Title 6

ANIMALS

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Chapter 6.01

GENERAL PROVISIONS

Sections:

6.01.010 Definitions.

The following definitions shall apply to this title:

“Abandon” includes the leaving of an animal by its owner without making effective provisions for its proper care.

“Animal” means any animal brought into domestic use by man so as to live and breed in a tame condition, including, but not limited to, dogs, cats, other household pets, horses, livestock, and animals generally regarded as farm or ranch animals.

“Animal Control Manager” means that person empowered by the city to supervise the Animal Control Section of the Police Department and to enforce the provisions of this title and the provisions of Title 9 which pertain to animals and the provisions of Title 17 which pertain to household pets.

“Animal Control Officer” means any person or persons empowered by the city to enforce the provisions of this title and the provisions of Title 9 which pertain to animals and the provisions of Title 17 which pertain to household pets.

“Animal owner,” “Owner” or “Owns” means any person over eighteen years of age, firm, corporation, or organization owning, possessing, harboring, keeping, having financial or property interest in, or having control or custody of an animal. The parent, guardian, or custodian of any child under the age of eighteen owning, possessing, harboring, keeping, having financial, or property interest in, or having control or custody of an animal shall be deemed to be the owner of such animal. An emancipated minor, without direct adult supervision, under the age of eighteen owning, possessing, harboring, keeping, having financial or property interest in or having control or custody of an animal shall be deemed to be the owner of such animal.

"Animal shelter" means the authorized facility, established by intergovernmental agreement, and designated by the city for the boarding and care of any animal impounded under the provisions of this title or any other ordinance or law of the State of Colorado.

“Bite” means any break in the skin caused by any contact with the tooth or mouth of an animal capable of harboring the rabies virus.

“Bodily injury” means any physical injury that results in severe bruising, muscle tears, or skin lacerations requiring professional medical treatment or any physical injury that requires corrective or cosmetic surgery.

"Cat" means member of the species Felis catus.

“Common areas of multiple household dwelling units,” as defined in Title 17 of the Lakewood Municipal Code, include, but are not limited to: the yards, grounds, patios, garden areas, play areas, club houses, swimming pools, sidewalks, walkways, common garage areas, entryways, hallways, and driveways of multiple household dwelling units. For the purposes of this definition, multiple household dwelling units include motels and hotels.

“Cruelty to animals” means every act or omission which causes, or unreasonably permits the continuation of, unnecessary pain or suffering, including, but not limited to, the failure to provide food, water, or protection from the elements, or the failure to provide an opportunity for exercise, or other care normal, usual, and proper for an animal's health and well-being.
“Disposal” or “Disposition” means adoption of an animal, return of an animal to the owner, release of an animal to a rescue group licensed pursuant to Article 80 of Title 35, C.R.S.; release of an animal to another pet animal facility licensed pursuant to Article 80 of Title 35, C.R.S., or to a rehabilitator licensed by the Division of Wildlife or the United States Fish and Wildlife Service, or euthanasia.

“Dog” means member of the species Canis familiaris, including any wolf hybrid.

“Dog license administrator” means the entity delegated the authority by the Jefferson County Animal Shelter/Dog Licensing/Funding Intergovernmental Agreement to issue licenses and collect fees for said dog licenses on behalf of all parties.

“Domestic animal” means any dog, cat, ferret, or livestock.

“Euthanasia” means to produce a humane death by techniques accepted by the American Veterinary Medical Association.

“Guard dog” means any dog placed upon any commercial property that is trained to protect persons or property by attacking or threatening to attack any person found within the area patrolled by the dog.

“Harboring” means the act of keeping or caring for an animal or providing premises to which an animal returns for food, shelter, care or providing refuge to an animal in order to evade the impoundment of the animal by lawful authority.

“Household Pet”
A. Regulated species of household pets means any species of animal commonly kept as a pet within households, and which are more than four (4) months of age, such as a dog, cat, rabbit, duck, pot belly pig that weighs less than seventy (70) pounds, and ferret, the keeping of which is not prohibited by this Title.
B. Non-regulated species of household pets means any animals that are typically kept indoors in a cage or container such as tropical fish, non-poisonous reptiles, guinea pigs, hamsters, gerbils, mice, and small birds; any of which are kept as a pet and are not being raised for commercial purposes and the keeping of which is not prohibited by this Title.

“Muzzle” means a restraining device made of metal, plastic, leather, cloth or a combination of these materials that, when fitted and fastened over a snout/mouth/head, prevents the dog from biting but allows room for the dog to breath, pant, and drink water. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.

“Poisonous” means causing or capable of causing death or illness if taken into the body.

“Running at large” means off the premises of the owner and not under effective control of that owner, his agent, servant, or competent member of his family by means of a leash, cord or chain, reasonable in length; except that, for the purposes of this definition, the “premises of the owner” shall not include common areas of multiple household dwelling units and any animal not in the effective control of its owner upon the common area of a multiple household dwelling unit or the grounds thereof, by means of a leash, cord or chain, reasonable in length, shall be deemed to be running at large.

“Serious bodily injury” means 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 results in breaks, fractures, or burns of the second or third degree.

“Venomous” means capable of injecting venom by means of a bite or sting.

Chapter 6.02
ADMINISTRATION

Sections:
6.02.010 Legislative Intent.
6.02.020 Duties of the Animal Control Officers
6.02.030 Records.

6.02.010 Legislative Intent.
The City Council finds and declares that the purpose of this Title is to protect the public health, safety, and general welfare of persons in the City of Lakewood by limiting the types of animals that can be kept in the City of Lakewood, by setting limits on the activities of these animals by requiring that certain animals be inoculated against rabies and by prescribing the conditions under which these animals can be kept and how they shall be treated. (Ord. O-2019-24 § 4, 2019; Ord. O-98-06 § 2 (part), 1998).

6.02.020 Duties of the Animal Control Officers.
A. The Animal Control Manager and Animal Control Officers shall have the authority to enforce all sections of this title and the provisions of Title 9 which pertain to animals and Title 17 which pertain to household pets as well as the authority to issue, sign, and serve summons and complaints in order to enforce the provisions of this title and the provisions of Title 9 which pertain to animals and the provisions of Title 17 which pertain to household pets and to make all determinations within their discretion required by the provisions of this title.
B. It shall be lawful for the Animal Control Manager, an Animal Control Officer, or a police agent to go upon private property to capture any animal to be impounded for violation of this title or a violation of any provision of Title 9 which pertains to animals if:
   1. The officer has obtained a search warrant; or
   2. The officer has obtained the consent of the person in possession of the property; or
   3. The officer is in pursuit of an animal which is or has been running at large; however, nothing in this subsection (3) shall be deemed to authorize entry into any enclosed building on private property; or
   4. The officer has probable cause to believe that exigent circumstances are present and an animal is in need of immediate medical attention or endangered; however, nothing in this subsection (4) shall be deemed to authorize entry into any enclosed building on private property.
C. It shall be lawful for the Animal Control Manager, an Animal Control Officer, or a police agent to enter a motor vehicle for the purpose of removing an animal when probable cause exists to believe that the animal is endangered or in need of medical attention. (Ord. O-98-06 § 2 (part), 1998; Ord. O-94-32 § 3, 1994; Ord. O-87-28 § 1 (part), 1987).

