

Ordinance amended for Second Reading.

ORDINANCE NO. 120, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING VARIOUS SECTIONS OF CHAPTER 4 OF THE CODE OF THE CITY OF
FORT COLLINS REGARDING DANGEROUS AND VICIOUS ANIMALS

WHEREAS, over the years, City staff has received numerous complaints regarding the enforceability of the City Code provisions pertaining to dangerous and vicious animals; and

WHEREAS, based upon those complaints, and after consulting with the animal control staff at the Larimer Humane Society, staff recommends modifying such provisions to better guide enforcement, prosecution, the public and the Municipal Court in managing the problems created by dangerous and vicious animals; and

WHEREAS, staff recommends changes that would align such provisions with current state law and clarify and simplify permit conditions and registration requirements for a dangerous or vicious animal; and

WHEREAS, the City Council has determined the recommended changes are in the best interests of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 4-96 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-96. Dangerous animals prohibited; permits; impoundment.

(a) It shall be unlawful for any person to own, possess, harbor, keep or maintain any dangerous animal within the Humane Society or the Municipal Judge has issued a permit for such animal consistent with the provisions contained in Subsection (c) below.

...

(c) Dangerous animal permit.

(1) It shall be unlawful for any person that owns, possesses, harbors, keeps or maintains a dangerous animal to fail to comply with the terms and conditions of any dangerous animal permit or to fail to register a dangerous animal as required herein.

(2) If an animal control officer has reasonable grounds to believe that an animal is dangerous, the animal control officer may issue a summons to the owner or keeper of

such animal and, in his or her discretion, may also issue a permit temporarily allowing the continued keeping of the animal within the City pending disposition of the summons so long as the owner or keeper of the animal complies with the requirements set forth in the permit. Said requirements shall include any conditions necessary to ensure that no person or animal is injured by the dangerous animal. Permits shall only be issued for an individual animal. Temporary Permit requirements shall include, but are not limited to, the following:

- a. that the animal wear a special and conspicuous form of identification (such as a blaze orange collar);
- b. that the owner or keeper provide the name(s) of the person(s) responsible for animal ownership, and the property location wherein the animal will be residing;
- c. that the owner or keeper provide the names and addresses of two (2) additional persons who may be contacted to take responsibility in the case of emergency;
- d. that the owner or keeper immediately notify the animal control officer if the animal is loose and unconfined, has attacked or injured a person or another animal, has been sold or given to another person or has died;
- e. that the animal, while on the property of the owner or keeper, be:
 1. confined within a residence and under the control of a person over the age of eighteen (18) years; and
 2. when outdoors:
 - a) confined in a locked pen or other structure that provides the animal with adequate protection from the elements and that is located at least three (3) feet from any property line and at least fifteen (15) feet from any neighboring dwelling unit, that has secure sides and a secure top and either a floor made of concrete or other impervious surface or, in the absence of such a floor, sides imbedded in the ground to a minimum depth of one (1) foot; or
 - b) under the control of a person over the age of eighteen (18) years and securely muzzled and harnessed or leashed on a lead not exceeding six (6) feet in length in a manner that prevents the animal from chasing, injuring or biting other animals or humans, as well as preventing damage to public or private property;

f. that the owner or keeper display one (1) or more signs approved or issued by the Humane Society on the owner's property which provide a clear warning that a dangerous animal is present on the property;

g. that, while off the owner's or keeper's property, the animal is under the control of a person over the age of eighteen (18) years, securely muzzled, and

1. confined within a residence or a locked pen or other structure that meets the requirements of subparagraph e.2.a) above or a locked vehicle; or

2. harnessed or leashed on a lead not exceeding six (6) feet in length in a manner that prevents the animal from chasing, injuring or biting other animals or humans, as well as preventing damage to public or private property; and

h. that, upon request, the owner or keeper make the animal available for inspection by the animal control officer.

(3) Temporary dangerous animal permits may be made permanent, modified or rescinded only upon order of the court upon disposition of the summons issued. **A permanent dangerous animal permit becomes a civil order of the court.** In making ~~such~~ determinations, the court may receive evidence from the owner or keeper and the complainant, the animal control officer, a veterinarian, a licensed animal trainer, a Humane Society agent and any person having personal knowledge of the animal's condition. If the court finds that the animal is dangerous but decides that certain requirements set out in the temporary permit are not necessary for the protection of the public and other animals, the court may delete or modify those requirements.

