sec. 14-132. - Impoundment.

- (a) *Generally.* In addition to any other penalty provided for violation of any section of this chapter, the animal ~~care~~ **protection** officer or authorized representative is authorized to remove and impound any horse, cow or other livestock found running at large in violation of section 14-131, and the animal ~~care~~ **protection** officer shall impound and keep such animal in a suitable place for disposition as provided in this section and the animal ~~care~~ **protection** officer shall, as soon as practicable, contact the state brand inspector's office to determine the ownership of the animal.
- (b) *Fees, costs and expenses.* After impounding and before any horse, cow or other livestock is released to the owner **all fees and costs of impoundment, boarding and veterinary care shall be paid** ~~the fees based on the following shall be paid by the owner to the party that incurred the fee or cost:~~
- ~~(1) The city manager or designee shall promulgate the fees relevant to this chapter in accordance with city procedures concerning administrative charges for city services.~~
 - ~~(2) Boarding, actual costs incurred for boarding to be paid to the stable owner.~~
 - ~~(3) All actual costs of publication of the notice of sale.~~
 - ~~(4) All actual costs for necessary veterinary care.~~
- (c) *Sale.* ~~No horse, cow or other livestock shall be impounded and boarded for more than ten days, and prior to the expiration of the ten day period the city shall advertise one time in a newspaper of general circulation in the city that such animal so described in the notice of sale will be sold to the highest bidder. If there is no bidder at the sale, the city shall sell the animal at private sale. From the proceeds of the sale, there shall be withheld all costs incurred in impounding, boarding, veterinary care and advertising and conducting the sale, and any excess remaining shall be returned to the owner, if known. If the owner cannot be located or does not claim the excess funds within 30 days after the sale by presenting satisfactory~~

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~~evidence of ownership, the excess, if any, shall be used to defray those costs incurred by the city for the impounding, boarding and sale of such animals.~~

- ~~(d) *Bill of sale.* Upon the sale of the horse, cow or other livestock at public or private sale as provided in this section, the city shall execute to the buyer thereof a bill of sale describing the animal, and the bill of sale shall extinguish any prior title or interest of any other person claiming an interest in the animal.~~

~~Sec. 14-133. Use in public places.~~

~~Notwithstanding the prohibition in section 14-131, a person may ride or lead a horse on a bridle path or other ways expressly provided for and posted for that purpose. A person may also lead or ride a horse in a funeral procession or parade so long as a special use permit has been issued for the procession or parade.~~

Sec. 14-134. - Keeping of chickens.

- (a) Except in those zoning districts where the keeping of livestock is allowed, the keeping of chickens is prohibited; provided, however, up to and including six chicken hens, but no roosters, may be kept per lot of single-family residential property, and up to and including eight chicken hens, but no roosters, for all single-family residential properties upon lots of 20,000 or more square feet in size, subject to the following requirements and all other applicable provisions of this Code:
- (1) The chicken owner ~~or keeper~~ must ~~apply for~~ **obtain and maintain** a permit from the director of neighborhood services or such director's designee, and payment of a one-time permit fee established by the director of neighborhood services in accordance with section 2-587;
 - (2) The chicken hens must be provided with a covered, predator-resistant chicken house that is:
 - a. Located in the rear yard that is fenced by an opaque fence that conforms to the fence requirements in article 17 of chapter 146;
 - b. At least two square feet per chicken hen in size;
 - c. Not in excess of 120 square feet in floor space;
 - d. Properly ventilated, and designed to be easily accessed, cleaned, and maintained; and
 - e. Located adjacent to an enclosed area not less than six square feet in size to allow chicken hens outdoors, with adequate fencing to protect them from predators.

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- (3) During daylight hours, the chicken hens must have access to the chicken house and the outdoor enclosure;
 - (4) The chicken hens must be secured in the chicken house from dusk to dawn;
 - (5) The chicken hens must be sheltered or confined in such fashion as to prevent them from coming into contact with wild ducks or geese or their excrement, and to prevent them from running at large;
 - (6) Chicken houses and enclosures shall be kept in a neat and sanitary condition at all times, and shall be cleaned on a regular basis so as to prevent offensive odors or excessive ~~build-up~~ **buildup** of chicken waste;
 - (7) Neither the chicken house nor the outdoor enclosure may be located less than 15 feet from any property line of any abutting properties not owned by the chicken owner ~~or keeper~~ unless the owner ~~or keeper~~ of the chicken hens obtains the written consent of the owner(s) of all abutting properties to which the enclosure is proposed to be more closely located; in which event, the agreed-upon location shall then be deemed acceptable notwithstanding any subsequent change in ownership of such abutting property or properties;
 - (8) If the chicken owner ~~or keeper~~ is not the owner of the property where the chicken hens will be kept, written consent must be obtained from the owner or owners of such property as a condition of issuing a permit.
 - (9) No chicken hen shall be killed **in the city** by or at the direction of the owner ~~or keeper~~ thereof except pursuant to the lawful order of a state or county health official, for the purpose of euthanasia when surrendered to a licensed veterinarian, or as otherwise expressly permitted by law.
- (b) Any failure to maintain premises in compliance with the requirements of this section, or the conditions of the permit, shall be grounds for revocation of the permit.
- (c) **Any person who enters a plea of guilty, no contest, or is convicted of violating this section is subject to the maximum penalty provisions of section 1-13 of the City Code and may have their permit revoked.**

