

ORDINANCE No. 2023-3
SERIES OF 2023

AN ORDINANCE ADOPTING AN UPDATED ANIMAL CODE FOR THE
TOWN OF HAXTUN

WHEREAS, C.R.S. §31-15-401 authorizes the Town to regulate and prohibit the keeping of animals within the Town; and

WHEREAS, the Town Council previously adopted Title 6 of the Haxtun Municipal Code regarding animals, including dogs, cats, fowl, swine and stock; and

WHEREAS, the Town Council has determined that Title 6 should be repealed and reenacted, with an amendment to keeping of backyard chicken hens within the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAXTUN, COLORADO:

Section 1. Title 6 of the Haxtun Municipal Code is hereby repealed and reenacted, with amendments to read as follows:

**Title 6
Animal Code**

Sections:

- 6.6.01 Definitions**
- 6.6.02 Animal regulations**
- 6.6.03 Livestock prohibited**
- 6.6.04 Domestic animals**
- 6.6.05 Licensing of dogs and cats**
- 6.6.06 Keeping of backyard chicken hens**
- 6.6.07 Permit required**
- 6.6.08 At-large; injury to chickens**
- 6.6.09 Enforcement**
- 6.6.10 Fines and penalties – generally**
- 6.6.11 Fines and penalties for violations regarding dangerous dogs**

Section 6.6.01. Definitions. As used in this Title, the following terms shall have the meanings indicated:

Animals includes, but is not limited to dogs, cats, reptiles, fowl, or other species of animals owned, possessed, or kept within the Town.

Animal Control Officer means any employee of the Town or the Haxtun Police Department whose job duties include the enforcement of the terms of this Title.

Cat means any domesticated animal of the species *Felis Domesticus*.

Dangerous or vicious dog means any dog defined as a dangerous dog in Section 18-9-204.5(2)(b), C.R.S.

Dog means any domesticated animal of the species *Canis Familiaris* or other species of the family *Canida*.

Owner or owners means any person, owning, possessing, harboring, keeping, having a financial or property interest in or having control or custody of an animal.

Running at large means an animal away from the premises of the owner, possessor or keeper thereof, and not under the control of such owner, possessor or keeper, or an agent or member of the immediate family, either by leash, cord or chain.

Section 6.6.02. Animal regulations.

(1) It is unlawful for any dog or cat owner to keep a dog or cat within the Town without complying with the licensing provisions of this Title.

(2) It is unlawful for any dog or cat owner to knowingly permit a tag evidencing licensing and rabies inoculation for one (1) dog or cat to be affixed to the collar or harness of another dog or cat.

(3) It is unlawful for any owner's animal to run at large within the Town.

(4) It is unlawful to harbor or keep a dangerous or vicious dog, or any dangerous species of animal within the Town. Violation of harboring a dangerous or vicious dog shall be penalized as provided in section 6.6.08.

(5) It shall be unlawful for any person to own, harbor or keep more than a total of three (3) dogs or cats or a combination thereof within the Town, except for litters below the age of four (4) months.

(a) Exception: Any person who, on the effective date of this ordinance, owns more licensed cats and/or dogs than allowed under this subsection (5) may continue to own and keep such licensed cats or dogs regardless of the number restrictions in this subsection (5). However, the person may not replace any such cat or dog that dies or is otherwise permanently removed from such person's household if the replacement would cause the total number of dogs and cats to exceed the limitations of this subsection (5).

(6) It is unlawful for any person owning or harboring an animal to fail to exercise proper care and control of any animal to prevent it from becoming a public nuisance. For the purpose of this section, a public nuisance includes an animal which is a safety or health hazard, damages or destroys the property of another, creates offensive odors or other unsanitary condition or otherwise causes harm, disturbance or undue annoyance to the health, welfare or safety of another person or the public in general.

(7) It is unlawful to keep or harbor any animal which by frequent, habitual and continued barking, yelping, howling or other unreasonable noise causes annoyance or disturbs the peace of a neighbor or to people passing to and from upon the public streets or sidewalks, and the same is hereby declared to be a public nuisance and a violation of this Title. The Animal Control Officer shall have the authority to use all reasonable means to abate such nuisance. The Animal Control Officer shall attempt to locate and notify an absent owner of such nuisance 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 subsection unless there are a least two (2) or more complaining witnesses from separate households who signed such complaint and have testified at trial if held. An Animal Control Officer who has personally investigated the complaint of a single complainant and observed the behavior of the animal complained of, with regard to its frequent, habitual and continued barking, yelping, howling, or other unreasonable noise may satisfy the requirement for the second complaining witness and may testify to his or her observations at trial.

