

ORDINANCE NO. 28

Series 2014

AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 2 OF TITLE 6 OF THE BRECKENRIDGE TOWN CODE , INCLUDING ARTICLES 2A, 2B, 2C, AND 2D THEREOF, CONCERNING THE LICENSING AND REGULATION OF ANIMALS

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. Chapter 2 of Title 6 of the Breckenridge Town Code, including Articles 2A, 2B, 2C, and 2D of Chapter 2, are repealed and readopted with changes to read as follows:

CHAPTER 2

ANIMALS

SECTION:

- 6-2-1: Intent
- 6-2-2: Definitions
- 6-2-3: Strict Liability Offenses
- 6-2-4: Vaccination Of Dogs and Cats Required
- 6-2-5: Annual Licensing Of Dog
- 6-2-6: Failure To Control A Pet Animal
- 6-2-7: Unlawful Animal Noise
- 6-2-8: Animals Confined In Unattended Vehicles
- 6-2-9: Animal Feces
- 6-2-10: Interference With An Owner's Control Of A Pet Animal
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- 6-2-12: Poisoning Of Animals
- 6-2-13: Designation Of Dangerous And Potentially Dangerous Animals:
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- 6-2-15: Dogs Prohibited At Designated Special Events
- 6-2-16: Harassing, Killing, Or Injuring Wildlife
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- 6-2-24: Penalty Assessment Procedure Applicable; When
- 6-2-25: Violations; Penalties
- 6-2-26: Municipal Court May Order Destruction Of Animal; When
- 6-2-27: No Liability For Accident Or Subsequent Disease
- 6-2-28: No Restriction On Protective Action
- 6-2-29: Hot Pursuit
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6-2-1: INTENT: It is the intent of this Chapter: (i) that pet animal owners be responsible for the conduct of their pet animals; (ii) that pet animal owners exercise control with respect to their pet animals in a manner that recognizes the rights, health, and safety of others in the Town; and (iii) that pet animal owners be held strictly liable for the conduct of their pet animals that violates the provisions of this Chapter, unless a specific criminal intent is required by this Chapter.

6-2-2: DEFINITIONS: As used in this Chapter the following terms shall have the following meanings:

ABANDONMENT:

A. To fail to provide any necessary care for any pet animal, whether on public or private property, for any period of twenty four (24) hours or longer; or

B. To deposit, leave, drop off, or otherwise dispose of any pet animal on public or private property without providing necessary care.

For the purposes of this Chapter, any pet animal is presumed to be abandoned if, after the posting or personal service of written notice describing deficiencies, the deficiencies are not corrected within twenty four (24) hours of service of such notice.

ANIMAL:	Any living dumb creature.
ANIMAL SHELTER:	Any and all facilities and premises operated by Summit County, Colorado government that provide care for animals impounded pursuant to this Chapter.
ATTACK:	Aggressive behavior by an animal resulting in bodily injury, serious bodily injury, or death to another animal or a person.
BITE:	The piercing, laceration, or breaking of the skin by the teeth or jaws of any animal.
BODILY INJURY:	Any physical injury that results in severe bruising, a muscle tear, a skin laceration, or physical pain requiring professional medical treatment.
CAT:	Any animal of the species Felis catus or any hybrid thereof.
COMMUNITY SERVICE OFFICER:	Has the meaning and powers described in Section 2-1-6 of this Code.
CONTROL:	Supervision of, or influence over, any animal sufficient to prevent such animal from being in violation of any of the provisions of this Chapter.
CONVICTION:	A finding of guilt by the Municipal Court or an acknowledgement of guilt by payment of fine pursuant to a penalty assessment procedure. For the purposes of this definition, any disposition of a charge involving a deferred judgment and sentence shall be considered to be a conviction, regardless of whether the deferred judgment and sentence is successfully completed.
DANGEROUS ANIMAL:	Any animal that has inflicted bodily injury or serious bodily injury upon or has caused the death of a person or animal.
DOG:	Any animal of the family Canidae, regardless of sex, including, without limitation, those related to the wolf, fox, coyote, or any other domestic canid hybrid thereof.
ENFORCEMENT OFFICER:	A community service officer, police officer, or other peace officer authorized to enforce this Chapter.

