

Title 6

ANIMALS

Chapters:

6.04 Running at Large

6.08 Impoundment--Sale of Animals--Fees

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Chapter 6.04

RUNNING AT LARGE

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6.04.010 Stock.

6.04.020 Chickens.

6.04.010 Stock.

If any person shall suffer or permit any horse, mule or burro, sheep, goat, swine, cow or steer to stray or roam at large within the corporate limits of the town, he shall for each and every animal found at large in said corporate limits, be fined not less than one dollar nor more than one hundred dollars.

(Ord. 1 Ch. 15 § 1, 1907)

6.04.020 Chickens.

If any person shall suffer or permit any chickens to run at large in the town during the months of April, May, June, July, August, September and October, upon satisfactory complaint of an injured party to the mayor, of such chickens running at large to the detriment of said complaining citizen, it shall then be the duty of the police chief to serve notice on the said party of such complaint, and order said citizen to enclose or shut-up said chickens, and if he fails to do so, he shall be subject to a fine of not less than one dollar and not more than five dollars for each day said chickens are found running at large. (Ord. 2010-19, 6-17-2010) (Ord. 4, 1909)

Chapter 6.08

IMPOUNDMENT--SALE OF ANIMALS--FEES

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6.08.060 Moneys--Disposition.

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6.08.010 Stock running at large prohibited.

No horses, asses, mules, cattle, sheep, swine, goats, geese or ducks shall be permitted to run at large within the corporate limits of the town.

(Ord. 1 Ch. 17 § 1, 1907)

6.08.020 Impoundment--Fees and charges.

The police chief shall take up and impound in the town pound any animal found running at large contrary to the provisions of Section 6.08.010 and for such taking up and impounding of each animal the marshal shall charge the fee set by the board of trustees, by resolution. He shall receive the same fees for the service of the warrant as constables of Delta County receive for serving summons, and the police chief shall, for advertising and selling animals, receive the same fees as are allowed constables in the county for advertising and sale of goods and chattels, all of which fees shall be collected of and from the owner of the animals so taken and impounded or from the amounts realized from the sale of the animals so taken and impounded.

(Ord. 2010-19, 6-17-2010) (Ord. 2002-1 § 1 (part), 2002: Ord. 1 Ch. 17 § 2, 1907)

6.08.030 Penalties.

The penalty for any animal found running at large contrary to the provisions of this chapter, shall be asset by the board of trustees, by resolution.

(Ord. 2002-1 § 1 (part), 2002: Ord. 1 Ch. 17 § 3, 1907)

6.08.040 Citizen action permitted.

It shall be lawful for any citizen of the town to take up any animal found running at large contrary to the provisions of this chapter, and immediately deliver the same to the police chief, who upon being satisfied as to the animals being at large contrary to the provisions of this chapter, shall take such animals and proceed in like manner as if the animals had been taken up in the first instance by such police chief.

(Ord. 2010-19, 6-17-2010) (Ord. 1 Ch. 17 § 4, 1907)

6.08.050 Adoption of state Act.

The provisions, procedures and possession of powers of an act passed by the legislature of Colorado entitled "An Act providing for a system of procedure before police magistrates and justices of the peace and incorporated towns, where animals may be found running at large contrary to ordinance," and approved March 25, 1887 are adopted and accepted by the town so far as such act refers to and affects incorporated towns.

(Ord. 1 Ch. 17 § 5, 1907)

6.08.060 Moneys--Disposition.

All moneys arising from such sale or taking up of any such animal or animals shall, after deducting the expenses and costs provided for in this chapter, be paid by the police chief into the town treasury.