6.02.030 Records.
It shall be the duty of the Animal Control Manager to keep, or cause to be kept, accurate and detailed records of all reports of any animal bites reported to the Animal Control Section of the Police Department. (Ord. O-98-06 § 2 (part), 1998; Ord. O-94-32 § 4, 1994; Ord. O-87-28 § 1 (part), 1987).
Chapter 6.03
IMPOUNDMENT

Sections:
6.03.010 Animals running at large unlawful.
6.03.020 Injured or killed animals-Removal-Owner liability.
6.03.030 Impoundment.
6.03.035 Due process hearing.
6.03.040 Court proceedings against animal owner.
6.03.050 Interference with officials unlawful.
6.03.060 Immediate destruction of dangerous or other animals.
6.03.070 Confinement of unspayed females in heat.
6.03.080 Unrestrained animals.

6.03.010 Animals running at large unlawful.

A. It shall be unlawful for the owner of any dog or other animal, excepting cats, to permit the same to run at large within the city. As used herein, animal means any animal brought into domestic use so as to live and breed in a tame condition, including but not limited to dogs, other household pets, horses, livestock, and animals generally regarded as farm or ranch animals.

B. It is unlawful for any owner of any dog or other animal, excepting cats, to permit any such animal to habitually run at large. For the purposes of this section, “habitually running at large” shall be defined as any animal, harbored at the owner’s residence, impounded while at large or any animal which is the subject of a charge of running at large; this must occur a minimum of three times within a twelvemonth period. Any owner may be cited for this violation.

C. In addition to any penalty imposed upon a conviction for a violation of this section, the court shall order the owner of an animal which is impounded for running at large to pay the boarding and impoundment fees established by the animal shelter and any reasonable and necessary medical expense incurred during the impoundment of the animal regardless of whether or not the animal is redeemed by the owner from the animal shelter.

D. In addition to any other penalty imposed for a violation of subsection (B) of this provision, the court shall order the owner to provide sufficient confinement measures which secure the owner’s animals to avoid future at large violations. Animal Control shall inspect the fence or other security measures ordered by the court to ensure compliance with the sentence. (Ord. O-2006-14 § 3, 2006; Ord. O-2005-12 § 2, 2005; Ord. O-98-06 § 3 (part), 1998; Ord. O-87-28 § 1 (part), 1987).

6.03.020 Injured or killed animals-Removal-Owner liability.

Animals injured or killed in the street shall be considered as running at large, and Animal Control Officers may remove all said animals to the animal shelter. The owner of such animal shall be liable for boarding and impoundment costs and reasonable and necessary medical expenses incurred in the treatment of any injured animal. (Ord. O-98-06 § 3 (part), 1998; Ord. O-87-28 § 1 (part), 1987).
6.03.030 Impoundment.

A. Animals running at large may be taken into custody by Animal Control Officers, or police agents of the city and impounded in a humane manner for a period of not less than five days following the date of the impoundment; any animal so impounded which is not claimed within said five-day period may be disposed of by sale, adoption, donation, or destruction at the sole discretion of the Animal Shelter. The owner shall be responsible for the payment of such boarding and impoundment fees established by the Animal Shelter and reasonable and necessary medical expenses incurred during the impoundment of the animal regardless of whether or not the animal is redeemed by the owner.

B. The third time within a three-year period that an owner's animal is found to be at large, any such animal shall be taken into custody by Animal Control Officers and impounded in a humane manner. To obtain release of said impounded animal, the owner shall provide proof to the court of sufficient confinement measures, which secure the animal to avoid future at large violations. Animal Control shall inspect the fence or other security measures instituted by the owner to ensure compliance with this provision prior to the animal's court ordered release from impoundment. (Ord O-2006-14 § 4, 2006; Ord. O-2005-12 § 3, 2005; Ord. O-98-06 § 3 (part), 1998; Ord. O-87-28 § 1 (part), 1987).

6.03.035 Due process hearing.

A. This section establishes a due process hearing which shall be conducted by the Municipal Court as an administrative hearing. Within ten days after an animal is seized pursuant to Subsection 6.03.030(B), the animal's owner may petition the Municipal Court and request the return of the animal. The Court shall conduct such hearing at the earliest date available to the court. At this hearing, the formal rules of evidence shall not apply. If, on the date of the hearing, the owner does not appear, the Court may proceed with the hearing. The Court shall allow the parties to present evidence, witnesses, and have the right of cross-examination. The Court shall consider as applicable the following:

1. Any evidence that the impounded animal was at large during the incident charged;
2. Any prior at large violations by the owner involving any animal and the date of such violations or prior impoundments;
3. The sufficiency of any confinement measures instituted by the owner to secure the owner's animal to avoid future at large violations; and
4. Any other evidence relevant to the issues as determined by the Court.

B. The Court shall order the animal to remain impounded at the owner's expense until Animal Control inspects the fence or other security measures instituted by the owner.

C. If after inspection, the City of Lakewood establishes by a preponderance of the evidence that there is a reasonable likelihood of future at-large violations, the Court shall order the animal to remain impounded at the owner's expense until final disposition of any pending municipal charges.


6.03.040 Court proceedings against animal owner.

If an animal is impounded, an Animal Control Officer may institute proceedings in the Municipal Court of the city on behalf of the city against the owner, charging the owner with a violation of this title. Nothing in this section shall be construed as preventing an Animal Control Officer from instituting a proceeding in the Municipal Court for violation of this chapter or the provisions of Title 9 or Title 17 which pertain to animals where there has been no impoundment. (Ord. O-98-06 § 3 (part), 1998; Ord. O-87-28 § 1 (part), 1987).
6.03.050  **Interference with officials unlawful.**

A person commits interference with an Animal Control Officer or any other city employee or official in the discharge of his official duties under this title or the provisions of Title 9 or Title 17 which pertain to animals when, by using or threatening to use violence, force, physical interference, or an obstacle, such person knowingly obstructs, impairs, hinders, or interferes with the discharge or attempted discharge by said city employee or official of an official duty while acting under color of his or her official authority. (Ord. O-98-06 § 3 (part), 1998; Ord. O-87-28 § 1 (part), 1987).

6.03.060  **Immediate destruction of dangerous or other animals.**

Nothing in this title shall be construed to prevent the immediate destruction of any dangerous dog or other animal when deemed necessary in the interest of public safety by an Animal Control Officer or any other law enforcement personnel. (Ord. O-98-06 § 3 (part), 1998; Ord. O-87-28 § 1 (part), 1987).

6.03.070  **Confinement of unspayed females in heat.**

Any unspayed female animal in the stage of estrus (heat) shall be confined during such period of time within a house, building or secure enclosure, and said area of enclosure shall be so constructed that no other animal of the same species may gain access to the confined animal. An Animal Control Officer shall order any unspayed female that is in a stage of estrus (heat) and that is not properly confined, or any such animal that is creating a neighborhood nuisance, to be removed to a boarding facility, a veterinary hospital, or to the animal shelter. All expenses incurred as a result of the confinement shall be paid by the owner. The owners of animal removed to the animal shelter shall be billed at the rate established for routine confinement. No impoundment fee shall be charged on an animal voluntarily confined by the owner, but the fee for boarding may be charged in accordance with the rates established by the animal shelter. Failure to comply with the confinement order of an Animal Control Officer shall be a violation of this title, and the animal will then be impounded as described in this chapter, subject to fees and charges as imposed by this chapter. (Ord. O-98-06 § 3 (part), 1998; Ord. O-87-28 § 1 (part), 1987).

