

Title 6

Animals

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6.01 – Dogs and Cats

6.01.010 Definitions

- a. **Animal Control Officer** – means any person designated by the Police Department or the Town Manager as an Animal Control Officer, Code Enforcement Officer, Police Officer, Grand County Animal Control Officer or Grand County Sheriff's Deputy, with the duties of investigation, control and enforcement of this Code and state laws pertaining to animals.
- b. **Effective and Immediate Control** – such direct, physical or verbal restraint sufficient to prevent attack or uninvited contact by the animal upon a person other than the owner or another animal, to prevent entry upon public property if the animal is not on a leash controlled by a human or to prevent entry upon private property of another without the consent of the person in possession of such private property.
- c. **Bodily Injury** – means physical pain, illness or any impairment of physical or mental condition.
- d. **Owner** – means any person owning, possessing, keeping, leasing or harboring any animal within the Town.
- e. **Running at Large** – means an animal that is not restricted to its owner's premises or not under the effective and immediate control of a person or such animal's owner.
- f. **Severe Bodily Injury** – means bodily injury which involves a substantial risk of death, a substantial risk of serious permanent disfigurement or a substantial risk of protracted loss or impairment of the function of any part or organ of the body.
- g. **Unprovoked Attack** – means the infliction of bodily injury on one (1) or more persons or animals by an animal, which injury is not necessary to:
 - i. Protect a person from an unlawful assault.
 - ii. Protect the property of a person against theft, criminal mischief or criminal trespass.
 - iii. Protect the animal from an unjustified and unprovoked attack which could cause serious bodily injury to it.
- h. **Dangerous Animal** – Any animal that commits an unprovoked attack upon a person, domestic animal, pet animal, livestock, or wild animal on public or private property; or that attacks, threatens to attack or terrorizes a person, domestic animal, pet animal,

livestock or wild animal on public property, at a public place, or private property not the property of the owner of the dangerous animal.

- i. **Dangerous Dog** – Any dog which on more than one occasion within a twelve (12) month period has committed one of the following infractions and is capable of inflicting death or serious injury on a person or another animal:
 - i. Has, without provocation, attacked or bitten a person engaged in a lawful activity; or,
 - ii. Has, while off the property of its owner and without provocation, killed or seriously injured another animal; or
 - iii. Has, without provocation, chased, confronted or approached a person on a street, sidewalk or other public property in a menacing fashion such as would put an average person in fear of attack, or
 - iv. Has exhibited a propensity, tendency or disposition to attack, cause injury or threaten the safety of persons or other animals without provocation; or
 - v. Has acted in a manner that causes or should cause its owner to know that it is potentially vicious.
- j. **Vicious Dog – Prohibited per section 6.01.060** – Any dog which has committed the following infractions:
 - i. Has caused death or serious injury to a person engaged in a lawful activity;;
 - ii. Has, on three or more occasions within a 12-month period, attacked or bitten without provocation a person engaged in a lawful activity;
 - iii. Has, on three or more occasions within a 12-month period, while off the property of its owner and without provocation, killed or seriously injured another animal; or
 - iv. Has been trained for dog fighting or is owned or kept for the purpose of dog fighting.

PURPOSE: It is to be the purpose of 6.01.010 subsection (i) and (j) to differentiate the status between dangerous and vicious dogs. As outlined, concerning a dangerous dog, the owner of said dangerous dog may be allowed to maintain procession of their animal if willing to comply to the guidelines and requirements of section 6.01.080. However, concerning a vicious dog, as

outlined above, the dog shall not be allowed to remain within the confines of the Town of Kremmling and/or may be ordered by Kremmling Municipal Court to be destroyed.

6.01.020 Licensing; Vaccination of Dogs

- a. License required and rabies inoculation. No dog over the age of six (6) months shall be kept, maintained or harbored within the Town for fifteen (15) or more consecutive days unless the dog owner has had the dog vaccinated against rabies and obtained a county dog license and tag, unless deemed inappropriate and exempted by a licensed veterinarian of which documentation must be provided and must not be exempted past one (1) year of age.
- b. Application for license and tag; fees. Applications for dog licenses and tags shall be made to the Grand County Animal Control Division or the Town Clerk on forms provided therefor. A nonrefundable fee as established by the Grand County Commissioners shall be paid for each license issued.
- c. Duration of license. A dog license shall expire at the end of the calendar year in which it was issued.
- d. Tag not transferable. Dog tags shall not be transferable from one (1) dog to another, and no refunds shall be made for any dog license fee because of the death of the dog or due to the licensed dog's permanent removal from the County prior to the expiration of the license year.
- e. License and tag; use restricted. It shall be unlawful to knowingly possess and/or fix a license and respective tag to or for any dog other than that specific animal for which the respective license and tag have been issued.