(Ord. 2010-19, 6-17-2010) (Ord. 1 Ch. 17 § 6, 1907)

6.08.070 Proof of ownership--Restitution--Forfeiture--When.

At any time within one year after such sale the owner of any stock or animals sold in pursuance of the provisions of this chapter may make proof before the mayor of his ownership, and whenever the mayor shall be clearly satisfied that such claimant was the actual owner of any stock so sold, he shall report the same to the board of trustees and the trustees shall direct a warrant to be drawn on the town treasurer for the amount of money paid to the treasurer by the police chief from the sale of such stock or animals proven. If proof of ownership shall not be made in one year from the date of such sale the proceeds shall be forfeited to the town

(Ord. 2010-19, 6-17-2010) (Ord. 1 Ch. 17 § 7, 1907)

Chapter 6.12

DOGS

Sections:

- 6.12.010 Definitions.
- 6.12.020 License--Required.
- 6.12.030 License--Fee.
- 6.12.040 License--Rabies vaccination required.
- 6.12.050 License--Issuance of tag--Nontransferability.
- 6.12.060 License--Records--Duplicate tags.
- 6.12.070 Rabies vaccination--Required--Biting report—
Confinement.
- 6.12.080 Dog running at large prohibited.
- 6.12.090 Harboring vicious dogs prohibited.
- 6.12.100 Abandonment of dogs prohibited.
- 6.12.110 Confinement of female dogs in heat.
- 6.12.120 Barking dogs a nuisance.
- 6.12.130 Poisoning, shooting, mistreating, neglecting or
otherwise destroying dogs prohibited.
- 6.12.140 Impoundment--Authorization.
- 6.12.150 Impoundment--Notice.
- 6.12.170 Limit on dogs per household.
- 6.12.180 Waste removal.
- 6.12.190 Sanitation.
- 6.12.200 Violation--Penalty.

6.12.010 Definitions.

The following terms used in this chapter are defined as follows:

Abandon means and includes leaving a dog without making effective provisions for its proper care.

Dog refers to any dog, bitch, or whelp over six months of age.

Harboring means the occupant of any premises on which a dog is kept or to which it customarily returns daily for food and care for a period of two weeks or more is presumed to be harboring or keeping such dog within the meaning of this chapter.

Kennel means and includes breeding, boarding, grooming, rescue or any similar facility.

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

Neglect means and includes failure to provide food, water, protection from the elements, opportunity for exercise, or other care normal, usual and proper for a dog's health and well-being.

Owner refers to every person in possession of, or who harbors any dog or suffers any dog to remain at or about such person's premises for a period of five days or more.

Running at large means any dog not on the premises of the owner and not under the control of the owner or of an authorized person over the age of twelve (12) years, either by leash, cord or chain not more than ten feet in length shall be deemed to be running at large.

Vicious dog means any dog that inflicts unprovoked bites or attacks human beings or other animals either on public or private property, or in a vicious or terrorizing manner approaches any person in an apparent attitude of attack, upon the streets, sidewalks or any public grounds or place, shall be deemed to be a vicious dog under this chapter.

(Ord. 2007-11 (part), 2007; Ord. 2005-3 (part), 2005; Ord. 2002-1 § 1 (part), 2002; Ord. 4-1980 § 1, 1980; Ord. 2-1979 § 1, 1979)

6.12.020 License--Required.

Every owner of a dog within the town shall obtain a license for such dog from the town clerk not later than February 1st of each year. Said licenses shall be effective for the calendar year of issuance. Failure to license any dog within a calendar year does not negate the licensing charges due for that calendar year and will result in the requirement that the delinquent charges be paid at such time as the animal is next licensed. Dogs born during any calendar year shall be licensed within thirty (30) days after the dog reaches the age of four months. Dogs purchased, obtained, or otherwise acquired subsequent to the first day of February in any calendar year and dogs of new residents of the town shall be licensed within thirty (30) days after such acquisition or establishing residence. No license shall be issued to any person under the age of eighteen (18) years.

(Ord. 2005-3 (part), 2005; Ord. 2002-1 § 1 (part), 2002; Ord. 2001-8, 2001; Ord. 2-1979 § 2.1, 1979)

6.12.030 License--Fee.

The annual license fee for dogs within the town shall be set by the board of trustees by resolution. The town clerk shall post a copy of those fees in the Town Hall in a conspicuous place, open to the public, and shall further make said fee schedule available to any person, upon request, without charge.

Unaltered Male or Female	\$	50.00
Altered Male or Female	\$	10.00

(Ord. 2017-03, Ord. 7-1998, 1998: Ord. 2-1985 § 1, 1985: Ord. 2-1979 § 2.2, 1979)

6.12.040 License--Rabies vaccination required.

No dog license shall be issued hereunder unless the owner has first provided the town clerk with satisfactory proof of rabies vaccination as required by this chapter. The town clerk shall retain a copy of the vaccination certificate.