6.03.080  **Unrestrained animals.**

Any animal, found running at large and found causing damage, injury or destruction to private property owned or occupied by any person other than the animal's owner or keeper, may be humanely trapped or restrained by the owner or occupant of such property or by such owner's or occupant's agent with a city-owned device or device approved by the Police Department. No animal shall be so restrained by anyone other than the Animal Control Section of the Police Department, for a period exceeding twelve hours. During said period, such property owner, occupant or agent shall notify the Animal Control Section of the Police Department of his possession of the animal and request that the animal be impounded at the animal shelter, subject to the provisions of Section 6.03.030.

Failure to notify and release an animal to an agent of the Animal Control Section of the Police Department or to said animal's owner shall constitute a violation of this section. (Ord. O-98-06 § 3 (part), 1998; Ord. O-94-32 § 5, 1994; Ord. O-87-28 § 1 (part), 1987).
Chapter 6.04

RABIES CONTROL

Sections:

6.04.010 Inoculation required.
6.04.015 Dog license required.
6.04.016 Dog license tag to be displayed.
6.04.017 Dog license tag not transferable.
6.04.030 Failure to produce biting animal for confinement-Penalty.
6.04.040 Notification of health officer of rabid animals.
6.04.050 Report by physician of treatment administered for animal bites.
6.04.060 Rabid animal to be reported to Animal Control Manager.

6.04.010 Inoculation required.
A. Owners of dogs, cats, and ferrets over the age of four months shall have said dogs, cats, and ferrets inoculated against rabies by a licensed veterinarian, and re-vaccinated thereafter, at the expiration of the vaccination used, and shall, at the time of inoculation, obtain a copy of the certificate of inoculation and a valid rabies tag from the veterinarian. The owner acquiring a dog, cat, or ferret without inoculation or proof of current inoculation shall have it inoculated against rabies within thirty days of acquisition, or within thirty days after the dog, cat, or ferret reaches four months of age, whichever occurs last. It is unlawful for any person to harbor any dog, cat, or ferret which has not been vaccinated for rabies as provided for in this Subsection.

B. Rabies and Identification Tags to be Worn. It is unlawful for any person to harbor any dog which is not wearing a current rabies tag, as required by subsection (A) of this section, and an identification tag or collar which clearly sets forth the owner’s name and telephone number affixed to its collar, chain, or harness. When the dog is displaying a current dog license affixed to a collar, chain, or harness worn on the dog in compliance with Section 6.04.016, it is not necessary to display a current rabies tag.

C. Rabies Tags Not Transferable. It is unlawful for any person to affix to the collar, chain or harness of any dog, cat, or ferret or permit to remain affixed, a tag evidencing inoculation for any other animal or to display such a tag to an Animal Control Officer. (Ord. O-2006-33 § 1, 2006; Ord. O-2000-9 § 1, 2000; Ord. O-98-06 § 4 (part), 1998; Ord. O-87-28 § 1 (part), 1987).

6.04.015 Dog license required.
A. It shall be unlawful for any owner of any dog over the age of four (4) months, or within thirty (30) days of acquisition of said dog or within thirty (30) days of the owner moving into the City, whichever occurs last, to fail to obtain a license for such animal.

B. The dog license administrator will administer the City of Lakewood’s dog licensing program and distribute the dog license. Application for such license shall be made to the dog licensing administrator.

C. To obtain a dog license, a dog owner must submit proof of a rabies vaccination administered by a licensed veterinarian within 365 days prior to the licensing, or if a booster vaccination, within the time period recommended by the annual compendium of animal rabies control unless the dog owner has obtained a valid and current rabies vaccination waiver from a licensed veterinarian. This waiver shall be an acceptable substitution for the proof of rabies vaccination requirement.
D. The dog owner must renew this dog license once every 365 days.

E. The license fee, including fee for replacement licenses shall be in amounts consistent with County ordinance regarding dog license fees and such monies shall be used for administration of the licensing program and for capital improvements and operations of the animal shelter. Proof of spay/neuter from a licensed veterinarian or a certification by the dog owner that the dog has been spayed/neutered is required to be eligible for a reduced license fee.

F. It shall be unlawful for any person to knowingly provide false information on a dog license application.

G. A dog owner may request a reduced license fee, if for medical reasons, the dog cannot be spayed/neutered. In this event, a dog owner must submit an affidavit to the dog license administrator from a licensed veterinarian stating the reasons why the dog is unable to be spayed/neutered.

H. An assistance dog is required to be licensed. A person with a disability is exempt from any licensing fees that might otherwise apply in connection with owning an assistance dog as set forth in Section 24-34-803, C.R.S.

I. Any dog owner or any entity exempt from the county's dog licensing requirements shall be exempt from the provisions of this Section. (Ord. O-2014-3 § 3, 2014; Ord. O-2006-33 § 2, 2006).

6.04.016  Dog license tag to be displayed.
It is unlawful for any person to harbor any dog that must be licensed per Section 6.04.015, which is not displaying a current dog license tag affixed to a collar, chain, or harness worn on the dog. (Ord. O-2006-33 § 3, 2006).

6.04.017  Dog license tag not transferable.
It is unlawful for any person to affix to the collar, chain, or harness of any dog or permit to remain affixed, a tag evidencing licensing for any other dog or to display such a tag to an Animal Control Officer or peace officer. (Ord. O-2006-33 § 4, 2006).

A. It is the duty of the owner of any dog, cat, ferret, or other animal capable of harboring or carrying the rabies virus that has bitten any person to immediately advise an Animal Control Officer of this fact. Any dog, cat, ferret, or other animal that is believed to be capable of carrying or harboring the rabies virus shall be immediately confined to be observed for symptoms of rabies. An Animal Control Officer shall determine the length of time that said animal must remain in confinement based upon the guidelines and requirements of the Colorado Department of Health for the type of animal involved. When necessary for the public safety, the animal suspected of carrying rabies may be euthanized for the purpose of testing for the presence of rabies. It is unlawful for the owner of any dog, cat, ferret, or other animal that has bitten any person or that has been exposed to another animal that is believed to have rabies, to destroy such animal before it can be properly confined by an Animal Control Officer. Such confinement may be on the premises of the owner if deemed appropriate in the discretion of the Animal Control Officer. An Animal Control Officer may order the confinement of the animal at the animal shelter, veterinary hospital, or any other suitable location. Such confinement shall be at the expense of the owner.

B. It is unlawful for any person to knowingly destroy any dog, cat, ferret, or other animal capable of carrying or harboring the rabies virus if that person has knowledge that the animal has bitten any person or that the animal has been exposed to another animal that is believed to have rabies, before the animal has completed the confinement period or has been
authorized for release by an Animal Control Officer except as provided for in Section 6.03.020 or Section 6.03.060.

