

Title 6ANIMALSChapters:

- 6.04 Animals Generally
- 6.08 Dogs

Chapter 6.04ANIMALS GENERALLYSections:

- 6.04.010 Running at large-Prohibited.
- 6.04.020 Running at large-Impoundment-Redemption fee.
- 6.04.030 Sale of unredeemed animals.
- 6.04.040 Breaking open of pens.
- 6.04.050 Cruelty to animals.
- 6.04.060 Removal and disposal of dead animals.
- 6.04.070 Destruction of animals at request-Fees and disposition of moneys.
- 6.04.080 Livestock permits required.
- 6.04.090 Livestock-Trespass prohibited.
- 6.04.100 Poisonous or deadly snakes prohibited.
- 6.04.110 Quantitative possession of cats.
- 6.04.120 Cats at large.
- 6.04.130 Violation-Penalty.

6.04.010 Running at large-Prohibited. No cattle, horse, hogs, sheep or goats, or chickens, ducks, geese, turkey, guinea fowls or any other fowl or animal, except dogs, as provided in this chapter, and cats, shall at any time be confined or permitted to run at large within the town except in areas specifically designated for that purpose by resolution or ordinance of the town council. Any such animals found running at large in the town or running or ranging within any of the places prohibited by this section, are declared to be nuisances. Any person having charge of or being the owner of any such animal at large within the town or any of such prohibited places shall be deemed to be harbouring a nuisance. This section shall not be construed to interfere with the town leasing for grazing purposes, any land owned or controlled by the town. (Prior code §5-1)

6.04.020 Running at large--Impoundment--Redemption fee. A. If any animal or fowl referred to in Section 6.04.010 shall be found running at large it shall be the duty of the animal control officer to impound such animal in a secure pen, pound or other place provided for that purpose.

B. No animal so impounded shall be released until the owner shall have paid a fee of five dollars a day for dogs and cats, ten dollars a day for any other animal for the impoundment and care of the type of animal so impounded.

C. Immediately upon impounding of any animal, the animal control officer shall record in a book provided by the town, a description of the animal. The record shall state the sex, color, breed, estimated age, distinguishing marks, the date and hour of impounding and the final disposition of the animal. (Prior code §5-2)

6.04.030 Sale of unredeemed animals. A. It is the duty of the town marshal to sell at public auction any animal or fowl so impounded, upon giving at least five days' previous notice to the owner or person in charge of the impounded animal of the time and place of such sale by at least one publication in a newspaper of general circulation in the town. The notice shall describe the animal with reasonable accuracy; provided, that any such animal may be redeemed at any time before the sale by payment of the fees and charges provided for in Section 6.04.020.

B. In case any animal or fowl, sold pursuant to the provisions of this section, shall be sold for more than an amount sufficient to pay the fees and charges required pursuant to Section 6.04.020, excess shall be paid to the owner of such animal or to the person entitled to the possession of such animal, upon claim and proper proof presented by such person. (Prior code §5-3)

6.04.040 Breaking open of pens. No person shall, directly or indirectly, break open or assist in breaking open any pen or enclosure, with the intention of releasing any animal confined therein pursuant to the provisions of this chapter. (Prior code §5-4)

6.04.050 Cruelty to animals. No person shall overdrive, overload, drive when overloaded, overwork or wilfully and maliciously torture, torment, deprive of necessary sustenance, unnecessarily or cruelly beat, or wilfully and maliciously and needlessly mutilate or kill, or carry in or upon any vehicle, or otherwise mistreat in a cruel or inhumane manner any animal, or cause or procure it to be done; or having the care and custody of any animal, unnecessarily

fail to provide it with the proper food, drink or protection from the weather, or cruelly abandon it. (Prior code §5-5)

6.04.060 Removal and disposal of dead animals. It is the duty of the owner of any animal found dead within the town to remove such animal beyond the corporate limits of the town and to bury such animal; provided, that, if the town has designated a particular area for the burial of dead animals, the owner of any dead animal shall remove the dead animal to such designated area and bury the dead animal therein at the place designated by the administrative official in charge of such designated burial area. (Prior code §5-6)

6.04.070 Destruction of animals at request--Fees and disposition of moneys. The animal control officer may, upon owner's request, destroy a specific animal. The owner must show proof of ownership of the animal. The owner of the animal will be charged a fee of twenty-five dollars, per animal, for animal destruction service. The animal control officer will pay to the town treasurer, all moneys received, which will go into the general fund of the town. (Ord. 129, 1993: prior code §5-6.1)