(Ord. 2-1979 § 2.3, 1979)

6.12.050 License--Issuance of tag--Nontransferability.

Upon the issuance of each license, the town clerk shall provide the owner with a dog tag stamped with a serial number and the year of issuance, which tag shall be attached to a collar, harness or other device and shall be worn along with the rabies tag by the licensed dog at all times. It shall be unlawful for any person to make use of, have in his possession or under his control a stolen, counterfeit or forged dog license, dog tag, rabies vaccination certificate or other form issued pursuant to this chapter. Dog licenses issued hereunder are not transferable and it shall be unlawful for any person to attach any license or rabies tag to any dog other than the dog for which such tag was originally issued.

(Ord. 2-1979 § 2.4, 1979)

6.12.060 License--Records--Duplicate tags.

The town clerk shall keep a record of the date of issuance of each license and dog tag provided for hereinabove, which record shall contain the name and address of the person to whom such tag was issued, and the number thereof, and a description of the dog, including breed, age, color and sex. If a dog tag is lost or destroyed, a duplicate tag may be issued by the town clerk upon payment of a fee of one dollar and fifty cents (\$1.50).

(Ord. 2-1979 § 2.5, 1979)

6.12.070 Rabies vaccination--Required--Biting report--Confinement.

- A. The owner of every dog within the town shall have such dog inoculated against rabies by a veterinarian not less often than once every two years.
- B. Each owner shall obtain and retain a certificate of inoculation or vaccination stating the name, address and

telephone number of the owner of the dog, the date of inoculation, the type of vaccine used, the year and serial number of the rabies tag, and a description of the inoculated dog, including its breed, age, color and sex.

- C. It is unlawful for any owner of a dog to fail or refuse to exhibit such certificate of vaccination upon demand to any person charged with the enforcement of the ordinance codified in this chapter, or to fail to have the rabies tag attached to the collar or harness of the dog.
- D. Any person having knowledge of a dog biting any person shall immediately report the incident to the police department. Any such dog which has bitten any person shall be confined in a manner to be designated by the officer or agent of the town charged with enforcement of the ordinance codified in this chapter for observation for a period of ten days from the date of the bite, at the expense of the owner. It is unlawful for any person to remove any dog from any place of isolation, confinement or quarantine required hereinabove without the consent of the officer or agent of the town charged with the enforcement of the ordinance codified in this chapter.
- E. Any person who refuses to permit the confinement of an animal reported to have bitten any person, or who in any way interferes with an officer of the town in seizing and confining such dog, shall be guilty of a misdemeanor.

(Ord. 2-1979 § 3, 1979)

6.12.080 Dog running at large prohibited.

It is unlawful for any owner of any dog to permit the same to run at large within the town.

(Ord. 2-1979 § 4, 1979)

6.12.090 Harboring vicious dogs prohibited.

It is unlawful for any owner of any dog to harbor a vicious dog, or dogs, within the town.

(Ord. 2-1979 § 5, 1979)

6.12.100 Abandonment of dogs prohibited.

It is unlawful for any person to abandon any dog, of any age, within the town. Refusal to reclaim any animal from the town pound shall be considered, for the purposes of this section, as abandonment.

(Ord. 2002-1 § 1 (part), 2002: Ord. 2-1979 § 6, 1979)

6.12.110 Confinement of female dogs in heat.

- A. Any unsprayed female dog, while in heat, shall be securely confined during such period within the owner's yard, pen or other enclosure, which shall be so constructed or situated as to prevent said dog from escaping

and other dogs from gaining access thereto.

B. All breeding of dogs shall be carried on only within such confined area and out of the public view.
(Ord. 2-1979 § 7, 1979)

6.12.120 Barking dogs a nuisance.

It is unlawful for any owner to harbor, maintain or permit upon any premises under his control, any dog which shall recurrently, by any sound or cry, disturb the peace and comfort of the inhabitants of the neighborhood or interfere with any person in the reasonable and comfortable enjoyment of his property, and any such disturbance or interference is declared to be a nuisance.