HABITUAL OFFENDER:	An animal owner who has been convicted of violating any provision of this Chapter three times within any twenty four (24) month period.
HARBOR:	The act of providing premises on which an animal is kept or to which an animal customarily returns daily for food and care.
LEASH:	A substantial chain, rope, cord, or similar device not more than six (6) feet in length that is sufficient to hold an animal in restraint.
LIVESTOCK:	Includes horses, mules, donkeys, burros, cattle, sheep, llamas, and goats.
MISTREATMENT:	Every act or omission that causes or permits the continuation of unnecessary or unjustifiable pain or suffering to an animal.
NECESSARY CARE:	Includes, without limitation, providing food, water, protection from the weather, socialization, and removal of waste from the animal's enclosure.
NEGLECT:	Failure to provide necessary care for an animal.
OWNER:	A person as defined in Section 1-3-2 of this Code who owns, possesses, keeps, has a financial or property interest in, or who otherwise has control or custody of any animal. The term "owner" includes, but without limitation, the parent, guardian, or legal custodian of any unemancipated minor child under eighteen (18) years of age who owns, possesses, or keeps any animal.
POLICE CHIEF:	The Police Chief of the Town of Breckenridge, or his or her designee.
POLICE DEPARTMENT:	The Police Department of the Town of Breckenridge, Colorado, or any employee thereof.
POLICE OFFICER (OR PEACE OFFICER):	Has the meaning provided in Section 6-3-5 of this Code.
PERMITTED AREA OF A SPECIAL EVENT:	The geographic area within which the Town has authorized a special event to be conducted on a specified date and time as described in a special event permit issued pursuant to Title 4, Chapter 13 of this Code. The term "permitted area of a special event" applies only to those date(s) and time(s) specified in the special event permit issued by the Town.
PET ANIMAL:	Dogs, cats, rabbits, guinea pigs, hamsters, mice, ferrets, birds, fish, reptiles, amphibians, and invertebrates, or any species of wild or domestic or hybrid animal sold, transferred, or retained for the purpose of being kept as a

household pet, except livestock.

PHYSICAL CONTROL:

Control of an animal:

- A. By means of a tether or a leash that is attached to the animal and held by a responsible person; or,
- B. Confinement within a locked vehicle or locked enclosure sufficient to prevent the animal from escaping or making contact with other persons or animals.

POTENTIALLY DANGEROUS ANIMAL:

Any pet animal or working dog that when unprovoked:

- A. Inflicts any laceration or bruising upon a human or another animal;
- B. Chases or approaches a person on any property other than the owner's in a menacing fashion or apparent attitude of attack;
- C. Is a poisonous animal; or
- D. Is an animal possessing physical characteristics or demonstrated tendencies that would cause a reasonable person to conclude that the animal is likely to inflict injury or cause the death of any person or another animal.

PREMISES:

Real property owned, leased, or otherwise used by an owner. "Premises" includes any confined area or locality such as a residence, business, room, shop, building, and a motor vehicle, including the open bed of a truck, when the animal's presence is authorized by the owner of such confined area or locality.

PROTECTIVE CUSTODY:

The taking of an animal into custody by an enforcement officer to prevent the mistreatment, neglect, or abandonment of the animal; or, the lawful impoundment of an animal because of the owner's inability to care for the animal for any reason.

PROVOCATION:

Harassment, teasing, threatening, tormenting, abusing, striking at, attacking, or inflicting injury upon an animal, or its owner in the animal's presence, by either a person or another animal.

PUBLIC NUISANCE:

- A. An animal infected with rabies;
- B. A stray pet animal;
- C. Any dead animal left by the owner or keeper on a public or private property that is not removed within a twenty four (24) hour period; or
- D. The unlawful accumulation of animal feces as described in Section 6-2-9.

QUARANTINE:

The confinement of an animal for observation to detect symptoms of disease.

RESPONSIBLE PERSON:

A person eighteen (18) years of age or older who has the ability to do or perform the action

required of a responsible person under this Chapter.

SECURE ANIMAL ENCLOSURE:

A structure that:

- A. Is suitable to prevent the escape of the animal and to prevent the entry of persons, including children, and other animals;
- B. Has a top, bottom, all sides; and
- C. Is locked.

A secure animal enclosure for a dangerous animal(s) shall be posted with signs on all sides that are visible and legible to passersby, warning of the presence of a dangerous animal.

SERIOUS BODILY INJURY:

Has the meaning provided in Section 6-3-5 of this Code.

SOCIALIZATION:

Activities that enable a pet animal to develop or improve its ability to get along well with other pet animals, the owner, or other people.

SPECIAL EVENT:

An event or occurrence for which a special event permit has been issued by the Town pursuant to Title 4, Chapter 13 of this Code.

