

Sec. 7-7-20. - General regulations.

- (a) It is unlawful to own any dog or cat within the Town without complying with the licensing provisions of this Article.
- (b) 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.
- (c) It is unlawful for any owner's animal to run at large within the Town.
- (d) It is unlawful for any person to own more than a total of four (4) dogs or cats or a combination thereof within the Town, except for litters below the age of six (6) months, and except for a lawfully operated commercial kennel, veterinary clinic or hospital or pet store.
- (e) It is unlawful for any owner to fail to exercise proper care and control of any animal to prevent it from becoming a public nuisance. For the purposes of this Article, 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.
- (f) It is unlawful for the owner of an animal impounded for violations of this Article to fail to reclaim his or her animal and pay all applicable fees and deposits to the Town and to the Animal Control Center within five (5) days of being notified of impoundment of his or her animal.
- (g) It is unlawful to own any domestic animal which, by frequent, habitual or continued barking, yelping, or howling, meowing, squawking, clucking or otherwise, causes annoyance or disturbs the peace of a neighbor or 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 Article. The Animal Control Officer shall have the authority to use all reasonable means to abate such public nuisance, including but not limited to, impoundment of the animal for a violation of this Section. 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 Section unless there are at least two (2) or more complaining witnesses from separate households who have 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 dog complained of, with regard to its frequent, habitual and continued barking, yelping or howling, may satisfy the requirement for the second complaining witness and may testify to his or her observations at trial.

(Ord. 339 §1, 1996; Ord. 526 §1, 2005; Ord. 559 §1, 2006)

Sec. 7-7-30. - Prohibited animals.

- (a) It is unlawful for any person to own any livestock within the Town, except in areas zoned agricultural.
- (b) Notwithstanding the foregoing, chickens and ducks may be kept on single-family residential lots within the Town, subject to permitting and to compliance with the regulations set forth in Section 7-7-35 of this Code and other applicable Town requirements.
- (c) It is unlawful for any person to own any wildlife within the Town.

(Ord. 339 §1, 1996; Ord. 559 §1, 2006; [Ord. 652-15, §2, 2015](#))

Sec. 7-7-35. - Keeping of domestic chickens and ducks; quantity restricted; permit required.

- (a) Keeping of Chickens and Ducks. Domestic chickens and ducks hens may be kept on single-family residential parcels, subject to obtaining a permit as required by subsection (c) and compliance with

all of the requirements set forth in this Section. For purposes of this Section, a single-family residential lot is a lot or tract of land having as its sole primary use one detached single-family dwelling.

(b) Regulations. The following regulations apply to the keeping of chickens and ducks:

- (1) Number; Roosters, Drakes Prohibited. No more than six (6) domestic ducks or six (6) domestic chickens (or any combination thereof as long as the total number does not exceed six (6)) are permitted per residential lot. Roosters and drakes are not permitted.
- (2) Shelter Requirements. Ducks and chickens must be provided with a covered, predator-resistant shelter that is properly ventilated and heated, with nesting boxes, designed to be easily accessed, cleaned and maintained, and that provides at least two (2) square feet per duck or chicken. The shelter shall not exceed one hundred twenty (120) square feet.
- (3) Location of Facilities. Duck and chicken facilities shall be located in the rear or backyard of the lot. They shall not be located between the rear of the structure and the front yard lot line. Ducks and chickens shall be kept within such facilities and are not permitted within any other portions of the lot.
- (4) Access During Daylight Hours. During daylight hours, the ducks and chicken must have access to the shelter and to an outdoor enclosure, located adjacent to the shelter, that is adequately fenced to protect them from predators.
- (5) Shelter from Dusk to Dawn. The ducks and chickens must be further protected from predators by being closed in the shelter from dusk to dawn.
- (6) Setbacks. Neither the shelter or the outdoor enclosure may be located less than fifteen (15) feet from any abutting property line unless the owner or keeper of the ducks and chickens obtains written consent of the owner(s) of all abutting properties to which the enclosure is proposed to be more closely located; in which event, the agreed-upon location shall then be deemed acceptable notwithstanding any subsequent change in ownership of such abutting property or properties.
- (7) Fencing. In addition to the shelter described above, chickens and hens shall be confined to areas that are fully enclosed with adequate perimeter fencing to prevent the ducks and chickens from escaping when not in their shelters and to prevent predators' entry and from coming into contact with wild ducks, geese or their excrement. Fences required by this subsection shall comply with the provisions of Section 16-2-790 of this Code and shall be resistant to predators. Adequate fencing material for purpose of this subsection shall include wood, wire and stone. Split rail fences will not be deemed adequate for purposes of this subsection.
- (8) Water. Water must be available at all times in adequate receptacles.
- (9) Food. Sufficient nutritive food must be provided daily and must be stored in a resealable, airtight, metal, rodent proof container to discourage attracting mice, rats, and other vermin.
- (10) Cleanliness. The shelter and surrounding area must be kept clean from accumulation of excrement and debris so as to not create a nuisance.
- (11) Odors Prohibited. 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. Odors associated with the coop shall be contained within the owner's property boundary.
- (12) Slaughtering Prohibited. The ducks and chickens may not be slaughtered killed by, or at the direction of, the owner or keeper thereof except pursuant to the lawful order of State or County health officials or for the purpose of euthanasia when surrendered to a licensed veterinarian or Humane Society. Dead animal carcasses shall be properly disposed of within 24 hours.

(c) Annual Permit Required. Any person keeping chickens or ducks pursuant to this Section must first have been issued a permit by the Town Administrator. Permitting is subject to the following requirements:

- (1) The application shall be on a form provided by the Town and shall include a plan or drawing showing the proposed locations of all chicken or duck facilities to be located upon the parcel for which the permit is requested. Such plan or drawing shall include details demonstrating the applicant's proposed manner of compliance with the requirements of this Section.
  - (2) Prior to the issuance of a permit, the Town Administrator may inspect the parcel for which the permit is requested.
  - (3) A permit issued pursuant to this Section shall allow the keeping of chickens or ducks on the specific property identified in the permit. The permit shall be personal to the permittee and is non-transferrable.
  - (4) A permit issued pursuant to this section must be renewed annually. A fee shall be charged for each new permit and each annual renewal permit, which fee shall be set by resolution of the Board of Trustees from time to time.
- (d) Nuisance-Free Facilities As Prerequisite. A permit to keep ducks or chickens within the Town shall not be granted or renewed unless the owner or keeper provides facilities which will reasonably assure the Town Administrator that the premises will be maintained in a sanitary condition, free from insects and rodents, offensive odors, excessive noise or any other conditions which constitute a public nuisance.
- (e) Denial or Revocation of Permit. The Town Administrator may deny or revoke a permit to keep, maintain or possess fowl within the Town if the Town Administrator determines that any provision of this Section is being violated or if the Town Administrator finds that maintenance of fowl interferes with the reasonable and comfortable use and enjoyment of property.
- (f) Quarantine Permitted. The Town Administrator is authorized to confiscate, quarantine, or destroy any chickens for the purpose of controlling the outbreak of contagious or infectious disease within the Town.
- (g) Infectious Disease. Nothing herein shall affect the authority of the State from enforcing the provisions of the Colorado Livestock Health Act, C.R.S. § 35-50-101, et seq., to control the outbreak of contagious or infectious disease among livestock in the Town by quarantine or slaughter.
- (h) Expiration of Permit. Any permit issued pursuant to this Section shall expire when the operation of the duck or chicken keeping has discontinued for twelve (12) months or more.
- (i) Removal of Shelter. [Upon] expiration, revocation or denial of a permit, all duck and chicken facilities shall be removed from the property within thirty (30) days of such expiration, revocation or denial.
- (j) Penalties. Penalties for violation of any of the stipulations set forth in this Section will be one hundred dollars (\$100.00) for the first offense, one hundred fifty dollars (\$150.00) for the second offense, and revocation of the permit and removal of the chickens or ducks from the Town if a third offense occurs.