6.01.030 Animals Running at Large; unlawful acts

It shall be unlawful for any owner of an animal to fail to prevent such animal from running at large within the Town.

- a. An animal shall be deemed to be running at large under circumstances where the animal is not either restrained by means of a leash, rope, chain or other physical restraint of sufficient strength to control the animal or is not under the effective and immediate control of the owner or other responsible person present with the animal and immediately obedient to that person's commands.
 - i. An animal shall be deemed to be running at large if, on public property or property generally accessible to the public, said animal is tethered or chained in

such a manner that it poses a risk of an unprovoked attack to passersby by lunging at or attacking other persons or animals.

- b. An animal is not considered to be running at large if it is confined within a motor vehicle or secured within the confines of the bed of a pickup truck, in compliance with the provisions of this Article, in such manner that it cannot exit the vehicle or pose a risk to any person outside the confines of the vehicle by its own volition.
- c. The provisions of this Section shall not apply to dogs while actually working livestock, locating or retrieving wild game in season for a licensed hunter, assisting law enforcement officers or actually being trained for any of these pursuits.

6.01.040 Leash Law

All dogs deemed dangerous or vicious as outlined in section 6.01.010 must be leashed by a restraint connecting the dog to the owner or handler while off private property and remain under the control of said owner or handler. While leashed, owners are responsible for restraining dog from entering uninvited private property.

6.01.050 Impounding

- a. The Chief of Police and other Animal Control Officers are authorized to apprehend any stray animal or any animal found running at large contrary to the provisions of Section 6.01.030, to impound such dog or cat in the County animal shelter or other suitable place until it can be released to the owner after assessment of any applicable fines and penalties and, upon receiving any dog or cat, to make a complete registry entering the breed, sex and color of such animal and whether licensed and, if licensed, to enter the name and address of the owner and the date and number of the dog tag.
- b. It shall be lawful for any Animal Control Officer to go upon any property, excluding a dwelling, using such force as may be reasonably necessary, for the purpose of pursuing and catching any animal to be impounded.
- c. Absent good cause and exigent circumstances, an Animal Control Officer shall not go within the interior of a dwelling to remove an animal without a court order or the consent of an occupant of the dwelling who is of sufficient age to understand the benefits and/or consequences of granting such consent.

6.01.060 Prohibitions and Limitations

- a. It shall be unlawful for any person to keep within the town any vicious dog. Upon finding that a dog is vicious, a court of competent jurisdiction may order the dog to be impounded and destroyed, or to be removed from the Town. Any person who fails to

comply with the court's order or fails to present the vicious dog at such time as ordered by the court may be punished as provided in Kremmling Municipal Code Section 1.16.020.

- b. It shall be unlawful for any person to keep within the Town any dangerous dog, except in compliance with a permit issued by the Animal Control Officer or Town Clerk in Section 6.01.080 below. Any person who convicted of violating this Section 16.01.060.b may be punished as provided in Kremmling Municipal Code Section 1.16.020.