TETHER:

- A. To tie, chain, or leash any animal upon an owner's property; or
- B. To tie, chain, or leash any animal to any inanimate object when the animal is not located upon the owner's own property.

VEHICLE:

Has the meaning provided in Section 6-3-5 of this Code.

TRESPASS:

The entry of an animal upon any private property other than that of the animal's owner, or upon public property that is posted as not permitting animals, or any specific kind of animal.

WILDLIFE:

Means all wild vertebrates, including, any part, product, egg, or offspring thereof, that exist as a species in a natural wild state in their place of origin, presently or historically. The term "wildlife" does not include:

A. Any domesticated animal which may lawfully be kept in the Town pursuant to this Code;

B. Any fish;

C. Any common rodent, including, without limitation, mice, rats and squirrels; or

D. Any crow or other bird which is commonly considered to be a pest or a nuisance.

WILD BIRD:

Includes all undomesticated birds native to North America and includes, without limitation, any domestic duck or goose released by any

private person or recreational authority upon any recreational area within the Town.

WORKING DOG:

A dog that is either:

- A. Assisting a law enforcement officer;
- B. Assisting in rescue efforts;
- C. Is a recognized service dog; or
- D. Is in the process of being trained for these purposes.

6-2-3: STRICT LIABILITY OFFENSES: Unless clearly indicated to the contrary, each offense established by this Chapter is a strict liability offense and does not require proof of specific criminal intent. Proof of performance by a person of conduct that includes a voluntary act or the omission to perform an act which the person is capable of performing is sufficient to establish a violation of any strict liability municipal offense established by this Chapter.

6-2-4: VACCINATION OF DOGS AND CATS REQUIRED:

- A. Each owner of a dog or cat that is harbored, kept, or maintained within the Town shall:
 - 1. have the dog or cat inoculated against rabies by or under the supervision of a licensed veterinarian;
 - 2. maintain the duration of effectiveness of the vaccination; and
 - 3. maintain proof of current rabies registration for the dog or cat.

The rabies vaccine must be approved by the Colorado Department of Public Health and Environment. The rabies vaccination shall be repeated as often as is necessary to maintain the effectiveness of the vaccination as determined by a licensed veterinarian.

B. A dog or cat shall be vaccinated against rabies when it reaches the age of three months, or is licensed under this Chapter (if applicable), whichever occurs first.

6-2-5: ANNUAL LICENSING OF DOGS:

A. Each dog owned, harbored, kept, or maintained within in the Town shall be individually licensed pursuant to this Section.

B. The Police Chief may issue a dog license upon the receipt of an executed application, evidence of current rabies registration, and payment of any applicable license fee.

C. Each dog over the age of three months shall have a valid dog license after the dog has been harbored, kept, or maintained within in the Town for any consecutive fourteen day period, or immediately upon the issuance of a citation for any violation of this Chapter, whichever occurs first.

D. A dog license shall be valid for one year or three years depending upon duration of the rabies vaccination, and is to be specified at the time of the purchase of said license. An owner shall obtain the renewal of the dog license prior to the license expiring.

E. A valid dog license tag shall be attached to a collar or harness and shall be worn by the dog at all times. If a dog is unable to wear a collar or harness because of a permanent medical condition certified by a veterinarian, the owner of the dog must have the animal tattooed for identification purposes, or identified by implanted microchip, or in a manner approved by the Police Chief.

F. The fee for the issuance of a dog license shall be:

One year (unsterilized)	\$20.00
Three years (unsterilized)	\$60.00
One year (spayed/neutered)	\$5.00
Three years (spayed/neutered)	\$15.00
Lost or replacement license tag	\$5.00

6-2-6: FAILURE TO CONTROL A PET ANIMAL: It is unlawful and considered a failure to control a pet animal, when:

A. A pet animal is not under the direct and competent control of the animal's owner, or other competent person, by means of a leash not longer than six feet (6') in length. Provided, however, it shall not be a violation of this section if the pet animal is either:

1. confined within a motor vehicle; or
2. upon the premises of the animal's owner, or the animal owner's authorized agent, and is constrained:
 - (a) within the confines of any building or improvement;
 - (b) within the confines of a fence sufficient to keep the animal on the premises;
 - (c) by voice and visual control. A person shall not be found to be in voice and visual control of an animal if such person is located within a motor vehicle or building at the time he or she is required to be in voice and visual control of the animal. Proof that an animal has impeded or interfered with the lawful movement of a person shall create a rebuttable presumption that the animal was not under the voice and visual control of the animal owner or a competent person; or
 - (d) by chain, cord, rope, cable or other similar physical device sufficient to restrain the animal within the boundaries of the premises.