( [Ord. 652-15, §3, 2015](#) )

Sec. 7-7-37. - HOA covenants to apply to keeping of domestic chickens and ducks.

If the property upon which the keeping of ducks and chickens is proposed is within a covenant-controlled development, the requirements of Section 7-7-35 shall be considered minimum requirements and said section shall not limit the rights of any homeowner's association or similar covenant-based property owner's association to lawfully adopt and enforce more stringent covenants standards, including the outright prohibition of ducks and chickens for any property within the authority of such association. Nothing herein, including the issuance of a permit by the Town, shall allow the keeping of ducks and chickens where private covenants prohibit it.

( [Ord. 652-15, §3, 2015](#) )

Sec. 7-7-40. - Domestic animal pens.

It is unlawful for any person who owns 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. Pens and enclosures for ducks and chickens shall comply with Section 7-7-35 above.

(Ord. 339 §1, 1996; Ord. 559 §1, 2006; Ord. 652-15, §4, 2015)

Sec. 7-7-50. - Enforcement.

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 Article, 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 Article have occurred. The penalty assessment procedure provided in the Colorado Municipal Court Rules of Procedure (mail-in fines) may be followed, as permitted by law, by the Animal Control Officer, provided that a mandatory court appearance will be required of the owner whenever an animal is impounded as provided in this Article.

(Ord. 339 §1, 1996; Ord. 559 §1, 2006)

Sec. 7-7-60. - Impoundment of animals.

- (a) Any Animal Control Officer may go upon private property to capture and take into custody and impound at the Animal Control Center any animal, or to investigate any report of, a violation of this Article if:
- (1) The Animal Control Officer has obtained the consent of the person in possession of the property;
  - (2) The Animal Control Officer has obtained a search warrant;
  - (3) The Animal Control Officer is in pursuit of an animal which is or has been running at large;
  - (4) The Animal Control Officer is in pursuit of an animal which the officer has probable cause to believe has bitten or attacked a person or another domestic animal; or
  - (5) The Animal Control Officer is attempting to abate a continuing violation when the owner of the property is not available.

Nothing in Paragraphs (3), (4) or (5) above shall be deemed to authorize entry into any enclosed building on the private property. In addition to all other defenses and immunities provided by law, an Animal Control Officer making entry upon private property for the purpose of enforcing this Article is immune from suit or liability, criminal or civil, caused by or arising out of such entry.

- (b) Any Animal Control Officer may take into custody and impound, pursuant to Subsection (a) above, any vicious animal found within the Town, whose owner has been issued a summons and complaint for the violation, or immediately if the animal has bitten or otherwise injured any person or another domestic animal.
- (c) Upon serving of the third summons and complaint following two (2) convictions within one (1) year for public nuisance violations pursuant to Subsection 7-7-20 of this Article, or aggressive animal pursuant to Section 7-7-80 of this Article, against the same animal, an Animal Control Officer may immediately take into custody and impound said animal pursuant to Subsection (a) above.
- (d) When any animal has been taken up and impounded, the Animal Control Officer or party authorized by the Town to take up and impound such animal shall give notice of such impoundment to the

owner, if known, who may thereupon recover possession of such animal upon payment of a minimum impound fee in the amount of the actual costs incurred by the Town for the collection, impoundment and care during the impoundment of such animal, plus all license fees, rabies deposits and other fees and costs of impoundment as established by the Animal Control Center or the Town. If no owner appears to claim any such animal and to pay all applicable fees and costs incurred by impoundment within five (5) days of receipt of notice of impoundment, or within five (5) days after such animal is impounded, the animal shall be placed for adoption or destroyed in a humane manner.