(Ord. 2005-3 (part), 2005: Ord. 2002-1 § 1 (part), 2002: Ord. 2-1979 § 8, 1979)

6.12.130 Poisoning, shooting, mistreating, neglecting or otherwise destroying dogs prohibited.

A. It is unlawful for any person to poison, shoot, destroy, mistreat or neglect any dog within the town except the destruction of a dog under the supervision of the officer or agent of the town charged with the enforcement of the ordinance codified in this chapter; provided, however, that nothing herein shall be construed to prohibit a person from defending himself, his property or any other person from the attack of a vicious dog with such force as may be reasonable under the circumstances.

B. Any person disposing of a dog under the supervision of the officer or agent of the town, as provided hereinabove, shall do so only in a humane manner and shall, under no circumstances, permit any such dog to suffer unnecessarily.

C. No dog shall be tethered on a leash or cord of less than twenty-five (25) feet and any dog confined within a fenced area or shelter shall have adequate area for exercise within the boundaries of the owner's property.

(Ord. 2-1979 § 9, 1979)

6.12.140 Impoundment--Authorization.

Any officer of the town is authorized to impound any dog found to be in violation of any of the provisions of the ordinance codified in this chapter. It is lawful for any such officer to go upon private property for the purpose of impounding any such dog, either with or without the consent of the owner of such property.

(Ord. 2-1979 § 10.1, 1979)

6.12.150 Impoundment--Notice.

As soon as practicable after impoundment, a notice of impoundment shall be posted in a conspicuous place at the Town Hall. The impounding officer shall also make diligent inquiry as to the owner of the impounded dog; and, in the event that the owner is known, shall immediately give notice of impoundment to such owner by personal service. In the event such owner cannot be located for such personal service, notice shall be given by mail to the address stated on the dog license application for the impounded dog or, if none, to the last-known

address of the owner.

(Ord. 2002-1 § 1 (part), 2002: Ord. 2-1979 § 10.2, 1979)

6.12.170 Limit on dogs per household.

It shall be unlawful to keep, maintain, harbor or possess upon the premises of any one household or other premises, more than three dogs over the age of six months. Provided, however, dogs in excess of this limit lawfully kept upon the premises at the time of annexation or adoption of this section may continue to be kept if all dogs on the premises are licensed with the town within thirty (30) days of annexation or adoption of this section. Such excess dogs cannot be replaced upon death or other disposition. Exceptions to this section are as follows:

- A. Premises licensed and lawfully permitted with the state of Colorado and pursuant to town zoning regulations; kennels, pet shops, town shelters, veterinary hospitals and individuals in possession of a permit pertaining to dogs authorized and valid by the state of Colorado.
- B. Permitted by waiver with terms and conditions set at the sole discretion of the board of trustees. If three dogs per premise cannot be met, the person or persons desiring to keep said dogs may apply to the board of trustees for a waiver to keep four or more licensed dogs. (Waivers for dog counts do not affect compliance with any other chapter of this code.) Conditions for waiver approval shall include one of the following:
 - 1. The applicant has a signed letter by a designated friends of the Cedaredge animal control (FCAC) official or animal control officer, that the premises is an approved dog rescue location, identifying the responsible party with the terms of occupation.
 - 2. The premise parcel of land is in excess of one-half acre with a fenced area, for the dogs, not less than five thousand (5,000) square feet.
 - 3. The dogs are considered working dogs which are used in conjunction with a farm or ranch.
 - 4. The combined weight of the dogs when mature, on the premise, will be less than one hundred (100) pounds. (one hundred (100) pounds for four or more dogs.)

(Ord. 2007-11 (part), 2007)

6.12.180 Waste removal.

No owner or custodian of any dog shall cause or allow such dog to soil, defile or defecate on any public property or upon any street, sidewalk, public way, play area or common grounds owned jointly by the members of a homeowners association, or upon private property other than that of the owner, unless such owner or custodian immediately removes and disposes of all feces deposited by such dog by the following methods:

- A. Collection of the feces by appropriate implement and placement in a paper or plastic bag or other container; and

B. Disposal of such bag or container by dog owner or custodian thereafter in a manner as permitted by law.

(Ord. 2007-11 (part), 2007)

6.12.190 Sanitation.

No person owning, or harboring or keeping a dog within the town shall permit any waste matter from the dog to collect and remain on the property of the owner or custodian, or on the property of others so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner's or custodian's property, or abutting property of others.