B. A pet animal becomes a hazard or causes damage to any person or property;

C. A pet animal is tethered upon any public or private property without the permission of the person owning, leasing, or otherwise controlling the property upon which the animal is tethered;

D. Any pet animal reaches past the perimeter of the owner's premises with its teeth or claws causing or threatening bodily injury to another animal or a person, or property damage;

E. A pet animal is allowed to defecate on public or private property and the owner or responsible person does not remove the animal's waste before leaving the immediate area where the waste was deposited;

F. A female pet animal, during estrus, is not under physical control, confined indoors, or confined within a secure animal enclosure;

G. Any pet animal is kept or left in circumstances that constitute mistreatment, neglect, abandonment, or in any circumstance requiring protective custody; or

H. Any pet animal is otherwise determined to be a public nuisance as defined in Section 6-2-2. At the discretion of the Police Chief an allegation that a pet animal is a public nuisance may be prosecuted as provided in Chapter 1 of Title 5 of this Code.

6-2-7: UNLAWFUL ANIMAL NOISE:

A. It is unlawful for any owner to fail to prevent his or her pet animal from disturbing the peace of any other person by repeatedly or continuously barking, howling, yelping, or whining, or any other unprovoked noise, whether the animal is on or off the owner's property.

B. No person shall be charged with a violation of this Section unless a minimum of one (1) written warning for a separate violation has been given at least seventy two (72) hours prior to the issuance of the summon and complaint or penalty assessment notice (if applicable). An owner shall be deemed to have been issued and received a written warning as required by this subsection if the warning is personally served upon the owner, posted on the owner's premises, or placed in the U. S. Mail, postage prepaid and addressed to the owner according to the last address given by the owner to obtain a dog license, or to such other address as may be on file for the owner with any government agency.

6-2-8: ANIMALS CONFINED IN UNATTENDED VEHICLES:

A. It is unlawful for any vehicle owner, passenger, or operator to place or confine an animal or to allow the animal to be placed, confined, or to remain in an unattended vehicle without sufficient ventilation or under conditions or for such period as may reasonably be expected to endanger the health or well-being of such animal due to heat, cold, lack of water, or such other circumstances as may reasonably be expected to cause suffering, disability, or death to the animal.

B. Any enforcement officer who finds an animal in a vehicle in violation of this Section may enter the vehicle by using the amount of force reasonably necessary to remove the animal. The officer is authorized to impound and dispose of such animal in the manner provided for in Section 6-2-21 and Section 6-2-22.

6-2-9: ANIMAL FECES:

A. It is unlawful for any owner to permit the accumulation of animal feces on the premises on which the animal is kept such that it is detectable visually or odoriferously by a person with a normal sense of smell from any adjoining lot, parcel, or tract of land not owned by the owner of animal.

B. It is unlawful for any owner to fail to confine pet animal feces, and any part thereof, within the perimeters of the premises on which the animal is kept, regardless whether such failure is the result of natural causes, such as surface water flow, or other causes.

C. No person shall be charged with a violation of this Section unless a minimum of two (2) written warnings for separate violations have been given at least seventy two (72) hours prior to the issuance of the summon and complaint or penalty assessment notice (if applicable). The name and address of the complainant shall appear on the written warning. An owner shall be deemed to have been issued and received a written warning as required by this subsection if the warning is personally served upon the owner, posted on the owner's premises, or placed in the U. S. Mail, postage prepaid and addressed to the owner according to the last address given by the owner to obtain a dog license, or to such other address as may be on file for the owner with any government agency.

D. An accumulation of animal feces as described in subsection A of this Section is declared to be a public nuisance and, at the discretion of the Police Chief, may be prosecuted as a public nuisance as provided in Chapter 1 of Title 5 of this Code.

6-2-10: INTERFERENCE WITH AN OWNER'S CONTROL OF A PET ANIMAL: It is unlawful for any person to perform any act that interferes with, prevents, or hinders the efforts of an owner to control the owner's pet animal.

6-2-11: INTERFERENCE WITH AN ENFORCEMENT OFFICER:

A. It is unlawful for any person to interfere with, molest, hinder, prevent, or obstruct an enforcement officer in the performance of the enforcement officer's duties under this Chapter, or other applicable law.

B. It is unlawful for any person to remove any animal from public custody without the consent of an enforcement officer.

6-2-12: POISONING OF ANIMALS: It is unlawful for any person to poison any pet animal or working dog or to distribute poison in any manner with the intent or for the purpose of poisoning any such pet animal or working dog, with the exception of bats, rats, mice, and insects.