(4) If the owner or keeper of an animal that is the subject of a dangerous animal citation has not been issued a permit to retain the animal under Paragraph ~~(b)~~(**2**) of this Section, or if such person fails to comply with any of the requirements imposed under a temporary permit issued under this Section, or if such animal is found at large, the Humane Society is authorized to impound the animal at the owner's or keeper's expense until final disposition of any summons issued.

If the court finds that the animal is dangerous and does not order the animal destroyed, the court shall order the animal be registered with a Dangerous Animal Permit and comply with all permit requirements, in addition to any other requirements ordered by the court in accordance with § 4-197 of this Code.

(5) After a period of thirty-six (36) consecutive months **from the date of the civil order issuing the permanent dangerous animal permit,** and with no further violations of any provisions of this Chapter 4, the registered owner or keeper may ~~make~~ petition the court by making **a written request for a hearing to prove to the Court by clear and convincing evidence that the animal is no longer dangerous and/or to release some or all**

of the permit requirements. At such hearing, ~~to the court to be released from the requirements of this Section, which the court may grant upon finding that the condition of the permit have been satisfied for the requisite period.~~ In reviewing the request, the court may require proof that the conditions of the permit have been satisfied for the requisite period, require the owner to produce the animal for inspection, ~~and,~~ allow an animal control officer to observe the animal in its natural surroundings, and to submit information pertinent to the dangerousness of the animal. If the court determines that the animal still constitutes a dangerous animal but that certain requirements contained in the permit are no longer necessary, the court may delete those conditions from the permit or modify them.

(6) Any person to whom a dangerous animal permit has been issued, or who requests that such a permit be modified or rescinded under the provisions of this Section, shall pay a fee to the Humane Society ~~and court~~ in an amount sufficient to cover the estimated costs of issuing, modifying or rescinding such permit, as applicable. The amount of such fee and the time of payment shall be determined by the Humane Society ~~and court~~ and are in addition to any other fees authorized under this chapter.

(7) No person or dwelling unit or premises shall be issued more than two (2) dangerous animal permits at any time.

Section 3. That Section 4-97 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-97 Vicious animals prohibited.

(a) No person shall own, possess, harbor, keep or maintain within the City any vicious. If an animal control officer has reasonable grounds to believe that an animal is vicious, such animal shall be impounded and kept by the Humane Society, at the owner's or keeper's expense, until final disposition of the citation issued to the owner or keeper for a violation of this Subsection.

...

Section 4. That Section 139 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-139. - Reclamation of certain animals restricted or prohibited.

The following restrictions or prohibitions shall apply to the reclamation of the following impounded animals:

(1) Animals that have been declared vicious may not be reclaimed unless and until the court orders the animal released under conditions consistent with § 4-197;

...

Section 5. That Section 4-197 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-197. - Additional penalties or requirements for dangerous and vicious animals.

(a) Registration of dangerous and vicious animals. All owners or keepers of animals determined by the Municipal Judge to be vicious or dangerous animals shall, unless the animal has been ordered destroyed, annually register their animal under a Dangerous Animal Permit as specified in Section 4-96, provide a current color photograph of the animal to the Humane Society and pay a registration fee to be set by the Humane Society. At the time of registration, each owner or keeper of any dangerous or vicious animal kept within the City shall provide proof of liability insurance in the amount of at least one million dollars (\$1,000,000.) for any acts of property damage or liability incurred by virtue of injury inflicted by such animal. Such insurance shall name the City as co-insured solely for the purpose of notice of cancellation of the policy. Upon payment of the fee, the Humane Society shall issue a current vicious/dangerous animal collar of an approved color for the purpose of identification, which collar is to be worn by the animal at all times as proof of registration. If, due to the length of the animal's hair, the collar is not visible, an approved colored lead or chain shall be used. A vicious/dangerous animal collar may be removed from a dangerous animal for grooming or purposes of other care when the animal is secured indoors or in an approved pen.