(Ord. 2007-11 (part), 2007)

6.12.200 Violation--Penalty.

Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall revoke any and all waivers approved by town council for animals including but not limited to; livestock, cats and dogs, shall be punished in accordance with the penalties set forth in section 1.16.020 of the Code of the Town of Cedaredge.

License - Required - First Offense	6.12.020	\$	50.00
License - Required - Second Offense	6.12.020	\$	100.00
License - Required - Third Offense	6.12.020		Summons to Court
License-Rabies Vaccination Required - First Offense	6.12.040	\$	50.00
License-Rabies Vaccination Required - Second Offense	6.12.040	\$	100.00
License-Rabies Vaccination Required - Third Offense	6.12.040		Summons to Court
Dog Running at Large Prohibited - First Offense	6.12.080	\$	50.00
Dog Running at Large Prohibited - Second Offense	6.12.080	\$	100.00
Dog Running at Large Prohibited - Third Offense	6.12.080		Summons to Court
Harboring Vicious Dogs Prohibited - First Offense	6.12.090	\$	100.00
Harboring Vicious Dogs Prohibited - Second Offense	6.12.090	\$	200.00
Harboring Vicious Dogs Prohibited - Third Offense	6.12.090		Summons to Court
Abandonment of Dogs Prohibited - First Offense	6.12.100	\$	200.00
Abandonment of Dogs Prohibited - Second Offense	6.12.100	\$	400.00
Abandonment of Dogs Prohibited - Third Offense	6.12.100		Summons to Court
Confinement of Female Dogs in Heat - First Offense	6.12.110	\$	50.00
Confinement of Female Dogs in Heat - Second Offense	6.12.110	\$	100.00

Confinement of Female Dogs in Heat - Third Offense	6.12.110	Summons to Court
Barking Dogs a Nuisance - First Offense	6.12.120	\$ 50.00
Barking Dogs a Nuisance - Second Offense	6.12.120	\$ 100.00
Barking Dogs a Nuisance - Third Offense	6.12.120	Summons to Court
Poisoning, Shooting, Mistreating, Neglecting or Otherwise Destroying Dogs Prohibited - First Offense	6.12.120	\$ 200.00
Poisoning, Shooting, Mistreating, Neglecting or Otherwise Destroying Dogs Prohibited - Second Offense	6.12.120	\$ 400.00
Poisoning, Shooting, Mistreating, Neglecting or Otherwise Destroying Dogs Prohibited - Third Offense	6.12.120	Summons to Court
Limit on Dogs per Household - First Offense	6.12.170	\$ 50.00
Limit on Dogs per Household - Second Offense	6.12.170	\$ 100.00
Limit on Dogs per Household - Third Offense	6.12.170	Summons to Court
Waste Removal - First Offense	6.12.180	\$ 50.00
Waste Removal - Second Offense	6.12.180	\$ 100.00
Waste Removal - Third Offense	6.12.180	Summons to Court
Sanitation - First Offense	6.12.190	\$ 50.00
Sanitation - Second Offense	6.12.190	\$ 100.00
Sanitation - Third Offense	6.12.190	Summons to Court

(Ord. 2017-03, Ord. 2010-20, 6-17-2010) (Ord. 2007-11 (part), 2007: Ord. 4-1981 § 1, 1981: Ord. 2-1979 § 11, 1979)

Chapter 6.13

CATS

Sections:

- 6.13.005 Definitions.
- 6.13.010 License--Required.
- 6.13.020 License--Fee.
- 6.13.030 Impoundment--Authorization.
- 6.13.040 Impoundment--Notice.
- 6.13.060 Limit on cats per household.
- 6.13.190 Sanitation.
- 6.13.200 Violation--Penalty.

6.13.005 Definitions.

The following terms used in this chapter are defined as follows:

Abandon means and includes leaving a cat without making effective provisions for its proper care.

Cat refers to any feline over six months of age, specifically less than twenty (20) pounds, typically a house pet also known as a domestic cat.

Harboring The occupant of any premises on which a cat is kept or to which it customarily returns daily for food and care for a period of two weeks or more is presumed to be harboring or keeping such cat within the meaning of this chapter.