- (e) Any summons served for violation of this Article resulting in the impoundment of an animal shall require a mandatory court appearance of such animal's owner. Provided that the Town has evidence of outstanding costs incurred by the Town for the impound of animals pursuant to this Article, the Municipal Judge shall order restitution in such amount to cover the Town's outstanding costs, regardless of whether the owner claimed the animal from impoundment.
- (f) The Town, Mayor, Board of Trustees, any Town officers, assistants and employees, or any other person authorized to enforce the provisions of this Article, shall not be held responsible for any accident or subsequent disease that may occur to the animal in connection with the administration of the provisions of this Article.

(Ord. 300 §1, 1992; Ord. 352 §1, 1997; Ord. 559 §1, 2006)

Sec. 7-7-70. - Licensing of dogs and cats.

- (a) Each dog and cat over the age of six (6) 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 shall exhibit a current 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 six (6) months of age and pay the appropriate fee as set forth in the Town of Bennett Schedule of Fees.
- (b) Such registration or licensing shall be renewable annually. Licensing fees shall be waived for any dog or cat being fostered for an animal rescue organization licensed by the State pursuant to the Pet Animal Care and Facilities Act. Any person requesting a fee waiver on such basis shall submit documents supporting such request at the time of licensing.
- (c) Any person convicted of violating this Section shall be subject to the general penalty provisions set forth in Section 1-4-20 of this Code.

(Ord. 300 §1, 1992; Ord. 510 §1, 2004; Ord. 526 §1, 2005; Ord. 559 §1, 2006; Ord. 610-10 §3)

Sec. 7-7-80. - Aggressive animals.

- (a) No person shall own an aggressive animal within the Town. Where there is more than one (1) owner of an aggressive animal, such owners shall be jointly and severally liable for violations of this Section. Certified K-9 dogs or those in training or guard dogs, as defined in Section 7-7-10 of this Article and kept in compliance with Section 7-7-110 of this Article, shall not be included under this definition.
- (b) An Animal Control Officer may take into custody and impound at the Animal Control Center any aggressive animal when reasonably necessary to protect his or her person or members of the public from injury or damage.
- (c) It is a specific defense to the charge of owning an aggressive animal that the threatened person or animal:

- (1) Provoked, tormented, abused or inflicted injury upon the animal in such a manner as to result in the attack.
  - (2) Made unlawful entry into a vehicle in which the animal was confined.
  - (3) Attempted to assault another person.
- (d) Any person convicted of violating this Section shall be punished by a minimum fine of one hundred fifty dollars (\$150.00). Second and subsequent offenses shall be punished by a fine of three hundred dollars (\$300.00); or by fine and/or imprisonment in accordance with the general penalty provisions set forth in Section 1-4-20 of this Code.

(Ord. 300 §1, 1992; Ord. 526 §1, 2005; Ord. 559 §1, 2006)

Sec. 7-7-90. - Vicious animals.

- (a) No person shall own a vicious animal within the Town. Where there is more than one (1) owner of a vicious animal, such owners shall be jointly and severally liable for violations of this Section. Certified K-9 dogs or those in training or guard dogs, as defined in Section 7-7-10 of this Article and kept in compliance with Section 7-7-110 of this Article, shall not be included under this definition.
- (b) An Animal Control Officer may take into custody and impound at the Animal Control Center any animal that is vicious, and may take whatever action is reasonably necessary to protect his or her person or members of the public from injury or damage, including immediate destruction of any vicious animal without notice to the owner.
- (c) It is a specific defense to the charge of owning a vicious animal that the injured or threatened person or animal:
  - (1) Provoked, tormented, abused or inflicted injury upon the animal in such a manner as to result in the attack or bite.
  - (2) Made unlawful entry into or upon a fenced or enclosed portion of the premises upon which the animal was lawfully kept or upon a portion of the premises where the animal was lawfully chained with the intent to commit a crime other than trespass.
  - (3) Made unlawful entry into a vehicle in which the animal was confined.
  - (4) Attempted to assault another person.
- (d) For the purposes of this Section, a person is lawfully upon the premises of an owner when such person is on the premises in the performance of any duty imposed by law or by the express or implied invitation of the owner of such premises or the owner's agent.