~~All complaints alleging the existence of a violation of this section shall be filed with the director of neighborhood services or such director's designee.~~

- ~~(1) **Inspections.** The director of neighborhood services or such director's designee shall promptly inspect the premises and shall make a written report of the findings of the inspection.~~
- ~~(2) **Notice to correct.** If, after the inspection by the director of neighborhood services or such director's designee, a violation is determined to exist, it shall be corrected within 30 days after notice by the department. The director of neighborhood services or such director's designee shall cause a **written** notice to be served on the permittee.~~

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- ~~(3) *Failure to correct.* If the permittee fails to correct the violation within 30 days of the notice, the permit shall be revoked.~~
- ~~(4) *Appeal.* The permittee upon whom a notice to correct is served may appeal the determination of a violation in writing to the city manager or designee. The written appeal must be filed with the city manager or designee within ten days of service or posting or mailing of the notice. The city manager or designee may extend the time in which the violation must be corrected, determine that a violation does not or no longer exists, or order that the violation must be abated within the time period set out in the notice. The city manager or designee shall hold a hearing within 30 days of the receipt of the written appeal. The permittee has a right to present any relevant evidence regarding the alleged violation.~~
- (d) The director of neighborhood services or such director's designee is authorized to confiscate, quarantine, or ~~destroy~~ **ethanize** any chickens for the purpose of controlling the outbreak of contagious or infectious disease within the city. Nothing herein shall affect the authority of the State of Colorado from enforcing the provisions of the Colorado Livestock Health Act, Section 35-50-101, et seq., C.R.S., to control the outbreak of contagious or infectious disease among livestock in the city by quarantine or slaughter.
- (e) Nothing herein shall be construed so as to permit the keeping of chickens upon any property where such activity is otherwise prohibited by the covenants, conditions, and restrictions imposed by a homeowners' association with respect to such property.
- (f) It shall be unlawful for a person to keep or allow to be kept a rooster or roosters on any lot of single-family residential property anywhere in the city. Any person who enters a plea of guilty or no contest, or is convicted of violating this subsection shall **be subject to the maximum penalty provisions as provided in section 1-13 of the City Code.** ~~in addition to any other sentence imposed by the municipal court, be ordered to pay a fine of not less than \$150.00. None of the mandatory minimum fine of \$150.00 for a violation of this subsection may be suspended or waived by the municipal court.~~

Sec. 14-135. - Application for a chicken permit.

- (a) Application for a chicken permit shall be made to the director of neighborhood services or such director's designee. Such application shall include the following information:
- (1) The applicant's name, address, and contact information;
 - (2) A plan detailing the design and location of the chicken house and outdoor enclosure where chickens will be kept;

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- (3) The written consent of any abutting property owners where required by section 14-134, as it pertains to the placement of chicken houses;
 - (4) Any other information reasonably required by the director of neighborhood services or such director's designee.
- (b) The chicken permit shall terminate when the operation of chicken keeping has discontinued for 12 months or more.

DIVISION 2. - RESERVED

Secs. 14-141—14-160. - Reserved.

ARTICLE IV. - FERRETS AND RABBITS

Sec. 14-161. - Excessive number prohibited.

- (a) It shall be unlawful for any person to keep or harbor more than three ferrets or two rabbits ~~that are four months of age or older~~ on any premises **unless one of the legally kept adults has a litter of offspring**. Only one litter of offspring of ferrets may be kept on the premises until the age of four months.
- (b) *Exceptions:* ~~(1)~~ Licensed kennels, **licensed** pet shops, **PACFA licensed rescue organizations** and city **PACFA licensed** shelters.
 - ~~(2) Any person providing records of ownership for excessive number of rabbits with the Aurora Animal Care Division within 30 days of the effective date [December 28, 2002] of this section shall not be subject to enforcement of subsection (a) for any rabbits existing at the time of the registration.~~