6.01.70 Complaints of Dangerous and Vicious Dogs; Processing of Complaints

- a. Verbal Complaints. Any person may make a verbal or written complaint to an Animal Control Officer of a dog which the complainant believes to be dangerous or vicious. The complaint shall include sufficient information to enable the Animal Control Officer to ascertain the location and owner of the dog and shall also include the reasons why the complainant believes the dog to be vicious or dangerous. In the case of a verbal complaint, the complaint shall be put in writing by the Animal Control Officer. A copy of the complaint shall then be mailed by the Animal Control Officer to the owner of the dog at the owner's last known address.
- b. Investigations. Within a reasonable amount of time of the making of the complaint, the Animal Control Officer shall undertake an investigation to determine whether the dog identified in the complaint is vicious or dangerous. Such investigation shall include an opportunity for the owner of the dog to present evidence to the Animal Control Officer pertinent to the viciousness or dangerousness of the dog, and may include interviews with the complainant and other person having personal knowledge regarding the dog and observations of the dog in its normal habitat.
- c. Determinations. Upon completion of the investigation, the Animal Control Officer shall determine whether the dog identified in the complaint is vicious or dangerous based on criteria set forth in Section 6.01.010 based on history of animal and nature of incident.
 - i. In the instance of establishing recurring incidents or patterns, incidents and violations recorded by an Animal Control Officer on a particular dog will be recorded as such in sequence against that particular dog regardless of change or transfer of ownership. Determination of a dog's identification as vicious or dangerous based on the criteria set forth in the Section 6.01.010 of the history of a particular dog will accumulate based on the total number of incidents within a twelve (12) month period regardless of ownership.

- d. If the Animal Control Officer determines that the dog is neither vicious nor dangerous, the Animal Control Officer shall inform the complainant and the owner of the determination, and no further action shall be taken on the complaint.
 - i. If the Animal Control Officer determines that the dog is vicious, the Animal Control Officer shall put the determination in writing, as well as the reasons supporting it. The Animal Control Officer shall then personally serve this written determination on the owner and, in addition, the Animal Control Officer may issue a summons or warrant against the owner of a vicious dog and immediately impound the dog until the case can be reviewed and ruled upon by the Town of Kremmling Municipal Court.
 - ii. If the Animal Control Officer determines that the dog is dangerous, the Animal Control Officer shall put the determination in writing as well as the reasons supporting it. The humane officer shall then personally serve this determination on the owner and, in addition, shall notify the owner of the requirements to keep a dangerous dog in the town as provided by Sec. 6.01.080.

6.01.080 Requirements for Keeping a Dangerous Dog in the Town of Kremmling

- a. Upon receipt of a determination by the Animal Control Officer that a dog is dangerous, the owner may keep the dog within the Town only so long as the owner complies with the requirements set forth in this section. The requirements are as follows:
- b. That the owner obtain a Permit from the Animal Control Officer and pay a one time special registration permit fee.
- c. That the owner immediately notify the Animal Control Officer in the event the dog is loose and unconfined, has attacked or injured a human being or another animal, has been sold or given to another person, or has died;
- d. That the dog, while on the property of the owner, be confined indoors or in a securely enclosed and locked structure or fence, suitable to prevent the entry of children and designed to prevent the dog from escaping;
- e. That the owner display one or more signs on his property which provide a clear warning to children of all ages and adults that a dangerous dog is present on the property. Sign must comply with Town of Kremmling Sign Code 17.11.025. One sign will be provided by the town, included in the special registration permit fee. Additional signage can be purchased from the town. A one time special registration permit fee in an amount set by resolution of the Board of Trustees from time to time will be charged at registration.

- f. That, while off the owner's property, the dog be muzzled, restrained in a particular manner, or both, and the dog must be under the control of an adult;
- g. That the owner make the dog available for inspection by the Animal Control Officer at reasonable times upon reasonable notice.
- h. That in the event the dog is sold or transfers ownership, the new owner is provided with written notification of the dog's "dangerous" status by the previous owner, and is re-registered with the town under new ownership, and all requirements for keeping of a dangerous dog are met by new owner.

6.01.090 Appeal

If an owner disagrees with the Animal Control Officer's determination that a dog is dangerous or vicious, the owner may commence an action in the Town of Kremmling Municipal Court for a certiorari review of the Animal Control Officer's determination. Such action shall be commenced at the next available Municipal Court date after the owner's receipt of the Animal Control Officer's determination. Written notification for request of appeal, must be submitted to the Municipal Court Clerk prior to being added to the docket. If no action is filed in accordance with this section, the Animal Control Officer's determination shall be final. If the court finds any error in the Animal Control Officer's determination which renders the determination erroneous or void, it shall remand the determination to the Animal Control Officer for further action in accordance with the Court's determination and retain jurisdiction of the matter until the Animal Control Officer has made a determination in accordance with the Court's order.