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

Neglect means and includes failure to provide food, water, protection from the elements, opportunity for exercise, or other care normal, usual and proper for a cat's health and well-being.

Owner refers to every person in possession of, or who harbors any cat or offers any cat to remain at or about such person's premises for a period of two weeks or more.

(Ord. 2007-12 (part), 2007)

6.13.010 License--Required.

An owner of a cat within the town shall obtain a license for such cat from the town clerk by no later than February 1st of each year. Said licenses shall be effective for the calendar year of issuance. Proof of rabies vaccination must be presented at the time license is purchased. Cats born during any calendar year shall be licensed within thirty (30) days after the cat reaches the age of four months. Cats purchased, obtained, or otherwise acquired subsequent to the first day of June in any calendar year and cats of new residents of the town shall be licensed within thirty (30) days after such acquisition or establishing residence. No license shall be issued to any person under the age of eighteen (18) years.

(Ord. 2005-3 (part), 2005; Ord. 4-1999 (part), 1999)

6.13.020 License--Fee.

The annual license fee for cats within the town shall be set by the board of trustees, by resolution.

Unaltered Male or Female	\$	50.00
Altered Male or Female	\$	10.00

(Ord. 4-1999 (part), 1999) (Ord. 2017-03, 3-16-2017)

6.13.030 Impoundment--Authorization.

Any officer of the town is authorized to impound any unlicensed cat running at large within the town. It is lawful for any such officer to go upon private property for the purpose of impounding any such cat, either with or without the consent of the owner of such property. It is the intent of this chapter to impound unlicensed cats that are wild, strays or are otherwise causing problems within the town.

(Ord. 4-1999 (part), 1999)

6.13.040 Impoundment--Notice.

As soon as practicable after impoundment and not later than twelve (12) hours after such impoundment, a notice of impoundment shall be posted in a conspicuous place at the town hall. The impounding officer shall also make diligent inquiry as to the owner of the impounded cat; and, in the event that the owner is known, shall immediately give notice of impoundment to such owner by telephone or personal service. In the event such owner cannot be located for such telephone or personal service, notice shall be given by mail to the last-known address of the owner.

(Ord. 4-1999 (part), 1999)

6.13.060 Limit on cats per household.

It shall be unlawful to keep, maintain, harbor or possess upon the premises of any one household or other premises, more than three cats over the age of four months. Provided, however, cats in excess of this limit lawfully kept upon the premises at the time of annexation or adoption of this section may continue to be kept if all cats on the premises are licensed with the town within thirty (30) days of annexation or adoption of this section. Such excess cats cannot be replaced upon death or other disposition. Exceptions to this section are as follows:

- A. Premises licensed and lawfully permitted with the state of Colorado and pursuant to town zoning regulations; kennels, pet shops, town shelters, veterinary hospitals and individuals in possession of a permit pertaining to cats authorized and valid by the state of Colorado.
- B. Permitted by waiver with terms and conditions set at the sole discretion of the board of trustees. If three cats per premise cannot be met, the person or persons desiring to keep said cats may apply to the board of trustees for a waiver to keep four or more licensed cats. (Waivers for cat counts do not affect compliance with any other chapter of this code.) Conditions for waiver approval shall include one of the following:
 - 1. The applicant has a signed letter by a designated friends of the Cedaredge animal control (FCAC) official or animal control officer, that the premises is an approved cat rescue location or spayed and/or neutered cat colony, identifying the responsible party with the terms of occupation.
 - 2. The premise parcel of land is in excess of one-half acre and the cats are considered beneficial to reduction of rodents; such as mice on the premises.
 - 3. The premise has one owner per cat in excess of three cats.

(Ord. 2007-12 (part), 2007)

6.13.190 Sanitation.

No person owning, or harboring or keeping a cat within the town shall permit any waste matter from the cat to collect and remain on the property of the owner or custodian, or on the property of others so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner's or custodian's property, or abutting property of others.

(Ord. 2007-12 (part), 2007)

6.13.200 Violation--Penalty.

Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall revoke any and all waivers approved by town council for animals including but not limited to; livestock, cats and dogs, shall be punished in accordance with the penalties set forth in section 1.16.020 of the Code of the Town of Cedaredge.