6.04.080 Livestock permits required. Any person who shall desire to keep an animal of the following type; cattle, sheep, goats, swine, horses, mules, donkeys, rabbits and fowl (including chickens, geese, ducks, turkeys, etc.), within the town boundaries of Baggs must purchase a permit. Any person who shall desire to keep any type of swine over three months of age must keep them more than one hundred yards from any residential dwelling or business located within the town. Applications for such purposes must be applied for and approved by the council before said livestock should enter the town. Application can be made at the office of the town clerk with a fee of five dollars for original application and two dollars for each additional location required. Upon payment of fees, the town clerk will publish a notice of application, giving ten days response time. The notice will be displayed in at least two places of business in the town. If during the notification period a complaint is submitted in writing to the town hall, it will be discussed and acted upon at the hearing for approval. The council shall have the conclusive right to determine the specifications concerning maintenance and the number of livestock for each application. Permits shall be valid for one year from the date issued. If an additional location is required it may be applied for in the same manner as the original permit. All requirements

of the first permit shall apply to additional permits required by one applicant. If two parties wish to share one location, they may purchase the application jointly. If during the course of the year there is a change in the type or amount of livestock on the application, the town council must be notified at least seven days before livestock enter the premises. Complaints against such permits may be filed at any time during the year at the town clerk's office. The council will then review and investigate the complaint and the application. The council reserves the right to revoke an application at any time for violation of this chapter or if a menace to the public's health and safety develops, or if the livestock is not properly confined to their location specified on the permit. The council shall have the power and authority to change or revise the provisions of this section. (Ord. 116 §2, 1990: Ord. 105 §2, 1987: Ord. 104 §§1, 2, 1987; Ord. 103 §2, 1986: Ord. dated 7/20/82 (part): Ord. dated 1/8/80: prior code §5-28)

6.04.090 Livestock-Trespass prohibited. The owner or persons in charge of horses, cattle or other animals being loosely driven through the streets of this town shall not permit such animals to trespass upon private lots of ground. (Ord. dated 7/20/82 (part): prior code §5-29)

6.04.100 Poisonous or deadly snakes prohibited. No person shall be allowed to have in their possession any live poisonous or deadly snakes within the town boundaries. Any such person in violation of this section shall be issued a citation. Such citation shall impose upon the owner a fine of three hundred dollars for first offense and five hundred dollars for second and repeated offenses. In the event such penalty is not paid within the time period prescribed, a criminal warrant will be initiated before a magistrate and, upon conviction, the owner shall be penalized as provided herein. (Ord. 183, 1997: Ord. 102 §1, 1986: prior code §5-31)

6.04.110 Quantitative possession of cats. Any residence or other property on which is maintained more than six cats shall be considered a kennel, provided that more than six cats of the same litter may be maintained on the premises until they shall attain the age of six months. Kennels will be allowed in the town only in areas properly zoned for this type of business. (Ord. 130(part), 1993: Ord. dated 9/25/90 (part): prior code §5-32)

6.04.120 Cats at large. Upon complaint of a cat at large, other than the property owned or occupied by the

owner of the cat, it shall be the duty of the animal control officer to catch the cat reported at large, locate the owner or person having possession of that cat and to issue a summons and complaint to that person. The penalty for a cat at large shall be consistent with Section 6.08.150. (Ord. dated 9/25/90 (part): prior code §5-33)

6.04.130 Violation--Penalty. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof may be fined in any sum not to exceed, except as otherwise provided, one hundred dollars to which court costs may be added at the discretion of the court. (Ord. 165 (part), 1994: Ord. dated 7/20/82 (part): Ord. dated 1/8/80: prior code §5-30)

Chapter 6.08

DOGS

Sections:

- 6.08.010 Definitions.
- 6.08.020 Registration--Duties of town clerk.
- 6.08.030 License issuance--Veterinarian responsibility.
- 6.08.040 License required--Fees--Expiration.
- 6.08.050 License--Exceptions.
- 6.08.060 Rabies vaccination certificate prerequisite to issuance of license.
- 6.08.070 Registration receipt and book--Issuance and wearing of tag.
- 6.08.080 Impoundment.
- 6.08.090 Impoundment--Records and reports.
- 6.08.100 Disposition of infected or injured dogs.
- 6.08.110 Dogs without valid license or dogs running at large.
- 6.08.120 Redemption--Fee schedule.
- 6.08.130 Vicious dogs.
- 6.08.140 Female dogs in heat to be confined.
- 6.08.150 Dogs running at large prohibited.
- 6.08.160 Dogs running at large to be impounded.
- 6.08.170 Habitually destructive dogs to be destroyed.
- 6.08.180 Dog feces and public health.
- 6.08.190 Biting animal--Duties of animal control officer.
- 6.08.200 Biting animal--Rabies examination required.
- 6.08.210 Kennels.
- 6.08.220 Maiming or poisoning dogs prohibited.
- 6.08.230 Violation--Penalty.