(8) It shall be unlawful for any person to import, offer for sale, keep, maintain, harbor, or permit within the Town any poisonous or constricting snake or poisonous reptile or any animal other than a domestic animal as provided for in this ordinance.

Section 6.6.03. Livestock prohibited.

It is unlawful for any person to harbor or to keep any hogs, pigs, pot belly pigs, swine, sheep, goats, cattle, horses, or other livestock within the Town.

Section 6.6.04. Domestic animals.

It is unlawful for any person to own, harbor or keep within the Town any ducks, roosters, geese, turkeys, pigeons, peacocks or other domestic fowl within the Town.

Section 6.6.05. Licensing of dogs and cats.

(1) Each dog and cat over the age of four (4) months located within the Town shall be required to be licensed by the Town. Each registration or license application shall contain the dog or cat owner's name, address and telephone number, a description of the dog or cat, its breed, color, age, sex and the registration or license number issued for the dog or cat. No registration permit or license shall be issued unless and until the owner of a dog or cat provide a valid rabies vaccination certificate indicating that the dog or cat has been vaccinated against rabies by a licensed veterinarian. Every owner of each dog or cat within the Town shall register each dog or cat over four (4) months of age and pay a license fee in an amount established by resolution of the Town Council from time to time.

(2) Tags shall be affixed to the collar or harness of the animal and worn at all times.

(3) Such registration or licensing shall be renewable annually on or before the 30th day of April of each succeeding year.

(4) Failure to purchase such license each year by April 30th shall result in a penalty assessed to the owner of the animal in addition to licensing fees as required above as follows: For the first offense, the fine shall be \$10.00 per animal, for the second offense, a fine of \$20.00 per animal, and for the third offense, a fine of \$30.00 per animal.

Section 6.6.06. Keeping of backyard chicken hens. Backyard chickens hens may be kept only on single-family residential parcels subject to permitting and compliance with all of the following requirements:

(1) No more than six chicken hens are permitted per parcel. Roosters are prohibited. No person may own or keep a rooster in any district. For purposes of this Title, a single-family residential parcel is a lot or tract of land having as its sole primary use one detached single-family dwelling or one mobile home or manufactured home.

(2) Backyard chicken hen facilities shall meet all of the following requirements:

a. Chicken hen facilities shall include a coop and runway that are fully enclosed and adequately designed and constructed to prevent escape of chicken hens and entry by predators.

b. Coops shall be constructed with a solid top. Coops shall be placed on a concrete floor, or be placed on a raised floor.

c. Chicken hen facilities shall provide access to adequate and fresh water at all times in a manner to prevent the water from freezing.

d. The chicken hen facilities, including coop space and run, shall be limited to a maximum of 120 square feet.

e. The chicken hen facilities shall provide at least four-square feet of space per chicken hen.

f. Coops shall be no taller than seven feet at the highest point of the roof.

g. Chicken hen facilities shall be located in the rear or backyard of the parcel. Chicken hen facilities shall not be located between the rear of the structure and the front yard lot line. No chicken hens shall be permitted within any other portion of a parcel.

h. Chicken hen facilities shall be at least 5 feet from any side of the property line and 1 foot from the rear property line.

i. Chicken coops are considered accessory structures and are subject to the same restrictions as stated in Section 17.08.010.

j. A building permit is required, and approval made by the Town Superintendent before building any part of the coop or chicken run. The placement

of the chicken facilities in relation to the principal structure and any other structures on the property shall be illustrated on the application.

(3) All coops and runs shall be regularly cleaned and maintained to control dust, odor, and waste and to prevent the facilities from constituting a nuisance, safety hazard, or health problem to surrounding properties.

(4) All waste materials shall be properly disposed of and not allowed to accumulate on the property or will be considered a nuisance.

(5) Chicken feed must be kept within the residence, garage, or accessory building, and must be stored in a re-sealable, airtight, metal, rat proof container to discourage attracting mice, rats, and other vermin.

(6) Slaughtering of chicken hens is prohibited anywhere within town limits.

(7) Dead animal carcasses shall be properly disposed of within 24 hours.

(8) At such time chicken hens are no longer kept upon the parcel, all chicken facilities shall be removed within thirty (30) days and the permit shall be returned to the Town.