License - Required - First Offense	6.13.010	\$	50.00
License - Required - Second Offense	6.13.010	\$	100.00
License - Required - Third Offense	6.13.010		Summons to Court
Limit on Cats per Household - First Offense	6.13.060	\$	50.00
Limit on Cats per Household - Second Offense	6.13.060	\$	100.00
Limit on Cats per Household - Third Offense	6.13.060		Summons to Court
Sanitation - First Offense	6.13.190	\$	50.00
Sanitation - Second Offense	6.13.190	\$	100.00
Sanitation - Third Offense	6.13.190		Summons to Court

(Ord. 2010-20, 6-17-2010) (Ord. 2007-12 (part), 2007)

Chapter 6.14

LIVESTOCK

Sections:

- 6.14.010 Definitions.
- 6.14.020 Keeping livestock within the town.
- 6.14.030 Keeping domestic fowl within the town.
- 6.14.040 Keeping male fowl within the town.
- 6.14.050 Maintenance standards.
- 6.14.060 Penalties and enforcement.

6.14.010 Definitions.

Livestock shall be defined as any cattle, horses, mules, sheep, goats, swine or other hard-hoofed animals.

Domestic fowl shall be defined as: chickens, ducks, geese, turkeys, guineas, pigeons and like poultry that have reached the age of 2 months.

Domestic Animal shall be defined as any dog, cat, pot-belly pig, rabbit, hare, guinea pig, hamster, mouse, rat, ferret, bird, fish, reptile, amphibian, or other small species of animal kept as a pet.

(Ord. 2010-19, 6-17-2010) (Ord. 3-1999 (part), 1999)

6.14.020 Keeping livestock within the town.

Livestock shall be kept within the town only under the following conditions:

- A. Livestock are allowed in the zoning district as a permitted or conditional use.
- B. The minimum square footage of open lot area, not including the dwelling, shall be 9,000 square feet for the first unit of livestock and 6,000 square feet for each additional unit of livestock; except that offspring of livestock on the property may be kept until weaned. The front setback for accessory buildings housing livestock shall be set back at least 75 feet from the front lot line. The side setbacks for accessory buildings housing livestock shall be set back at least 75 feet from the side lot line. The shed, shelter, or barn for livestock shall not be closer than 100 feet to any dwelling house, place of business or street.
- C. If the requirements contained in subsection A and/or B of this section cannot be met and the owner can conclusively demonstrate that prior to September 1, 2022, they have kept both the number and type of livestock continuously on the property or they have been replaced within six (6) months of removal from the property, the keeping of livestock on the property is considered pre-existing regardless of the zoning district and the number of livestock may be maintained by replacement of the same type. However, if the animal(s) are not replaced for a period of more than six (6) months, they shall not be replaced unless they are otherwise allowed in the zoning district.

(Ord. 2022-05)

6.14.030 Keeping domestic fowl within the town

Except as otherwise allowed in a zoning district as a permitted or conditional use, it is unlawful for any person who owns chickens, ducks, geese or other domestic fowl, or any hare or rabbits within the town, to fail to keep them securely enclosed in a pen or other proper building in the rear or back yard of a residence. The pen or other proper building shall only be large enough to adequately house the animals, and in no event shall it consist of the entire back yard of a person's residence. In no event shall this Section permit the keeping of domestic fowl in any area not permitted by the Cedaredge zoning districts unless the owner can conclusively demonstrate that prior to September 1, 2022, they have kept both the number and type of domestic fowl continuously on the property or they have been replaced within six (6) months of removal from the property. In that circumstance, keeping of domestic fowl on the property is considered pre-existing regardless of the zoning district and the number of domestic fowl may be maintained but not increased, by replacement of the

same type. However, if the fowl are not replaced for a period of more than six (6) months, they shall not be replaced unless they are otherwise allowed in the zoning district. In addition, the shed, shelter, coop or enclosure for rabbits or fowl shall not be closer than 50 feet to any place of business, dwelling, house, or street.

(Ord. 2022-05)

6.14.040 Keeping male fowl within the town.

A waiver in conformance with the following provisions must be issued for any male fowl capable of crowing.