6.08.010 Definitions. For the purposes of this chapter:

"Animal control center" means any premises designated by the town council for the purpose of impounding and caring for animals held under authority of this section.

"Circus" means any nonresident variety show which features animal acts.

"Owner" means the legal owner or any person having the care, custody or control of any dog.

"Person" means an individual, partnership, company, corporation or other entity.

"Theatrical exhibit" means any exhibition or act featuring performing animals.

"Veterinary hospital" means any establishment maintained and operated by a licensed veterinarian for the boarding of animals or the diagnosis and treatment of diseases and injuries of animals.

"Zoological garden" means any park or zoo operated by a person. (Prior code §5-7)

6.08.020 Registration--Duties of town clerk. It is made the duty of the town clerk to annually make a complete enumeration and registration of all dogs within the town and to serve notice on the owners or keepers of dogs to register them by publication at least once in a newspaper of general circulation in the town. He shall collect the fees and issue receipts for all registrations provided in this chapter, and it shall be his duty to make remittance of all amounts so collected to the treasurer of the town. (Prior code §5-8)

6.08.030 License issuance--Veterinarian responsibility. Any licensed veterinarian may issue licenses on the same terms and conditions as such licenses may be issued by the town clerk. The town clerk shall, upon request provide such veterinarians with license forms and license tags and shall keep a record of the licenses and tags so issued. Such veterinarian shall retain one dollar of the license fee for administration cost and shall remit the remainder to the town clerk together with a copy of the license so issued and tag number and a copy of rabies vaccination certificate. (Ord. dated 9/25/90 (part): prior code §5-8.1)

6.08.040 License required--Fees--Expiration. A. It is unlawful for any person to keep or harbour any dog over six months old in the town unless he shall cause the same to be registered and licensed by the town clerk and shall pay to the town clerk a registration fee as follows:

1. For each neutered male dog or spayed female dog, three dollars. No dog shall be licensed as spayed or neutered without a certificate from a certified veterinarian attesting to such fact.

2. For each unneutered male dog or unspayed female dog, ten dollars.

B. Further, upon showing compliance with the regulations promulgated by the town clerk, a permit shall be issued following payment of the applicable fee as follows: for each kennel, per year fifty dollars. No fee shall be required of any veterinary hospital, humane society or town animal control facility.

C. The license or permit fee shall cover a one-year period from the month in which it was issued. A new license or permit shall be obtained each year by every owner and a new fee paid. Upon change in ownership of a dog or facility, the new owner may have the current license or permit transferred to his name for a one dollar fee. (Ord. 130(part), 1993; Ord. 9/25/90 (part); prior code §5-9)

6.08.050 License--Exceptions. The provisions of Section 6.08.040 shall not apply to dogs whose owners are nonresidents if such dogs are not kept in the town any longer than thirty days, and provided such dogs are kept under restraint; for seeing eye dogs properly trained to assist blind persons when such dogs are actually being used for aiding the person from place to place, and for individual animals at a kennel or pet shop. (Prior code §5-9.1)

6.08.060 Rabies vaccination certificate prerequisite to issuance of license. No license shall be issued under this chapter unless the applicant therefore shall have obtained and exhibited to the town clerk a certificate issued by a licensed veterinarian showing that the dog sought to be licensed has, within one year last past and immediately preceding the date of such application for license, been vaccinated for rabies. Should applicant wish to vaccinate his dog himself, the vaccine must be administered and verification of vaccine expiration must be given in the presence of the town clerk at the town hall. (Ord. 130(part), 1993: prior code §5-10)

6.08.070 Registration receipt and book--Issuance and wearing of tag. A. Upon payment of the license fee, the town clerk shall issue to the owner, a certificate and metallic tag for each dog so licensed. It is suggested that the owner provide each dog with a collar or harness to which the license tag and rabies tag must be affixed, and shall see that the collar and tag are worn constantly when

such dog is not enclosed within a secure fence. Tags which are lost may be replaced by the town clerk for a fee of one dollar.