(1) Dangerous Animal Permit: If the court finds that the animal is dangerous and does not order the animal destroyed, the following requirements, in addition to any other requirements ordered by the court, shall be included in the permanent permit:

- a. that the owner or keeper shall provide proof of liability insurance in the amount of at least one million dollars (\$1,000,000.) for any acts of property damage or liability incurred by virtue of injury inflicted by such animal;
- b. that the animal wear a special and conspicuous form of identification (such as a blaze orange collar);
- c. that the owner or keeper provide the name(s) of the person(s) responsible for animal ownership, and the address of the property where the animal will be kept;
- d. that the owner or keeper provide the names and addresses of two (2) additional persons who may be contacted to take responsibility in the case of emergency;
- e. that the owner or keeper shall immediately notify the Humane Society if the animal is loose and unconfined, has attacked or injured a person or another animal, or has died;
- f. that the owner or keeper shall immediately notify the Humane Society if the animal has been moved from the last reported location, has been stolen, or has

been sold or given to another person, and provide any pertinent information requested;

- g. that the animal, while on the property of the owner or keeper, be:
 - 1. confined within a residence and under the control of a person over the age of eighteen (18) years; and
 - 2. when outdoors:
 - a) confined in a locked pen or other structure that provides the animal with adequate protection from the elements and that is located at least three (3) feet from any property line and at least fifteen (15) feet from any neighboring dwelling unit, that has secure sides and a secure top and either a floor made of concrete or other impervious surface or, in the absence of such a floor, sides imbedded in the ground to a minimum depth of one (1) foot; or
 - b) under the control of a person over the age of eighteen (18) years and securely muzzled and harnessed or leashed on a lead not exceeding six (6) feet in length in a manner that prevents the animal from chasing, injuring or biting other animals or humans, as well as preventing damage to public or private property;
- h. that the owner or keeper display one (1) or more signs approved or issued by the Larimer Humane Society on the owner's property which provides a clear warning that a dangerous animal is present on the property; and
- i. that, while off the owner's or keeper's property, the animal is under the control of a person over the age of eighteen (18) years, securely muzzled, and
 - 1. confined within a residence or a locked pen or other structure that meets the requirements of subparagraph (2)(a) above or a locked vehicle; or
 - 2. harnessed or leashed on a lead not exceeding six (6) feet in length in a manner that prevents the animal from chasing, injuring or biting other animals or humans, as well as preventing damage to public or private property;
- j. that the owner or keeper have a licensed veterinarian implant an electronic identification microchip in the animal and provide the information contained in the microchip to the Larimer Humane Society;

k. that the animal be spayed or neutered within ten days of the Dangerous Animal Permit being made permanent, and documentation provided to the Larimer Humane Society; and

l. that, upon request, the owner or keeper make the animal available for inspection by the animal control officer; and,

m. that the owner or keeper renew each dangerous permit annually, until such time that the animal identified in the permit is no longer in their possession, or is no longer a dangerous animal as determined by the Court.

(b) In addition to the penalties provided in § 1-15, the Municipal Judge may order any animal determined to be dangerous or vicious destroyed by the Humane Society or, if not destroyed, made subject to any such additional conditions the Municipal Judge deems necessary to protect the public and other animals. Such conditions shall include, but are not limited to, requirements that the owner or keeper of the animal shall:

(1) attend one (1) or more educational classes on the responsible keeping of dangerous animals or animal training classes or courses;

(2) have a licensed veterinarian implant an electronic identification microchip in the animal and provide the information contained in the microchip to the Humane Society;

(3) ensure that such animal does not damage or destroy public or private property;

(4) not have any further violations of this Chapter 4;

(5) agree that failure to comply with any of the conditions shall result in surrender of the animal and impoundment, at the owner's or keeper's expense, by the Humane Society for disposition, which disposition may include euthanasia, without further notice or hearing.

Introduced, considered favorably on first reading, and ordered published this 6th day of October, A.D. 2020, and to be presented for final passage on the 20th day of October, A.D. 2020.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on this 20th day of October, A.D. 2020.

Mayor

ATTEST:

City Clerk