6-2-13: DESIGNATION OF DANGEROUS AND POTENTIALLY DANGEROUS ANIMALS:

A. The Municipal Court shall have the authority to and shall designate any pet animal or working dog as a dangerous animal or a potentially dangerous animal when the preponderance of evidence is that the animal displays any of the characteristics of a dangerous animal or a potentially dangerous animal as defined and described in Section 6-2-2.

B. An action to have an animal designated as a dangerous animal or a potentially dangerous animal is a civil proceeding, and shall be heard and determined by the Municipal Judge sitting without a jury.

C. The burden of proof in an action to have an animal designated as a dangerous animal or a potentially dangerous animal shall be on the Town.

D. The procedures set forth in this Section, and not the procedures set forth in Section 1-8-10 of this Code, shall apply to any action to have an animal designated as a dangerous animal or a potentially dangerous animal.

E. A civil action to have an animal designated as a dangerous animal or a potentially dangerous animal shall be brought in the name of the Town by filing a complaint in the Municipal Court by the Police Chief, or the Police Chief's authorized representative acting pursuant to Section 1-7-2 of this Code that is verified or supported by an affidavit.

F. The appearance date on the summons shall be not less than twenty (20) days from the date of service of the summons and complaint. The respondent shall file a response or answer on or before the appearance date specified in the summons. The trial shall be held within sixty (60) days of the appearance date unless the Municipal Court grants a continuance for good cause shown. No case shall be continued for more than one hundred twenty (120) days after the appearance date.

G. If the respondent fails to appear or file a response on the appearance date, and if the Town proves that proper service was made on the respondent at least twenty (20) days prior to the appearance date, the Municipal Court may grant such orders as are requested by the Town, except that, the Municipal Court shall order the enforcement by the Town be stayed for ten (10) days and that a copy of the Municipal Court's order be mailed to the respondent at the respondent's last known address.

H. The failure of respondent to appear on any date set for hearing and trial shall be grounds for entering a default and default judgment against the respondent.

I. Prior to the enforcement of any order issued under this Section resulting from the respondent's failure to appear or to file a response, and for good cause shown, the Municipal Court may set aside an entry of default and the default judgment and order entered thereon.

J. Any disobedience of or interference with an order issued by the Municipal Court pursuant to this Section may be punished as a contempt of Municipal Court, or by a fine not to exceed five hundred dollars (\$500.00). Each day's failure to comply with an injunction or order to abate shall constitute a separate act of contempt for which an additional penalty may be imposed.

K. To the extent necessary to facilitate just, speedy, informal, and inexpensive determinations of claims, the Municipal Court may use the Colorado Rules of Civil Procedure as a guideline for civil proceeding in Municipal Court under this Section.

L. The final judgment of the Municipal Court in a proceeding brought under this Section may be appealed to the Summit County District Court.

M. Except with respect to an animal trained for or that has engaged in animal fighting as described in Section 18-9-204, C.R.S., an animal shall not be designated as a dangerous animal or a potentially dangerous animal if the animal owner proves by a preponderance of the evidence that:

1. The animal that was attacked was trespassing upon the premises of the owner, and the attack began, although it did not necessarily end, upon such premises;

2. The animal that was attacked was biting or otherwise threatening or attacking the owner or the owner's animal;
3. The person attacked was committing or attempting to commit a criminal offense, other than a petty offense not including third degree criminal trespass as defined in Section 18-4-504, C.R.S., against a person on the owner's premises or against the premises itself, and the attack which did not cause serious bodily injury began, although did not necessarily end, upon such premises; or
4. The person attacked had tormented, provoked, abused, or inflicted injury upon the animal that committed the attack.

N. When an enforcement officer reasonably believes that an animal is a potentially dangerous or a dangerous animal and that the animal is not under proper control, the officer may use any available means to prevent the endangerment of any person or other animal. Such means shall include impounding the animal or the immediate destruction of the animal after making every reasonable attempt to seize and impound the animal, including solicitation of assistance from the owner if such owner is known and available. If the officer reasonably determines that the animal cannot be seized and impounded without exposing the officer or other person to danger of bodily injury or serious bodily injury, it shall be lawful for the officer to destroy the animal without notice to the owner.

6-2-14: CONTROL OF DANGEROUS AND POTENTIALLY DANGEROUS ANIMALS:

A. It is unlawful for the owner of a dangerous animal or a potentially dangerous animal to fail to exercise proper control over such animal.