B. The town clerk shall keep a permanent record of all licenses issued under the terms of this section, which record shall show the names and addresses of all persons being issued a license tag, the number of the license, the type, sex, breed and color of each dog, the date issued, and the amount paid therefore. The town clerk shall also keep a permanent record of all permits issued under the terms of this section, which record shall show the names and addresses of all persons being issued a permit, the number of the permit, the date issued and the amount paid therefor. (Prior code §5-11)

6.08.080 Impoundment. Impounded dogs shall be kept for not less than five calendar days unless reclaimed by their owners. If by a permit tag or other means, the owner can be identified, the animal control officer shall notify the owner by telephone or mail of the impoundment of the animal. Dogs not claimed by their owners within five days, or placed in suitable new homes, shall be humanely euthanized. Animal control officers shall not purchase or be interested directly or indirectly in the purchase and sale of any animal so taken up and sold. No animals will knowingly be sold for research purposes. (Prior code §5-12)

6.08.090 Impoundment--Records and reports. The animal control officer shall assign each incoming dog a number and this number is to be recorded on a receipt. Also recorded will be all available information about such dog, date and place of impoundment, date of releasing or disposing of same, the name of owner where known, whether redeemed or sold, and by whom, and if sold, the amount paid by the buyer. For each dog redeemed or sold, a duplicate receipt will be made with the dog's number on it. The animal control officer shall pay over to the town treasurer all moneys received, which money shall go into the general fund of the town. (Prior code §5-13)

6.08.100 Disposition of infected or injured dogs. Any impounded dog which is suffering from distemper or other serious disease, or severely maimed and suffering from injury will be humanely destroyed before the impoundment period has elapsed, subject to the provisions of Section 6.08.190 regarding rabies. Any dog in need of veterinary care shall be released to the care of the veterinarian at the written request of the owner, if such owner can be found. (Prior code §5-14)

6.08.110 Dogs without valid license or dogs running at large. Any dog found within the town without a current and valid license or tag as required in this chapter is declared to be a public nuisance, and it is the duty of the animal control officer to pick up and confine any such dog. (Prior code §5-15)

6.08.120 Redemption-Fee schedule. The owner or agent of any impounded dog shall have the privilege of claiming such dog within five days after it is impounded. Any owner reclaiming an impounded dog which is licensed and wearing the required tag, shall pay a fifteen dollar fee every time plus five dollars for each day or fraction thereof that the dog has been impounded; provided further, that any owner reclaiming an impounded dog that is not licensed shall pay an impound fee of twenty-five dollars, plus five dollars for each day or fraction thereof that the dog has been impounded. Individuals other than the owner may purchase a dog at the end of the five-day impoundment period paying only the five dollars per day board fee and applicable licensing fees. Before unlicensed dogs are unconditionally released to their owners, registration tags must be purchased at the town clerk's office; provided, that no tags may be issued to any dog unless there is proof of vaccination against rabies. Owners of unvaccinated dogs shall return within ninety-six hours to the town clerk's office with proof of vaccination and register the dog. (Ord. dated 6/26/84 (part): prior code §5-16)

6.08.130 Vicious dogs. No person shall have or keep or harbour or allow to be upon any premises occupied by him or in or under his charge or control, any notoriously vicious dog, or cross dog, or any dog that may manifest a disposition to bite anyone, without having the dog properly secured and muzzled. The penalty for violation of this section is a fine of up to one hundred dollars for the first offense and a fine of not less than one hundred dollars and up to three hundred fifty dollars for second offense. If, upon conviction of a person for harboring a vicious or cross dog on a second offense, it shall appear to the court that the dog is still living, the court, in addition to the punishment provided for violation of this section, will order the owner, animal control officer or any police officer to forthwith cause such dog to be killed, and for that purpose any such officer charged with such duty shall have the right to enter upon any premises within the town. (Ord. 212, 2002: Prior code §5-17)

6.08.140 Female dogs in heat to be confined. Every female dog in heat shall be confined in a building or secure enclosure in such a manner that such female dog cannot come into contact with another animal except for planned breeding. (Prior code §5-18)

6.08.150 Dogs running at large prohibited. It is unlawful for any person owning or having possession of any dog to allow his dog to be at large upon the street, alleys, sidewalks, public grounds or private property, other than the property owned or occupied by the owner of the dog. Any dog on any of the above described areas of the town shall be considered to be at large unless it is physically or verbally under total control of the owner, or his agent, or some member of the family over the age of five years. The animal control warden or police officer may, if the owner is present to take possession of the dog, issue a citation and if issued, the dog will not be impounded, provided said dog has been vaccinated and licensed. Such citation shall impose upon the owner a penalty of fifty dollars for first offense, one hundred dollars for second offense, two hundred dollars for third offense and fourth and repeated offenses will require an appearance in court with a penalty of up to seven hundred fifty dollars, which may, at the discretion of the owner be paid to the municipal court before the court date in full satisfaction of the assessed penalty. In the event such penalty is not paid within the time period prescribed, a criminal warrant will be initiated before a magistrate and, upon conviction, the owner shall be penalized as provided herein. (Ord. 185, 1997: Ord. dated 6/26/84 (part): prior code §5-19)