C. The location for confinement of an animal that has bitten a person or has been exposed to an animal that is believed to have rabies shall be determined by the animal control officer. Such confinement may be on the premises of the owner if deemed appropriate by the animal control officer. If such confinement is at a location off the owner’s premises, such confinement shall be at the expense of the owner. The owner shall also be responsible for all reasonable and necessary medical expenses incurred during the confinement of the animal.

D. It is unlawful for any person to remove an animal or to permit an animal to wander from the place to which it has been confined for rabies observation until the animal is released from confinement by an Animal Control Officer. (Ord. O-98-06 § 4 (part), 1998; Ord. O-87-28 § 1 (part), 1987).

**6.04.030 Failure to produce biting animal for confinement-Penalty.**

The owner of any animal that has been reported as having inflicted a bite on any person or animal or has been reported as having been exposed to an animal believed to have rabies shall, upon the demand of an Animal Control Officer, produce the animal for observation and confinement as prescribed in this chapter and provide proof of rabies inoculation. If the owner of any such animal refuses to produce the animal, the owner shall be subject to immediate arrest. Such persons shall be taken before a Presiding Judge in the Municipal Court, who may order the immediate production of the animal. The owner of any such animal who willfully or knowingly secretes or refuses to produce the animal shall be in violation of this provision; each day of noncompliance or refusal to produce the animal shall constitute a separate and individual violation of this provision. (Ord. O-2019-24 § 4, 2019; Ord. O-2017-15 § 3, 2017; Ord. O-98-06 § 4 (part), 1998; Ord. O-87-28 § 1 (part), 1987).

**6.04.040 Notification of health officer of rabid animals.**

A. When an animal under observation is infected by rabies or suspected of being infected by rabies, the veterinarian making such diagnosis, or an animal control officer, shall immediately notify the County Department of Health and advise that office of any reports of human contact with such rabid animal.

B. If any animal dies while under observation, an Animal Control Officer shall immediately take the animal in for testing by the Colorado Department of Health. If the examination indicates that the animal was rabid, an Animal Control Officer shall notify the County Department of Health of any reports of human contact with the animal. (Ord. O-98-06 § 4 (part), 1998; Ord. O-87-28 § 1 (part), 1987).

**6.04.050 Report by physician of treatment administered for animal bites.**

It shall be unlawful for any physician or other medical practitioner who treats a person or persons for a bite inflicted by an animal to fail to report such treatment to the Animal Control Manager or his designee, giving the names and addresses of such persons so treated within 48 hours of the treatment. (Ord. O-98-06 § 4 (part), 1998; Ord. O-87-28 § 1 (part), 1987).

**6.04.060 Rabid animal to be reported to Animal Control Manager.**

A. A veterinarian who diagnoses rabies in any animal shall report such fact immediately to the Animal Control Manager or his designee.

B. No veterinarian shall give a rabies vaccination to any animal that inflicted a bite upon any person within the confinement period set by the Colorado Department of Health guidelines. (Ord. O-98-06 § 4 (part), 1998; Ord. O-87-28 § 1 (part), 1987).
Chapter 6.05
EXOTIC, DANGEROUS, VIOLENT AND WILD ANIMALS

Sections:

6.05.010 Animals unlawful to own or sell.
6.05.015 Limited number of household pets.
6.05.020 Unlawful possession of dangerous animal.
6.05.025 Impoundment of dangerous animal.
6.05.030 Dangerous animal conditions.
6.05.031 Euthanization of Dangerous animal.
6.05.032 Unlawful possession of aggressive animal.
6.05.033 Impoundment of aggressive animal.
6.05.034 Aggressive animal conditions.
6.05.035 Euthanization of aggressive animal.
6.05.036 Due process hearing.
6.05.040 Wild animals.
6.05.050 Feeding of wildlife

6.05.010 Animals unlawful to own or sell.

It is unlawful for any person to import, offer for sale, keep, possess, release, or harbor in the city any skunk, raccoon, jaguar, leopard, lynx, tiger, lion, ocelot, bobcat, cheetah, mountain lion, wildcat, panther, bear, coyote, wolf, fox, badger, porcupine, alligator, caiman, crocodile, poisonous or venomous amphibian, poisonous or venomous invertebrate, poisonous or venomous reptile, or non-human primates. This Section shall not apply to any person who has been granted a wildlife rehabilitator license by the Colorado State Division of Wildlife and is acting in compliance with said license. (Ord. O-2017-15 § 5, 2017; Ord. O-98-06 § 5 (part), 1998; Ord. O-87-28 § 1 (part), 1987).

6.05.015 Limited number of household pets.

A. It is unlawful to keep more than a total of five (5) regulated species of household pets per residence; however the total cannot exceed three (3) animals of the same species. Service animals as defined in 28 C.F.R. Section 35.104 and 28 C.F.R. Section 35.136 (i) shall be allowed in addition to household pets.

B. Pursuant to a permit as set forth in Title 17 of the Lakewood Municipal Code, a maximum of three (3) female dwarf goats may be kept as a regulated species of household pets in the appropriate zoned district. Dwarf goats shall be counted towards the total number of regulated species of household pets permitted per residence. (Ord. O-2013-3 § 2, 2013)

6.05.020 Unlawful possession of dangerous animal.

A. A person commits unlawful possession of a dangerous animal if he owns an animal which engages in any of the following conduct within the city:
1. Inflicts or causes bodily injury or serious bodily injury upon a person;
2. Inflicts or causes bodily injury or serious bodily injury upon a domestic animal or causes the death of a domestic animal;
3. Possesses an animal that has been determined by a court of record within the state of Colorado to be a vicious or dangerous animal and does not comply with the conditions imposed by state statute, local ordinance, or court order for ownership of said animal.
4. Engages in or has been trained for animal fighting as described and prohibited in Section 18-9-204, C.R.S.
B. An affirmative defense to the violation of this Subsection (A) shall be:
1. That, at the time of the attack by the dangerous animal which caused injury to or the death of a domestic animal, the domestic animal was at large, and entered upon the property of the owner and the attack began, but did not necessarily end, upon such property.
2. That, at the time of the attack by the dangerous animal, which caused injury to, or the death of a domestic animal, the domestic animal was biting or otherwise attacking the dangerous animal or its owner.
3. That, at the time of the attack by the dangerous animal, which caused injury to a person, the victim of the attack was committing or attempting to commit a criminal offense against the animal’s owner, and the attack did not occur on the owner’s property.
4. That, at the time of the attack by the dangerous animal which caused injury to a person, the victim of the attack was committing or attempting to commit a criminal offense against a person on the owner’s property or the property itself and the attack began, but did not necessarily end, upon such property; or
5. That, the person who was the victim of the attack by the dangerous animal tormented, provoked, abused, or inflicted injury upon the animal in such an extreme manner which resulted in the attack.
C. The affirmative defenses set forth in Subsection (B) of this provision shall not apply to any animal that has engaged in or been trained for animal fighting as said term is described in Section 18-9-204, C.R.S.
D. The provisions of this section shall not apply to the following:
1. To any dog that is used by a peace officer while the officer is engaged in the performance of peace officer duties.
2. To any animal that inflicts bodily injury or serious bodily injury to any veterinary health care worker, animal groomer, humane agency personnel, professional animal handler, or trainer each acting in the performance of his or her respective duties unless the owner is subject to a court order issued pursuant to Subsection (A)(14) of Section 6.05.030 and the owner has failed to comply with the written notification mandate; or
3. To any dog that inflicts injury upon or causes the death of a domestic animal while the dog was working as a hunting dog, herding dog, or predator control dog on the property of or under the control of the dog’s owner and the injury or death was to a domestic animal naturally associated with the work of such dog.