(Ord. 559 §1, 2006)

Sec. 7-7-100. - Keeping of vicious animals.

- (a) Upon a plea of guilty or conviction by the Municipal Court that an animal is vicious, if such animal is not ordered destroyed, the owner shall comply with each of the following requirements. Any failure of the owner of an animal found to be vicious to comply with the requirements of this Section may result in prosecution under this Section and may subject the owner to possible impound and destruction of the animal.
- (b) The owner of the animal must be eighteen (18) years of age or older and shall, within ten (10) days of the finding that the animal is vicious, register the animal with the Town Clerk as a vicious animal. At that time, the owner must provide evidence of the following in a form acceptable to the Town Clerk or designee thereof:
  - (1) That the animal has been spayed or neutered;

- (2) That an identification microchip has been implanted in the animal; and
- (3) That the owner has procured liability insurance in a minimum amount of one hundred thousand dollars (\$100,000.00) to cover any damages caused or which may be caused by the vicious animal during the calendar year or during the period covered by the license required by this Article.
- (c) When the animal is not under the direct control of the owner, the owner shall cause the vicious animal to be confined indoors or placed and kept in a proper secure enclosure. At all times when the vicious animal is away from the property of the owner, the owner shall keep the vicious animal muzzled and securely leashed with a leash no greater than four (4) feet in length and held by a person capable of restraining the animal or in a secure temporary enclosure.
- (d) The owner shall post at each possible entrance to the property where the vicious animal is kept a conspicuous and clearly legible sign warning there is a vicious animal on the property. Such sign must be at least eight (8) inches by ten (10) inches and shall contain only the words "vicious animal" not less than two (2) inches in height.
- (e) The owner shall notify the Town Clerk within (5) five calendar days of any change in address or in the event that the vicious animal is lost, stolen, otherwise missing or dies. The owner of a vicious animal who transfers ownership of the animal must notify the Town Clerk of the same and provide the name, address and telephone number of the new owner. The owner additionally is required to inform the new owner that the animal has been found to be a vicious animal and that the new owner must comply with the requirements of this Section within ten (10) days of acquiring the animal. It shall be unlawful for the new owner to fail to comply with the requirements of this Section within ten (10) days of receipt of the animal, even if such notification by the prior owner has not been made.

(Ord. 559 §1, 2006)

Sec. 7-7-110. - Guard dogs.

- (a) No person shall own or employ a guard dog in any area of the Town unless the following conditions are met:
  - (1) All guard dogs within the Town shall be registered with the Town Clerk and meet all requirements of this Code.
  - (2) The owner or other person in control of the premises upon which a guard dog is maintained shall post warning signs on, over or next to all exterior doors stating that such a dog is on the premises. Such signs shall be visible from the curblin or at a distance of fifty (50) feet, whichever is less, and shall contain a telephone number where some person responsible for controlling such guard dog can be reached twenty-four (24) hours a day.
  - (3) Prior to placing any guard dog on any property within the Town, the person responsible for such placement shall in writing inform the Town, the Sheriff's Department and the Fire Department of his or her intention to post the dog; the number of dogs to be posted; the approximate length of time the dog will be guarding the area; the daily hours the dog will be guarding the area; the breed, sex and age of the dog; and the rabies tag number of the dog. Such notice must be renewed every six (6) months.
- (b) Any failure to comply with the requirements of this Section may result in prosecution for prohibited ownership of an aggressive or vicious animal pursuant to Sections 7-7-80 or 7-7-90 of this Article.

(Ord. 559 §1, 2006)

Sec. 7-7-120. - Vicious animals; penalty.

Any person convicted of violating Section 7-7-90, 7-7-100 or 7-7-110 of this Article shall, upon conviction, be punished by a minimum fine in the amounts set forth in the schedule of fines listed in Appendix 2-A to Chapter 2 of this Code; or by fine and/or imprisonment in accordance with the general penalty provisions set forth in Section 1-4-20 of this Code.