6.08.160 Dogs running at large to be impounded. It is the duty of the animal control officer to take up and take charge of any and all dogs found at large within the town as defined in Section 6.08.150 and to take the dogs to the town animal center except as provided in Section 6.08.100; there to be impounded or detained for a period of five days. When in pursuit of any dog running at large, the animal control officer may go onto private property exclusive of buildings and take such dog into possession for impoundment. (Prior code §5-20)

6.08.170 Habitually destructive dogs to be destroyed. No owner shall fail to exercise proper care and control of his dogs to prevent them from becoming a public nuisance, as provided in Section 6.08.150. Additionally, excessive, continuous or untimely barking, molesting passersby, chasing vehicles or bicycles, attacking other domestic animals, trespassing upon school grounds or trespassing upon private property shall be deemed a nuisance. Any dog violating this section for the third time in any one-year period shall be declared a public nuisance, and upon conviction of the owner by the municipal court, the owner shall be required to have the dog destroyed or relocated. The owner

shall have ten calendar days from the date of notification to relocate the dog outside the town limits. At the end of this period, if the dog is not relocated, the same shall be humanely disposed of by the town, subject to the provisions of Section 6.08.190, only as said section shall require the ten days rabies observation impoundment. "Relocated," as used in this section, is termed to mean the sale or gift of the dog to a new owner residing outside the town limits. (Prior code §5-21)

6.08.180 Dog feces and public health. It is the responsibility of the owner to keep his property free and clear of dog feces so as not to present a potential danger to the public health as determined by the health officer. If the determination is made that a situation exists which is potentially dangerous to the public health, a notice of ordinance violation may be issued, and upon conviction the owner shall be punished as provided in Section 6.08.230. (Prior code §5-22)

6.08.190 Biting animal--Duties of animal control officer. It is the duty of the animal control officer when a complaint is received that a dog has bitten a person, to take the dog into custody and notify the owner, if known, and the town-county health department that the dog will be impounded for a period of ten calendar days; provided, however, that at the owner's written request the animal control officer shall release the dog into the custody of a licensed veterinarian who shall impound and keep the dog for a period of ten calendar days at the owner's expense. If, after the end of the ten-day period such dog shall exhibit no symptoms of rabies, the dog shall be returned to the owner by the veterinarian, or if impounded in the town animal control officer upon payment of all accrued charges. If the owner has not been found, the dog shall be disposed of after the ten-day period. In either case, the town-county health department will be notified after the elapse of the ten-day impoundment period. (Prior code §5-23)

6.08.200 Biting animal--Rabies examination required. No police officer or other person shall kill, or cause to be killed, any animal suspected of being rabid, except after the animal has been placed in quarantine, and notification has been made to the town-county health department, and the diagnosis of rabies made by a licensed veterinarian. If a veterinarian diagnoses rabies in an animal in quarantine, then the animal shall be humanely killed and the head of such animal sent to a laboratory for pathological examination and confirmation of the diagnosis. The only exception to this shall be if the animal in question

is so vicious and/or wild that it cannot be restrained and the police officer or animal control officer feels that further pursuit would result in losing the animal, then the animal can be killed with gunshot not aimed at the head of the animal. After the animal is dead, the head is to be severed from the body, and the head sent to the State Laboratory for examination. (Prior code §5-24)

6.08.210 Kennels. Any residence or other property on which is maintained more than three dogs shall be considered a kennel; provided, that more than three dogs of the same litter may be maintained on the premises until they shall attain the age of six months. Kennels will be allowed in the town only in areas properly zoned for this type of business. (Ord. dated 9/25/90 (part): prior code §5-25)

6.08.220 Maiming or poisoning dogs prohibited. No person shall wilfully kill, maim or disfigure any dog except as provided in Section 6.08.200, or administer poison or cause to be ingested any foreign object to any dog or expose any poisonous substance with the intent that it shall be taken by any dog except pests of public health importance. The provisions of this section do not in any way limit the right of a police officer to kill any dog if the officer determines that there is a reasonable danger to the public safety. (Prior code §5-26)

6.08.230 Violation--Penalty. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof may be fined in any sum not to exceed, except as otherwise provided, one hundred dollars to which court costs may be added at the discretion of the court. (Ord. 165 (part), 1994: Ord. dated 7/20/82 (part): Ord. dated 1/8/80: prior code §5-30)

Title 7

(RESERVED)