6.05.025 Impoundment of dangerous animal.
A. Mandatory impoundments. Upon citation of an owner for a violation of Section 6.05.020, Animal Control Officers shall take into custody the owner’s dangerous animal and place the animal in the shelter at the owner’s expense pending final disposition of the charge against the owner, if the victim of the offense is a person who has suffered bodily or serious bodily injury; when the owner has failed to comply with the restrictions imposed by state statute, local ordinance; or court order for the possession of an animal determined to be dangerous or vicious; or if the animal has been engaged in or been trained for animal fighting.
B. Discretionary impoundments. Upon citation of an owner for a violation of Section 6.05.020, Animal Control Officers may take into custody the owner’s dangerous animal and place the animal in the animal shelter at the owner’s expense pending final disposition of the charge against the owner, if the victim of the offense is a domestic animal.
C. An animal shall remain impounded unless otherwise ordered released by the Court. The owner shall be liable for the total cost of board and care for an animal impounded pursuant to this subsection. The Court shall order any convicted owner or any owner who entered into a deferred judgment or deferred prosecution to make payment to the animal shelter for all impoundment fees, boarding costs, and any reasonable and necessary medical expenses incurred during the impoundment of the animal. If impoundment cannot be safely made, the animal may be destroyed, as set forth in Section 6.03.060, without notice to the owner. (Ord. O-2006 § 7, 2006; Ord. O-98-06 § 5 (part), 1998).

6.05.030 Dangerous animal conditions.

A. Upon conviction or entry of a plea of guilty or no contest or entry into a deferred judgment to a charge of possession of a dangerous animal by the owner, the court shall order that the animal subject to the charge shall only be possessed upon the owner's compliance with the following conditions:

1. The owner shall, at the owner's expense, have the animal spayed or neutered and shall provide proof to the Animal Control Section of the Police Department that the sterilization has been performed;
2. The owner shall, at the owner’s expense, have a microchip containing an identification number implanted into the animal and provide such information to the Animal Control Section of the Police Department. The owner shall produce the animal for verification by Animal Control of the microchip implementation. Animal Control shall maintain records containing the registration number and name of said animal and the name and address of the owner. The owner shall be responsible for notifying Animal Control of any change in address, ownership, or death of the animal.
3. At all times when the animal is at the property of the owner, the owner shall keep the animal confined except as further allowed by this Section. When outdoors, the animal shall be confined in an escape proof enclosure. All structures must be locked with a key or combination lock when the animal is within the structure. Such structure shall have a secure bottom or floor attached to the sides of the pen or the sides of the pen shall be embedded in the ground no less than two (2) feet. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. All structures erected to house such animal must comply with all zoning and building requirements. Animal Control shall inspect the structure to ensure compliance with said conditions.
4. No animal may be kept on a porch, patio, or in any part of a house or structure that would allow the animal to exit such building upon its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen door are the only obstacle preventing the animal from exiting the structure.
5. When outdoors in a private yard, the animal must be in the secure enclosure or in the physical presence of a responsible adult, who is a minimum or 21 years of age and is capable of effectively controlling the animal, and inside of a secure six-foot fence enclosure. Animal Control shall inspect the fence to ensure compliance with said condition. An electronic fence does not comply with the mandates of this subsection.
6. At all times when the animal is off the property of the owner, the animal shall be muzzled and either placed within a secure temporary enclosure, or secured by a leash of no longer than four (4) feet in length held by a responsible adult, who is a minimum of 21 years of age and is physically capable of controlling the animal. Extension style leashes shall not be used.
7. The animal may not be leashed to any inanimate object.
8. The owner shall post, at each entrance to the owner’s property where the animal is kept, a conspicuous and clearly legible sign of at least eight (8) by ten (10) inches, which shall contain the words “BEWARE, DANGEROUS ANIMAL” in lettering at least two (2) inches in height.

9. The owner shall not sell or transfer the animal to any person except a member of the owner’s immediate family who shall then be deemed the owner and subject to all the requirements of this title. For the purposes of this subsection, “immediate family” shall mean the owner’s spouse, child, parent, or sibling.

10. The owner shall immediately notify the police department or Animal Control in the event that the animal is at-large, stolen, or has acted in a dangerous or aggressive manner.

11. The owner may temporarily transport the animal through the City of Lakewood. During such transport, the animal must be muzzled and confined either within a secure temporary enclosure or by a leash no longer than four (4) feet in length, which is held by a responsible adult who is a minimum of 21 years of ages, and is capable of effectively controlling the animal.

12. The owner whose animal injured or destroyed any domestic animal shall make restitution to the injured or dead domestic animal’s owner pursuant to applicable provisions governing restitution. Restitution shall be equal to the greater of the fair market value or the replacement cost of the domestic animal on the date, but before the time, the animal was injured or destroyed plus any reasonable and necessary medical expenses incurred in treating the animal and any actual costs incurred in replacing the injured or destroyed animal.

13. The owner whose animal inflicted bodily injury or serious bodily injury upon any person shall make restitution pursuant to the provisions governing restitution.

14. Prior to the dangerous animal receiving any service or treatment, the owner shall disclose in writing to any provider of the service or treatment, including but not limited to a veterinary health care worker, dog groomer, humane agency staff person, pet animal care facility staff person, professional animal handler, or dog trainer, each acting in the performance of his respective duties, that the dangerous animal has been the subject of a conviction.

15. The animal shall be currently inoculated against rabies and shall display rabies and identification tags in compliance with Section 6.04.010 of this title.

B. Upon conviction or entry of a plea of guilty or no contest or entry into a deferred judgment to a charge of possession of a dangerous animal by the owner, the court may order that the animal subject to the charge shall only be possessed upon the owner’s compliance with the following conditions:

1. No other dog shall be possessed or harbored at the owner’s residence during the period of court ordered supervision.

2. The owner shall present to Animal Control proof that the owner has procured homeowner’s or renter’s liability insurance in a minimum amount of $100,000 covering any future damage or injury caused by the subject animal during the period of court ordered supervision.

3. Community service work at an animal shelter

4. Successful completion of a court approved animal obedience training, behavior modification, pet management class, and/or any other treatment program or training that the court may deem appropriate. The owner shall bear the cost of the program or training.
C. It shall be unlawful for any person to fail to comply with the requirements of this section and any such violation shall subject the violator to prosecution for unlawful possession of a dangerous animal pursuant to this chapter. (Ord. O-2019-24 § 4, 2019; Ord. O-2006-14 § 8, 2006; Ord. O-2000-9 § 4, 1999; Ord. O-98-06 § 5 (part), 1998; Ord. O-87-28 § 1 (part), 1987).

6.05.031 Euthanization of Dangerous animal.
In addition to the penalties set forth in Section 6.05.030, any convicted owner or owner who enters into a deferred judgment for a violation that resulted in serious bodily injury to a person or death to a domestic animal or a second or subsequent violation of Section 6.05.020 which resulted in a conviction or a deferred judgment involving the same animal, the Court may order that the dangerous animal be humanely destroyed by lethal injection upon exhaustion of any right an owner has to appeal the conviction. (Ord. O-2006-14 § 9, 2006).