6.01.100 Care and Control

- a. It shall be unlawful for a person to knowingly or recklessly engage in any of the following acts or any combination thereof:
 - i. Fail to provide an animal with sufficient food and water, proper shelter and protection from the weather to avoid harm to an animal;
 - ii. Fail to provide veterinary care when needed to prevent suffering and injury to an animal;
 - iii. Without good cause, mutilate an animal;
 - iv. Without good cause, beat repeatedly or kill or attempt to kill an animal; except for the licensed harvest of wild game animals during any legal hunting season;
 - v. Cruelly treat, torment, overload, overwork or otherwise abuse any animal to the extent that the animal is in imminent danger of injury, sickness or death;

- vi. Cause or permit any dogfight, cockfight, bullfight or other combat between animals or between humans and animals;
 - vii. Abandon such animal or neglect such animal to the extent that the animal is in imminent danger of injury, sickness or death. The term neglect shall include leaving an animal unattended in a vehicle without adequate ventilation or leaving an animal unattended in any manner that subjects the animal to extreme temperatures or conditions and thereby creates a risk of imminent injury, sickness or death to the animal;
 - viii. Crop a dog's ears or neuter an animal (this provision shall not apply to actions of a licensed veterinarian); and
 - ix. Poison any dog or cat or distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any dog or cat.
- b. Any member of the Police Department or an Animal Control Officer may take necessary and appropriate steps to abate any violation of this Section and, further, may impound the animals affected until a dispositional hearing can be held before the Municipal Judge in the manner and form provided in this Title.
 - c. No owner shall fail to maintain areas where animals are kept in a clean and sanitary fashion. It shall be the duty of every owner to dispose of, in a reasonable manner, any accumulation of animal excretion on premises where animals are kept, in order to prevent the attraction of flies, insects or other pests and in order to prevent the propagation of obnoxious odors.
 - d. Any person found to have knowingly or recklessly engaged in the aforementioned of this section shall be charged with inhumane treatment of an animal.

6.01.110 Nuisance

- a. It shall be unlawful for any owner to harbor any dog or other animal which, by any sound or cry or other activity, shall disturb the peace, comfort or property of the inhabitants of the neighborhood, and such disturbance is hereby declared to be a public nuisance.
- b. It shall also be unlawful for the owner of a dog or other animal to permit the same to chase, bark at or otherwise harass any person, vehicle, bicycle, livestock or other domestic animal, or to approach any person in a vicious or terrorizing manner in apparent attitude of attack on any public or private property, other than the property of the owner of any such animal. For purposes of prosecution of this subsection B, it shall not be necessary to prove notice or knowledge on the part of the owner that such animal was

violating the foregoing at the time and place charged. It is the purpose and intent of this subsection B to impose strict liability upon the owner for the actions, conduct and condition of such animal. Any animal in violation of this section shall be deemed a nuisance and be subject to impound whether licensed or unlicensed.

6.01.120 Dogs in Park Prohibited

It shall be unlawful for any person to attend a town park with a dog, leashed or unleashed. Dogs are prohibited in all Kremmling town parks and athletic fields, including but not limited to Town Square, Doc Ciriani Park and Red Mountain Sports Complex, unless otherwise specifically permitted.

6.01.130 Animal Defecation on Public or Private Property, Exemptions

- a. No person, having possession, custody or control of any animal, shall knowingly or negligently permit any dog or other animal to commit any defecation upon the grounds of any public area, or upon any private property other than the property of the owner of such animal.
- b. Any person having possession, custody or control of any dog or other animal which commits a defecation, in any area other than the private property of the owner of such dog or other animal, as prohibited in subsection A of this section, shall be required to immediately remove any feces from such surface and either:
 - i. Carry same away for disposal in a toilet.
 - ii. Place same in a nonleaking container for deposit in a trash or litter receptacle.
- c. The provisions of subsections A and B of this section shall not apply to any assistance dog that is accompanying, guiding, leading or physically in the control of a disabled person.

6.01.140 Violation – Penalty

Any person who violates any provision of this title commits an offense. Any person convicted of violation of any section of this title shall be punished as provided in Kremmling Municipal Code Section 6.03.010 and/or as ordered by Kremmling Municipal Court.

6.02 – Other Animals

6.02.010 Definitions

- a. **“Livestock”** – cattle, goats, horses, mules, sheep or swine.
- b. **“Domestic Fowl”** – Chickens, ducks, geese, pheasants, pigeons, or turkeys.
- c. **“Rooster”** – means a male domestic chicken.