B. As used in this Section "proper control of a dangerous animal" is:

1. While on the owner's premises, a dangerous animal shall be confined indoors or in a secure animal enclosure; and
2. While off the owner's premises, a dangerous animal shall be under the physical control of the owner, keeper, custodian, or other responsible person, and such dangerous animal shall be muzzled.

C. As used in this Section "proper control of a potentially dangerous animal" is:

1. While on the owner's premises, a potentially dangerous animal shall be controlled by a chain, leash, or other method of restraint suitable to prevent the animal from leaving or reaching outside the owner's premises; and
2. While off the owner's premises, a potentially dangerous animal shall be under the physical control of the owner or other responsible person.

D. This Section shall not apply to any felony offense described in Section 18-9-204.5, C.R.S.

6-2-15: DOGS PROHIBITED AT DESIGNATED SPECIAL EVENTS:

A. It is unlawful for the owner of a dog, or a person in charge or control of a dog, to permit such dog to be within the permitted area of any special event that is held within the Town if:

1. A written notice has been posted at or near each main entrance to the special event stating that dogs are prohibited at such event. Such notice shall be not less than eight and one-half inches (8 ½") in width and eleven inches (11") in height;
2. The dog owner or person in charge or control of the dog has received actual notice from an enforcement officer or a representative of the special event that dogs are prohibited at such event, and the dog owner or person in charge or control of the dog fails or refuses to promptly remove the dog from the permitted area of the special event; or,
3. Having previously removed the dog from the permitted area of the special event at the direction of an enforcement officer or representative of the special event, the dog

owner or person in charge or control of the dog brings the dog back into the permitted area of the special event.

B. Neither physical control nor immediate control of the dog is a defense to prosecution under this Section.

C. This section does not apply to:

1. working dogs; or
2. dogs authorized to be in the permitted area of a special event in the special event permit issued by the Town.

6-2-16: HARASSING, KILLING, OR INJURING WILDLIFE:

A. It is unlawful for any person to willfully and unnecessarily shoot, throw objects at, capture, chase, injure or destroy any bird, animal or wildlife anywhere within the Town; provided, however, that this Section A does not prohibit the throwing of objects at coyotes for the purpose of hazing as recommended by Colorado Parks and Wildlife.

B. No owner shall intentionally, knowingly, recklessly, or with criminal negligence allow a dog or cat to harass wildlife, whether the wildlife is actually injured or not.

C. No person shall willfully destroy, rob, or injure the nest, nesting place, burrow, eggs or offspring of any wild bird or other wildlife anywhere within the town.

D. The provisions of this section do not apply to personnel of any police, fire, or animal control agency, the Colorado Division of Wildlife, the Colorado Department of Public Health and Environment, or other state or federal agency when such persons are acting within the scope of their official duties. The provisions of this Section shall further not apply to any person authorized by the Colorado Division of Wildlife to kill wildlife which are causing excessive damage to property.

E. The provisions of this Section are not intended to allow the destruction of any bird or animal protected by the laws of the state of Colorado or the United States of America.

6-2-17: CERTAIN ANIMALS PROHIBITED WITHIN TOWN:

A. It is unlawful for any person to keep, maintain, possess, or harbor any livestock or any fowl, swine, chicken, goose, duck, or turkey anywhere within the Town.

B. Nothing in this Section prohibits the keeping of a horse in a commercial stable when authorized by a development permit issued pursuant to Title 9, Chapter 1 of this Code, or the keeping of any other animal when authorized by any other Town ordinance or permit.

6-2-18: UNLAWFUL TRADE IN CERTAIN ANIMALS: It is unlawful for any person to own, keep, maintain, possess, harbor, sell or in any manner deal or traffic within the Town in any living exotic, wild, dangerous or unusual animal, whether domesticated or tamed, including, without limitation: bats of any species; felines, other than ordinary domesticated house cats; gorillas, chimpanzees, orangutans, baboons, or any other infrahuman primate; any member of the Mustelidae family, including, without limitation, fishers, ferrets, martens, minks, otters, porcupines, raccoons, skunks, weasels and wolverines; poisonous reptiles; wolves, foxes, coyotes or other species of canines other than dogs; any animal or bird that has received state or federal government designation as an endangered species; or any other terrestrial predator or other animal determined to be a public nuisance pursuant to the provisions, procedures and means of abatement established by the ordinances of the Town.