6.05.032 Unlawful possession of aggressive animal.
A. A person commits unlawful possession of an aggressive animal if he owns an animal which engages in any of the following conduct within the city:
   1. Approaches any person, without provocation, in a menacing manner, whether or not an attack actually occurs.
   2. In an attacking manner encroaches over, through, or under a fence onto the public or the private property of another; or
   3. Inflicts a puncture wound, abrasion, or other wound caused by the animal's teeth upon a person or a domestic animal which injury does not meet the definition of bodily injury or serious bodily.

B. The affirmative defenses and exceptions set forth in Section 6.05.020, Possession of Dangerous Animal, shall be applicable to any prosecution for a violation of this section. (Ord. O-2006-14 § 10, 2006).

6.05.033 Impoundment of aggressive animal.
A. Mandatory impoundments. Upon citation of an owner for a violation of Section 6.05.032, Animal Control Officers shall take into custody the owner's aggressive animal if the animal has previously been the subject of a conviction for dangerous animal or aggressive animal pursuant to this chapter and place the animal in the animal shelter at the owner's expense pending final disposition of the charge against the owner.

B. Discretionary impoundment. Upon citation of an owner for a violation of Section 6.05.032, Animal Control Officers may place the animal in the animal shelter at the owner's expense pending final disposition of the charge against the owner.

C. An animal shall remain impounded unless otherwise ordered released by the Court. The owner shall be responsible for the payment of all impoundment fees, boarding fees, and any reasonable and necessary medical expenses incurred during the impoundment of the animal regardless of whether or not the animal is redeemed by the owner from the animal shelter. The Court shall order any convicted owner or any owner who entered into a deferred judgment or deferred prosecution to make payment to the animal shelter for all impoundment fees, boarding costs, and any reasonable and necessary medical expenses incurred during the impoundment of the animal. (Ord. O-2017-15 § 6, 2017; Ord. O-2006-14 § 11, 2006).

6.05.034 Aggressive animal conditions.
A. Upon conviction or entry of a plea of guilty or no contest or entry into a deferred judgment to a charge of possession of an aggressive animal, the court shall order that the
animal subject to the charge shall only be possessed upon the owner’s compliance with the following conditions:

1. The owner shall, at the owner’s expense, have a microchip containing an identification number implanted into the animal and provide such information to the Animal Control Section of the Police Department. The owner shall produce the animal for verification by Animal Control of the microchip implementation. Animal Control shall maintain records containing the registration number and name of said animal and name and address of the owner. The owner shall be responsible for notifying Animal Control of any change in the address, ownership, or death of the animal.

2. An extension style leash shall not be used upon said animal.

3. The animal shall not be leashed to any inanimate object.

4. The animal shall be currently inoculated against rabies and shall display rabies and identification tags in compliance with Section 6.04.010 of this title.

B. Upon conviction or entry of a plea of guilty or no contest or entry into a deferred judgment to a charge of possession of an aggressive animal, the court may order that the animal subject to the charge shall only be possessed by the owner upon the owner’s compliance with the following conditions:

1. Community service work at an animal shelter.

2. Successful completion of a court approved animal obedience training, behavior modification, pet management class, and/or any other treatment program that the court may deem appropriate. The owner shall bear the cost of the program or training.

3. The owner shall, at the owner’s expense, have the animal spayed or neutered and shall provide proof to the Animal Control Section of the Police Department that the sterilization has been performed. (Ord. O-2019-24 § 4, 2019; Ord. O-2006-14 § 12, 2006).

6.05.035 Euthanization of aggressive animal.

In addition to the penalties set forth in Section 6.05.034, any convicted owner or owner who enters into a deferred judgment for a second or subsequent violation of Section 6.05.032 involving the same animal or any owner who has been previously convicted or entered into a deferred judgment for a violation of Section 6.05.020 involving the same animal, the Court may order that the aggressive animal be humanely destroyed by lethal injection upon exhaustion of any right an owner has to appeal the conviction. (Ord. O-2006-14 § 13, 2006).

6.05.036 Due process hearing.

A. This section establishes a due process hearing which shall be conducted by the Municipal Court as an administrative hearing. Within ten days after an animal is seized pursuant to this chapter, the animal’s owner may petition the Municipal Court and request the return of the animal. The court shall conduct such hearing at the earliest date available to the court. At the hearing the formal rules of evidence shall not apply. If, on the date of the hearing, the owner does not appear, the Court may proceed with the hearing. The Court shall allow the parties to present evidence, witnesses, and have the right of cross-examination. The Court shall consider as applicable the following:

1. The conduct of the animal during the incident charged;

2. Any evidence of dangerous, aggressive, or violent behavior by the animal or threats thereof;

3. Any prior violations by the owner of this title or any municipal ordinance, or the laws of any state or political subdivision thereof which involves another animal;

4. Any prior violations by any other owner, involving the same animal, of any violations of this title or any municipal ordinance, or any laws of the state or political subdivision thereof;
5. Any conditions existing on the property where the animal has been or will be kept which would affect the likelihood of any danger to any person, animal or property;

6. Any evidence of any ameliorative action taken by the owner of the animal which would affect the likelihood of any danger to any person, animal or property, and

7. Any other evidence relevant to the issues as determined by the Court.

B. If, at the hearing, the City of Lakewood establishes by a preponderance of the evidence that there is a reasonable likelihood of future injury to persons, property, or animals, the court shall order the animal to remain impounded at the owner's expense until final disposition of any pending municipal charges.


6.05.040 Wild animals.

Animal Control Officers are authorized to apprehend any wild animal that may be at large within the city. Such wild animal may be impounded, released in wild areas outside of the city, or destroyed as the Animal Control Officer in his discretion shall determine, subject to the applicable provisions of the laws of the State of Colorado. Animal Control Officers are authorized to use any tranquilizer guns, firearms or any other suitable devices to subdue or destroy any animal that is deemed by an Animal Control Officer, in his discretion, to be a danger to itself or to the public health and safety. (Ord. O-98-06 § 5 (part), 1998; Ord. O-87-28 § 1 (part), 1987).

6.05.050 Feeding of wildlife.

It shall be unlawful to knowingly place or provide food for any wildlife. As used herein, wildlife includes but is not limited to skunks, raccoons, deer, coyotes, mountain lions, fox, elk, and non-domesticated waterfowl. This prohibition shall not apply to squirrels or birds. (Ord. O-98-06 § 5 (part), 1998).
Chapter 6.06

MISCELLANEOUS PROVISIONS

Sections:

6.06.010 Financial bonding requirements for costs of holding impounded animals.
6.06.020 Guard dogs.
6.06.050 Death of animals.