1. The male fowl waiver process is intended to assure compatibility with surrounding properties, and the Town of Cedaredge at large. The terms and conditions of any such male fowl waiver special permit shall be set at the sole discretion of the Board of Trustees. Where conditions cannot be devised to achieve compatibility, applications for permits shall be denied.
2. Pre-application Conference. The applicant shall attend a pre-application conference with the zoning administrator from the town of Cedaredge. The purpose of the meeting is to discuss male fowl uses submittal requirements and the review process.
3. Procedure.
 - a. Submittal Requirements. The applicant shall file one copy of the complete application requesting a male fowl waiver special permit to the Town of Cedaredge Town Clerk. The application shall be accompanied by or show the following:
 - i. The street address and legal description of the property affected;
 - ii. A plot plan illustrating the property lines, acreage and male fowl pen location;
 - iii. A description of the male fowl and term(s) the male fowl will be present on the subject property;
 - iv. A list of the names and addresses of the surrounding property owners of record; and
 - v. A filing fee to cover the cost of review in accordance with the fee schedule adopted by resolution of the Board of Trustees.
 - b. Distribution of the Male Fowl Waiver Special Permit Application. The Town Clerk shall distribute the application to the appropriate personnel and referral agencies which may include, but not be limited to, the zoning administrator, the public works director, code enforcement and/or animal control officer.
 - c. The Board of Trustees shall review the application and determine if the application is compatible with the adjacent uses.

- d. Notification to property owners on the list provided by the applicant shall be mailed at least fifteen (15) days prior to the board of trustee meeting.
- e. Board of Trustees. The Board of Trustees may approve, approve with conditions, or deny the application. Conditions may include but shall not be limited to: requiring special setbacks, open spaces, fences or walls, landscaping or screening street control of potential nuisances, and standards for maintenance of buildings and grounds.

(Ord. 2022-05)

6.14.050 Maintenance standards.

- A. All premises, pens, cages, corrals, structures and fenced areas where livestock is kept shall be kept in a clean, dry and sanitary condition.
- B. All premises, pens, cages, corrals, structures and fenced areas where livestock, domestic fowl, or domestic animals are kept shall be maintained so that the use of adjacent property is not adversely affected due to unreasonable odors, noise, insects or other detrimental condition or nuisance created as a result of the keeping of livestock.

(Ord. 2010-19, 6-17-2010) (Ord. 3-1999 (part), 1999)

6.14.060 Penalties and enforcement.

- A. Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall revoke any and all waivers approved by the board of trustees for animals, including, but not limited to, livestock, cats and dogs, shall be punished by a fine not to exceed one thousand dollars (\$1,000.00), or by confinement in the county jail for not more than one year, or both such fine and imprisonment. Each day any violation or noncompliance continues shall constitute a separate and distinct offense. The municipal judge may, from time to time, establish a schedule of penalty assessments for violations of this chapter, which may be collected by the town clerk upon entry of a guilty plea made in writing by any person charged with a violation of this chapter. All summons and complaints issued by any officer of the town for a violation of this chapter shall specify the appropriate penalty for the alleged offense. All fines or penalty assessments levied under this chapter shall be in addition to impound fees or license fees required by this chapter.
- B. The town may take steps to cause any violation of this chapter to cease in the same manner as the town would abate a nuisance as described in Chapter 8.24.

Keeping Domestic Fowl within the Town - First Offense	6.14.030	\$	50.00
Keeping Domestic Fowl within the Town - Second Offense	6.14.030	\$	100.00
Keeping Domestic Fowl within the Town - Third Offense	6.14.030		Summons to Court
Keeping Male Fowl within the Town - First Offense	6.14.040	\$	50.00
Keeping Male Fowl within the Town - Second Offense	6.14.040	\$	100.00

Keeping Male Fowl within the Town - Third Offense	6.14.040	Summons to Court
Maintenance Standards - First Offense	6.14.050	\$ 50.00
Maintenance Standards - Second Offense	6.14.050	\$ 100.00
Maintenance Standards - Third Offense	6.14.050	Summons to Court

(Ord. 2017-03, Ord. 2010-19, 6-17-2010) (Ord. 2008-8 (part), 2008: Ord. 3-1999 (part), 1999)