6-2-19: DUTY TO REPORT ANIMAL BITES AND INJURY CAUSED BY ANIMALS: It is unlawful for any medical personnel who provide treatment to a person or animal for an animal bite or injury caused by a pet animal or working dog to fail to report to the Police Department any information known regarding the animal bite or injury. The report shall be made within twenty four (24) hours after such information is received, and shall include with the report the name, address, and telephone number of the person making the report. The report may be made by telephone to the front desk of the Police Department, or may be left on the Police

Department's voice mail or communicated to the Police Department by other electronic means.

6-2-20: DUTY TO PRODUCE BITING ANIMAL FOR INSPECTION OR QUARANTINE:

A. Upon the request of an enforcement officer, an owner shall make available for inspection and/or quarantine any pet animal or working dog that has bitten a person or is suspected of biting a person.

B. If the quarantine of a pet animal is deemed necessary, the Police Chief shall determine the location and place of quarantine.

C. All costs of a quarantine shall be paid by the owner of the quarantined pet animal or working dog.

D. If the quarantine of a pet animal or working dog is deemed necessary, the disposition of the animal shall be at the discretion of the Police Chief in accordance with the requirements set forth in Section 6-2-21 of this Chapter.

6-2-21: IMPOUNDMENT OF ANIMALS:

A. An enforcement officer may impound any animal that is not under control as required by this Chapter, or when it or its owner is in violation of any of the provisions of this Chapter.

B. An enforcement officer may impound any dangerous animal or potentially dangerous animal that is not under proper control if the officer reasonably determines that the animal is in apparent violation of the applicable provisions of Section 6-2-14. An enforcement officer may perform such impoundment prior to notifying the owner if such owner is not immediately present to exercise proper control of such animal.

C. As soon as practical after the impoundment of any animal, an enforcement officer shall make a reasonable effort to notify the animal's owner in person, by telephone, by posting of a notice at the owner's residence, or by written notice mailed to the owner's last known address, if the identity of the owner is known. If needed to establish the identity of the owner, information contained on any identification, rabies, or license tag found attached to the animal shall be used.

D. It is the obligation of the owner of any animal that has been impounded to pay all fees and charges lawfully imposed by the animal shelter in connection with the impoundment, care, and disposition of the animal. It is unlawful for the owner to fail or refuse to pay such fees and charges.

E. The failure or refusal to retrieve any impounded animal by the owner of said animal shall not relieve said owner of the duty to pay the impoundment fee and other charges which have been assessed.

6-2-22: DISPOSITION OF IMPOUNDED ANIMALS: Any animal impounded pursuant to the provisions of this Chapter shall impounded at the animal shelter, and shall become the property and responsibility of Summit County, Colorado government after the animal has been impounded for five (5) days without being claimed. After such time the animal may be humanely euthanized in accordance with the established policies and practice of the animal shelter. For purposes of this Section, a "day" means a twenty four (24) hour period beginning at time and day when the animal was taken into public custody.

6-2-23: HABITUAL OFFENDER: It is unlawful for any person to become a habitual offender as defined in Section 6-2-2. Any person may be charged as a habitual offender in addition to any other charges brought pursuant to this Chapter. Upon the conviction of an owner as a habitual offender, the owner's offending animal(s) may be ordered permanently removed from the Town, along with any other appropriate penalty imposed by the Municipal Court.

6-2-24: PENALTY ASSESSMENT PROCEDURE APPLICABLE; WHEN:

A. Any infraction described in this Chapter may be written using a penalty assessment procedure if the such infraction is listed on the Municipal Judge's list of designated violations the

penalties for which may be paid at the office of the Municipal Court Clerk as described in Rule 201(b) of the Colorado Rules of Municipal Court Procedure.

B. The penalty assessment procedure for any infraction described in this Chapter shall be as provided in Section 1-8-12(K) of this Code.

C. In no case may an officer issue a penalty assessment notice for a violation of any infraction described in this Chapter to a minor under the age of eighteen (18) years. All charges against minors shall require a mandatory court appearance.

6-2-25: VIOLATIONS; PENALTIES:

A. It is an infraction for any person to violate any provision of this Chapter that not does involve a dangerous or potentially dangerous animal. Any person found to be in violation of, or against whom a default judgment has been entered for any infraction described in this Chapter, shall be punished as provided in Section 1-4-1-1 of this Code.

B. It is unlawful and a misdemeanor offense for any person to violate any provision of this Chapter that is not classified as an infraction. Any person found to be in violation of any provision of this Chapter that is not classified as an infraction shall be punished as provided in Section C, below.