6.06.010 Financial bonding requirements for costs of holding impounded animals.
A. Whenever an animal has been impounded pursuant to this title except per Section 6.03.030 (A), the owner may prevent disposition of the animal by an impound agency by posting a bond with the municipal court in an amount sufficient to provide for the animal's care and keeping including reasonable veterinary care and treatment at the impound agency for at least thirty days, including the day on which the animal was taken into custody. Such bond shall be filed with the municipal court within ten days after the animal is impounded. At the end of the time for which expenses are covered by the bond, if the owner desires to prevent disposition of the animal, the owner shall post a new bond with the court within ten days after the prior bond's expiration. However, if, in the opinion of a licensed veterinarian, the impounded animal is experiencing extreme pain or suffering or is severely injured past recovery, severely disabled past recovery, or severely diseased past recovery, the animal may be euthanized without a court order.
B. At the end of the time of which expenses are covered by the bond, or when no bond has been posted within the initial ten days, the impound agency may determine disposition of the animal unless there is a court order prohibiting such disposition. The owner shall be liable for the cost of the care, keeping, or disposal and including reasonable veterinary care and treatment of the animal regardless of the results of any municipal charges or any due process hearing. Failure to pay the impoundment, care, and provisions costs pursuant to this section shall result in the forfeiture of the right to contest those costs and any ownership rights to the animal in question.
C. A dog that is not claimed by its owner within five days after being eligible for release from impoundment shall be deemed abandoned and may be disposed of as the impound agency deems proper.

For the purposes of this section, "Impound Agency" means an agency, including but not limited to an animal shelter as defined in Section 35-80-102(1), C.R.S., that impounds an animal pursuant to the provisions of this title. (Ord. O-2017-15 § 8, 2017; Ord. O-2006-14 § 15, 2006; Ord. O-2005-12 § 5, 2005).

6.06.020 Guard dogs.
A. It is unlawful to place or maintain guard dogs upon any commercial property for the protection of persons or property unless the following conditions are met:
1. The dogs shall be confined to an enclosed area which is adequate to ensure that they will not escape; or
2. They shall be under the complete control of a handler at all times; and
3. Warning signs shall be conspicuously posted indicating the presence of guard dogs and such signs shall plainly show a telephone number where some person responsible for controlling the guard dogs can be reached at all times.
B. This provision shall not be construed to relieve the owner of any guard dog from complying with the requirements of Section 6.03.010.

C. This section shall not apply to any police dog owned by the Police Department. (Ord. O-94-32 § 8, 1994; Ord. O-87-28 § 1 (part), 1987).

6.06.050 Death of animals.

It is unlawful for the owner of any animal which dies to dump or abandon such animal on any public or private property. All animals which die or are killed shall be disposed of within twenty-four hours of their death by burial on private property with the permission of the person who owns or is in control of the property or shall be transported to an animal shelter or other suitable facility for proper disposal by their owners, keepers or possessors. (Ord. O-98-06 § 6 & 7, 1998; Ord. O-87-28 § 1 (part), 1987).
Chapter 6.07

VIOLATIONS

Sections:
6.07.010 Cruelty to animals.
6.07.020 Neglect of animals.
6.07.030 Poisoning of animals.
6.07.040 Abandonment of animals.
6.07.050 Ownership of animal.
6.07.060 Number of violations.
6.07.070 Destruction of injured animals.
6.07.080 Removal of animal.
6.07.090 Notice.
6.07.100 Due process hearing.
6.07.105 Forfeiture of animals.
6.07.110 Sentencing
6.07.120 Applications and exclusions.

6.07.010 Cruelty to animals.
It shall be unlawful for any person to recklessly, or with criminal negligence torture, needlessly mutilate, or inhumanely kill any animal. Any neglect of an animal, as defined in Section 6.07.020, that results in the death of that animal shall constitute cruelty. (Ord. O-2005-12 § 6, 2005; Ord. O-98-06 § 8 (part), 1998; Ord. O-87-28 § 1 (part), 1987).

6.07.020 Neglect of animals.
It shall be unlawful to knowingly, recklessly, or with criminal negligence neglect any animal. Neglect includes but is not limited to overdrive, overload, overwork, torment, deprive of necessary sustenance, unnecessarily or cruelly beat, allow to be housed in a manner that results in chronic or repeated physical harm, carry or confine in or upon any vehicles in a cruel or reckless manner, or otherwise mistreat or neglect any animal, or cause or procure it to be done, or having the charge or custody of any animal, fail to provide it with proper food, drink, or protection from the weather consistent with the species, breed, and type of animal involved, and every act or omission which causes or unreasonably permits the continuation of unnecessary or unjustifiable suffering or pain. Any neglect of an animal that results in the death of that animal shall constitute cruelty. (Ord. O-2005-12 § 7, 2005; Ord. O-98-06 § 8 (part), 1998; Ord. O-96-44 § 12, 1996; Ord. O-87-28 § 1 (part), 1987).

6.07.030 Poisoning of animals.
It shall be unlawful for any person to intentionally poison any animal or to distribute or set out poison in any manner whatsoever with the intent of poisoning any animal. This provision shall not apply to the extermination of undesirable pests as defined in Articles 7, 10, and 43 of Title 35, C.R.S. (Ord. O-98-06 § 8 (part), 1998).
6.07.040 Abandonment of animals.

It shall be unlawful for any person to intentionally abandon an animal. Abandonment includes, but is not limited to, leaving an animal without adequate food, water, shelter, or other adequate provisions for the animal’s proper care for a period of twenty-four hours or more, or leaving the animal with no intent of retrieving the animal. This section shall not apply to the voluntary relinquishments of an animal to an animal welfare facility. Any such voluntary relinquishment shall be done in compliance with the animal welfare facility’s rules and regulations. (Ord. O-98-06 § 8 (part), 1998).

6.07.050 Ownership of animal.

Ownership of any animal shall not be a justifiable defense for a violation of any section of this Chapter. (Ord. O-98-06 § 8 (part), 1998).

6.07.060 Number of violations.

A person shall be subject to a separate and individual violation for each animal mistreated under the terms of this Chapter and each day of a continuing violation shall constitute a separate and individual violation of this Chapter. (Ord. O-98-06 § 8 (part), 1998).

6.07.070 Destruction of injured animals.

Any animal seized pursuant to this Chapter may be lawfully destroyed when, in the judgment of the treating veterinarian such animal appears to be injured, disabled, suffering, or diseased past recovery, or pursuant to Court order. (Ord. O-98-06 § 8 (part), 1998).

6.07.080 Removal of animal.

An Animal Control Officer or police agent may impound an animal if the officer reasonably believes that such animal is receiving inhumane treatment or that impoundment is necessary for the health or safety of any mistreated animal. Such impoundment shall be made in accordance with Section 6.03.030. Any animal seized pursuant to this Chapter may be held at the animal shelter or at such other location as the Animal Control Officer deems appropriate. The animal owner shall be liable for all expenses arising from such impoundment including all impoundment fees, costs of room and board, and any reasonable and necessary medical expenses incurred during the impoundment of the animal. (Ord. O-98-06 § 8 (part), 1998).

6.07.090 Notice.

When an animal is removed pursuant to Section 6.07.080, the animal owner, if known, shall be given written notice of the removal by an Animal Control Officer or a police agent. Such notice shall be by personal service to the animal owner, by posting the notice on the animal owner’s property in a conspicuous place, or by registered mail. The notice shall inform the animal owner of the animal’s impoundment, of the location of the impounded animal, and of the animal owner’s rights as provided for in Section 6.07.100. (Ord. O-98-06 § 8 (part), 1998).