(9) The chicken hens must be protected from predators by being closed in the chicken coop from dusk to dawn.

(10) 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.

(11) Chickens are not permitted to "Free Range" i.e. not allowed to move about within an open area on the property without the benefit of a chicken coop or run.

(12) The requirements of this section are minimum requirements and do not affect any private controls, including any more stringent regulations or prohibitions contained in private covenants. It is the responsibility of the property owner/ or applicant to confirm any covenants applicable to the property.

(13) The keeping of backyard chicken hens shall only be permitted on a single-family residential parcel that is enclosed by a 6 foot privacy fence on at least three sides of the parcel. For the purposes of this section, "privacy fence" shall mean a continuous solid fence, built of approved materials per Haxtun Municipal Code Ordinance 2-2009 Regulate Fence, used to prevent view across the fence line.

(14) Application for keeping of chicken hens must be accompanied by written approval of the real property owner upon which the chickens will be kept or proof of ownership by the applicant.

(15) The sale of eggs from the keeping of chicken hens is strictly prohibited, and not allowed as a home occupation.

(16) Chicken hens and/or chicken hen facilities that are not kept or maintained in conformance with the requirements of this title shall be deemed a public nuisance and the owner or custodian shall be given thirty (30) days to rectify the conditions creating a public nuisance. If the owner or custodian has not rectified the conditions within 30 days of the date notice is provided, the Town may abate the nuisance as provided in Sections 8.04.040 through 8.04.070 of this code.

Section 6.6.07 Permit required.

(1) Any person keeping chicken hens pursuant to this title must first have been issued a permit by the Town, the application for which shall be made available by the Town Clerk. The Town Clerk shall assess an application fee as shall be set by the Town Council by resolution.

(2) A permit issued pursuant to this subsection may be revoked by the Town Clerk upon the conviction of the permit holder of a violation of this title, or upon the permit holder's entry of a plea of guilty to a violation of this title.

Section 6.6.08 At-large; injury to chicken hens.

(1) The Town shall have the authority to seize, impound and dispose of any chicken hens found at large within the Town's limits. Such seizure, impoundment and disposal shall not require notice to any owner or keeper, nor any attempt to locate the owner thereof.

(2) Any dog that attacks, injures, or kills a backyard chicken hen not protected by the coop/run on the permitted property or found running at large in the Town of Haxtun shall not be deemed a "dangerous dog" and the owner of such dog shall not be charged with violating any provisions of C.R.S. 18-9-204.

Section 6.6.09 Enforcement.

(1) Any Animal Control Officer is hereby authorized to issue a summons and complaint to any person when said officer personally observes a violation of the provisions of this Title, or when information is received from any person who has personal knowledge that an act or acts which are made unlawful by the provisions of this Title have occurred.

(2) Haxtun Police Officers and any employee of the Town shall be authorized to enforce all of the provision of this Title.

Section 6.6.10 Fines and penalties – generally.

(1) Any person who violates any provision of this Title 6 shall be punished by a fine of not more than three hundred dollars. Each day during any portion of which any violation of any provision of this Title is committed, continued or permitted by any such person shall be a separate offense.

(2) The remedies contained in this section are cumulative and are in addition to all other remedies available to the Town.

Section 6.6.11 Fines and penalties for violations regarding dangerous dogs.

(1) First offense, mandatory court appearance and fine of one hundred dollars (\$100.00) minimum and five hundred dollars (\$500.00) maximum.

(2) Second offense, mandatory court appearance and fine of two hundred dollars (\$200.00) minimum and five hundred dollars (\$500.00) maximum and animal to be disposed of.

Section 2. All ordinances and parts of ordinances in conflict with this ordinance are repealed to the extent of the conflict.

Section 3. If any provision of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this ordinance are declared to be severable.

Section 4. The repeal or modification of any provisions of any prior ordinance by this ordinance shall not release, eradicate, alter, modify, or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provisions, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings or prosecutions.

Section 5. Ordinance No. 4, Series of 2004, Ordinance No. 3, Series of 2006, and Ordinance No. 1, Series 2021 are hereby repealed and have no further force or effect.

INTRODUCED, READ, APPROVED, ADOPTED, AND ORDERED PUBLISHED IN FULL THIS 6 DAY OF MARCH 2023.

TOWN OF HAXTUN, COLORADO

Michael Ensminger, Mayor

ATTEST:

Kelsey Harms, Town Clerk