6.02.020 Animals Prohibited

It is unlawful for any person to keep, maintain, harbor or to permit the keeping, maintaining or harboring of, for any purpose within the Town except at the fairgrounds, any: livestock; cloven-footed or hoofed animals; peacocks; exotic feathered birds or non-domestic fowl unless confined to a cage; roosters; and tame or wild game, including but not limited to, antelope, badger, deer, elk, possum, or prairie dogs. The foregoing prohibitions shall not apply to those animals specifically allowed in the R-1A zone district in accordance with Kremmling Municipal Code Section 17.04.020.A.1. Any person who fails, refuses or neglects to remove any animal(s) prohibited in this section within forty-eight (48) hours after receiving written notice, is in violation of this section.

6.02.030 Sanitary Regulations

The premises upon which animals are kept shall be maintained in sanitary condition and shall comply with all sanitary regulations adopted by the county health department. Said premises shall at all reasonable hours be subject to inspection by representatives of said health department or authorized person as designation by the county health department.

6.02.040 Violation – Penalty

Any person who violates any provision of this title commits an offense. Any person convicted of violation of any section of this title shall be punished as provided in Kremmling Municipal Code Section 6.03.010 and/or as ordered by Kremmling Municipal Court, and may forfeit the rights to animals in violation.

6.03 – Animal Penalty Fee Schedule

6.03.010 Animal Penalty Fee Schedule

Kremmling Municipal Animal Penalty Fee Schedule				
Codes 6.01.010-6.02.040				
FAILURE TO DISPLAY CURRENT COUNTY LICENSE	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE	4TH OFFENSE
ORD. 6.01.020	WARNING	\$150.00	\$300.00	SUMMONS
FAILURE TO OBTAIN COUNTY LICENSE	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE	4TH OFFENSE
ORD. 6.01.020	WARNING	\$150.00	\$300.00	SUMMONS
FAILURE TO DISPLAY CURRENT RABIES TAG	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE	4TH OFFENSE
ORD. 6.01.020	WARNING	\$150.00	\$300.00	SUMMONS
FAILURE TO OBTAIN RABIES VACCINATION	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE	4TH OFFENSE
ORD. 6.01.020	WARNING	\$150.00	\$300.00	SUMMONS
HARBORING AN UNVACCINATED ANIMAL	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE	4TH OFFENSE
ORD. 6.01.020	WARNING	\$150.00	\$300.00	SUMMONS
ANIMALS RUNNING AT LARGE	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE	4TH OFFENSE
ORD. 6.01.030	WARNING	\$150.00	\$300.00	SUMMONS
FAILURE TO LEASH	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE	4TH OFFENSE
ORD. 6.01.040	WARNING	\$150.00	\$300.00	SUMMONS
ANIMAL ATTACK CAUSING SERIOUS BODILY INJ.	SUMMONS			
ORD 6.01.070				
ANIMAL ATTACK CAUSING BODILY INJURY TO PERSON	SUMMONS			
ORD 6.01.070				
ANIMAL ATTACK CAUSING BODILY INJURY TO ANOTHER ANIMAL	SUMMONS			
ORD 6.01.070				
KEEPING OF A DANGEROUS DOG	\$250.00 ONE TIME REGISTRATION			
ORD. 6.01.080	\$10.00 ADDITIONAL SIGNAGE			
INHUMANE TREATMENT OF AN ANIMAL	SUMMONS			
ORD. 6.01.100				
NUISANCE ANIMAL	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE	4TH OFFENSE
ORD. 6.01.110	WARNING	\$150.00	\$300.00	SUMMONS

DOG IN TOWN PARK PROHIBITED	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE	4TH OFFENSE
ORD. 6.01.120	WARNING	\$150.00	\$300.00	SUMMONS
ANIMAL DEFECATION	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE	4TH OFFENSE
ORD. 6.01.130	WARNING	\$150.00	\$300.00	SUMMONS
ANIMALS PROHIBITED	1ST OFFENSE	2ND OFFENSE	3RD OFFENSE	4TH OFFENSE
ORD. 6.02.020	\$100.00	\$200.00	\$300.00	SUMMONS