C. The following fines shall apply to violations of this Chapter and shall be applied either through a penalty assessment procedure, or by the Municipal Court after conviction, in which case the Municipal Court shall also assess the appropriate court costs:

1. For all violations not involving a dangerous or potentially dangerous animal:

First offense:	\$50.00
Second offense within 18 months:	\$100.00
Subsequent offense within 18 months:	\$200.00

2. For all violations involving potentially dangerous animal:

First offense:	\$200.00
Second offense within 18 months:	\$400.00
Subsequent offense within 18 months:	Mandatory court appearance and mandatory minimum fine of \$600.00

3. For all violations involving failure to control a dangerous animal:

Mandatory court appearance and a mandatory minimum fine of \$600.00

4. For all violations involving a charge of habitual offender

Mandatory court appearance and mandatory minimum fine of \$300.00.

5. For all other violations of this Chapter the violator shall be punished as provided in Section 1-4-1 of this Code.

6. The penalties set forth above in this Section C are minimum penalties, and a violator who commits a violation of any provision of this Chapter that is not classified as an infraction is also subject to the general fine and imprisonment provisions of Chapter 4 of Title 1 of this Code.

6-2-26: MUNICIPAL COURT MAY ORDER DESTRUCTION OF ANIMAL; WHEN: In addition to any penalties that are provided for in this Chapter, the Municipal Court shall have the authority, upon making a finding that the animal constitutes a real and present danger to the citizens of the Town, to order that the animal be destroyed in a humane fashion.

6-2-27: NO LIABILITY FOR ACCIDENT OR SUBSEQUENT DISEASE: Neither the Town, nor any its elected officials, officers, employees, agents, and persons authorized to enforce this Chapter, shall be held responsible for any accident or subsequent disease that may be suffered by a person or an animal as a result of the administration or implementation of this Chapter.

6-2-28: NO RESTRICTION ON PROTECTIVE ACTION: Nothing in this Chapter shall be interpreted or construed to prevent an enforcement officer from taking whatever action is reasonably necessary to protect himself, herself, or others from bodily injury or serious bodily injury caused by any animal.

6-2-29: HOT PURSUIT: An enforcement officer in hot pursuit of any animal in apparent violation of this Chapter may enter onto private property for the purposes of enforcing this Chapter, including, for the purpose of effecting an impoundment, removing the animal from the premises, ascertaining the identity of the animal and/or the current status or existence of a license tag, or issuing a citation. This Section, however, does not grant any enforcement officer authority to enter into any dwelling without either permission of the owner, a search warrant, or a Municipal Court order.

6-2-30: EFFECT OF ADOPTION OF CHAPTER ON PRIOR OFFENSES: The adoption of this Chapter shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any Town ordinance that was in effect prior to this Chapter taking effect.

Section 2. The definition of "Serious Bodily Injury" in Section 6-3-5 of the Breckenridge Town Code is amended to read as follows:

SERIOUS BODILY INJURY:

Bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree.

Section 3. Except as specifically amended by this ordinance, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 4. The Town Council finds, determines, and declares that this ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort, and convenience of the Town of Breckenridge and the inhabitants thereof.

Section 5. The Town Council finds, determines, and declares that it has the power to adopt this ordinance pursuant to: (i) Section 31-15-401(1)(m), C.R.S.; (ii) the authority granted to home rule municipalities by Article XX of the Colorado Constitution; and (iii) the powers contained in the Breckenridge Town Charter.

Section 6. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 12th day of August, 2014.

This ordinance was published in full on the Town of Breckenridge website on August 13, August 14, August 15, August 16 and August 17, 2014.

A public hearing on this ordinance was held on August 26, 2014.

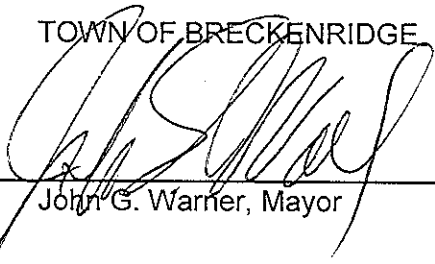
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 26th day of August, 2014. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

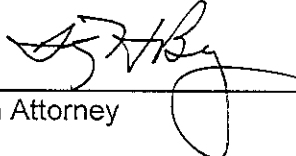


Helen Cospolich, Town Clerk



John G. Warner, Mayor

APPROVED IN FORM



Town Attorney

8/26/14
Date

This Ordinance was published on the Town of Breckenridge website on August 28, August 29, August 30, August 31 and September 1, 2014. This ordinance shall become effective on October 1, 2014.