(Ord. 559 §1, 2006; Ord. 591 §3, 2009)

Sec. 7-7-130. - Destruction of vicious animals.

- (a) Whenever a determination has been made that any vicious animal is owned as prohibited in this Article, the prosecutor for the Town may apply to the Municipal Court for an order to destroy the animal. Such application shall:
  - (1) Identify the animal;
  - (2) Identify the owner, if known, or the residence of the animal if the owner is not known;
  - (3) Identify the date and location of occurrence of one (1) or more acts of viciousness; and
  - (4) Request that the owner be required to show cause why the animal should not be impounded and destroyed.
- (b) Upon receipt of such an application, the Court shall set a date for a hearing thereon and cause to be served on the owner, if known and if not known, delivered to or posted on the residence of the animal, a copy of the application and a notice of the hearing at least ten (10) days prior to the date of the hearing.
- (c) If the Town can show by a preponderance of evidence at the hearing that the animal was vicious within the meaning of this Article, the Municipal Judge may order the animal impounded and destroyed or may make such other order as in the Municipal Judge's discretion will provide adequate protection to other persons or animals. Before making such order, the Municipal Judge may request any report at his or her discretion concerning the appropriate disposition of the animal.
- (d) Any trial for violation of this Article also constitutes a hearing under this Section and, upon a showing sufficient to support a conviction for violation of Section 7-7-90 of this Article, the Municipal Judge may make orders authorized by this Section.

(Ord. 559 §1, 2006)

Sec. 7-7-140. - Cruelty to animals.

- (a) It shall be unlawful for any person to commit or cause to be committed any intentional act of cruelty to, abandonment of, harassment of or torture to any animal, or intentionally cause any animal to be wounded, mutilated, strangled or inhumanely killed. Ownership of said animal shall not be a defense to such acts or to a violation of this Section.
- (b) No owner shall fail to provide the animal with sufficient wholesome and nutritious food, water in sufficient quantities, proper air, shade or shelter space, protection from the weather, veterinary care as needed to maintain health and prevent suffering, and other humane care and treatment.
  - (1) *Shade* means protection from the direct rays of the sun during the months of May through October.
  - (2) *Shelter* means a moisture-proof structure of suitable size to accommodate the animal and allow retention of body heat, made of durable material with a solid floor. Such structure shall be provided with a sufficient quantity of suitable bedding to provide insulation and protection against cold and dampness.



- (c) No person shall abandon any animal which he or she owns. In this context, *abandon* means to leave the animal unattended for more than forty-eight (48) consecutive hours, or without food, water or shelter for more than twelve (12) hours.
- (d) No person shall expose any known poisonous substance, whether mixed with food or not, so that a reasonable person would or should know that such substance would probably cause animals to be attracted thereto, eat thereof and be poisoned thereby; provided, however, that this Section does not make unlawful the poisoning of rats or mice, or the activities of any person, business or other entity regulated by the Colorado Department of Agriculture under the Pesticide Applicators Act, Section 35-10-101 through 123, C.R.S., and engaged in activities regulated by that Act.
- (e) No person shall crop a dog's ears or dock a cat's or dog's tail other than a licensed veterinarian.
- (f) No person shall give away any live animal, fish, reptile or bird as a prize for, or as an inducement to enter, any contest, game or other competition, as an inducement to enter any place of amusement, or as an incentive to enter into any business agreement.
- (g) No person shall confine an animal within a parked, closed vehicle without allowing cross-ventilation. Under no circumstances shall a person confine any animal in any parked, closed vehicle on any public street or way for more than thirty (30) minutes, or when the temperature in the vehicle may create an adverse condition to the animal.
- (h) An Animal Control Officer observing an animal in violation of this Section may enter the property or vehicle and take into custody and impound the animal in accordance with Section 7-7-60 of this Article, with the expense of such impoundment to be assessed against the owner pursuant to this Article.

(Ord. 559 §1, 2006)