6.07.100 Due process hearing.

A. Within ten days after an animal is seized pursuant to this chapter, the animal’s owner may petition the Municipal Court and request the return of the animal. The Court shall conduct such hearing at the earliest date available to the Court. At the hearing, the formal rules of evidence shall not apply. If the owner fails to appear for the hearing, the Court may proceed with the hearing. The Court shall allow the parties to present evidence, witnesses, and have the right of cross-examination. The Court shall consider as applicable the following:
1. The conduct alleged in the incident charged;
2. The condition of the animal at the time of the hearing;
3. Any evidence of prior acts of cruelty, neglect, poisoning, or abandonment of animals by the owner;
4. Any prior violations by the owner of this title or any municipal ordinance, or the laws of any state or political subdivision thereof which involves any other animal;
5. Any conditions existing on the property where the animal has been kept or will be kept which would affect the likelihood of any further mistreatment of the animal;
6. Any evidence of any ameliorative action taken by the owner of the animal which would affect the likelihood of any further mistreatment of the animal; and
7. Any other evidence relevant to the issues as determined by the Court.

B. If, at the hearing, the city establishes by a preponderance of the evidence that the animal will suffer further mistreatment if returned to the owner and/or is in need of being restored to health, the Court may either:
1. Return the animal to the owner subject to Court-imposed conditions regarding the care and treatment of the animal; or
2. Require the animal remain impounded and order the owner to post a bond in an amount sufficient to provide for the animal's care for a minimum of thirty days.

C. If the underlying charges have not been resolved prior to the expiration of any bond posted pursuant to Subsection (B)(2) of this Section, the animal owner shall be required to post an additional bond in an amount sufficient to provide for the animal's care during the pendency of the case. If the owner fails to post a bond within ten days of the Court's order pursuant to Subsection (B)(2) of this Section or at any time the bond expires and no additional bond is posted, the animal shelter shall obtain ownership of any animal still in its custody.

D. If no charges are filed within seven days after the animal's removal, the owner may petition the Municipal Court for the animal's return. The petition shall be filed with the Court, with copies served to the City Attorney's Office. If the Court grants the petition, the animal will be made available for release to the owner. If a criminal action is filed after the petition is filed, but before the animal is returned, the matter will be set for hearing as set forth in Subsection (A.) (Ord. O-2017-15 § 9, 2017; Ord. O-2005-12 § 8, 2005; Ord. O-98-06 § 8 (part), 1998).

6.07.105 Forfeiture of animals

A. Upon the motion of the prosecuting attorney or upon the court's own motion, after the conviction of a defendant for a violation of this chapter, the court may order the forfeiture of any animal owned by or in the custody of the defendant that was abused, neglected, mistreated, injured, or used by the defendant during the course of the criminal episode that gave rise to such conviction.

B. 1. If an animal is the subject of a motion made under subsection (A) and is not owned by the defendant, the court may nevertheless enter an order of forfeiture of the animal if the court finds that:
   a. The owner of the animal is unknown, or
   b. The owner of the animal is known by cannot be located.

   2. Any person who contests a motion brought under this section shall establish such person's standing as a true owner of the animal. The factors to be considered by the court in determining whether such person is a true owner shall include but shall not be limited to the following:
a. Whether the person was the primary user, custodian, or possessor of the animal;
b. Whether there is evidence that ownership of the animal is vested in the person;
c. Whether consideration was paid for the purchase of the animal, and, if so, how much of the consideration was furnished by the person.

3. If the court determines that a person other than the defendant is the true owner of the animal, the court may not enter an order forfeiting the animal under this section unless the court finds:
   a. The true owner was involved in the criminal episode described in subsection (A) of this section;
   b. The true owner knew or reasonably should have known of the criminal episode described in subsection (B) of this section and failed to take all reasonable steps available to him or her to prevent it; or
   c. Ownership of the animal was conveyed to the true owner in order to avoid a forfeiture.
C. An order of forfeiture entered pursuant to this section shall provide for the immediate disposition of the forfeited animal by any means described in Section 6.01.010 other than return to the owner.
D. The owner or custodian of an animal that is the subject of a motion brought under this section shall be liable for the cost of the care, keeping, transport, or disposal of the animal. In no event shall the City of Lakewood be liable for such cost.
E. The court in its discretion may order a forfeiture authorized by this section as an element of sentencing, as a condition of probation, or as a condition of a deferred sentence. (Ord. O-2005-12 § 9, 2005).

6.07.110 Sentencing.
In addition to other penalties set forth under Section 6.08.020, any person who is convicted or who enters into a deferred judgment or a deferred prosecution for a violation of this Chapter shall be liable for the total cost of board and care for an animal impounded pursuant to this Chapter. The Court shall order any person to make payment to the animal shelter for all impoundment fees, costs of boards, and any reasonable and necessary medical expenses incurred during the impoundment of the animal. In addition, the Court may order the defendant to participate in an available animal cruelty prevention or education program or an anger management treatment program or any other treatment program that the court may deem appropriate. The Defendant shall bear the cost of the program. Upon conviction, the Court shall determine the disposition of the animal as set forth in Section 6.07.100 unless such disposition was previously made. (Ord. O-2005-12 § 10, 2005; Ord. O-98-06 § 8 (part), 1998).

6.07.120 Applications and exclusions.
This Chapter shall apply to all birds and animals, whether domestic or wild, with the exception of mice and rats. (Ord. O-98-06 § 8 (part), 1998).
Chapter 6.08

SEVERABILITY

Sections:
  6.08.010 Prosecution.
  6.08.020 Penalties-Fine schedule.
  6.08.025 Habitual animal offender.
  6.08.030 Severability.

6.08.010    Prosecution.
  For the purpose of prosecution for violations of any section of this title, unless otherwise specified, it is not necessary in order to obtain a conviction to prove notice or knowledge on the part of the owner of any animal in question if there is a violation of any of the sections of this title at the time and place charged, it being the purpose and intent of this section to impose strict liability upon the owner of any animal for the action, conduct and condition of that animal in accordance with the terms of this title. (Ord. O-98-06 § 9 (part), 1998; Ord. O-87-28 § 1 (part), 1987).

6.08.020    Penalties-fine schedule.
  A. Any person who is convicted of a violation of any section of this title shall, for each offense, be subject to the penalties set forth in Section 1.16.020. As a part of such sentence, the Court may order the restitution to any aggrieved party for actual damages or loss caused by the offense to which the defendant pled guilty, nolo contendere, or was convicted. The municipal judge may suspend all or a part of a sentence or fine of any defendant, and/or place him on probation for a period not to exceed one year.
  B. The minimum penalty upon a first conviction for violation of Section 6.03.010(A) shall be a fine of seventy-five dollars. The minimum penalty for each subsequent conviction for violation of Section 6.03.010(A) within a twenty-four-month period dating from the first conviction shall be a fine in an amount equal to one hundred fifty percent of the fine for the next preceding conviction.
  C. The minimum penalty upon a first conviction for violation of Section 6.04.010 shall be fifty dollars. The minimum penalty for each subsequent conviction for violation of Section 6.04.010 within a twenty-four-month period dating from the first conviction shall be a fine in an amount equal to one hundred fifty percent of the fine for the next preceding conviction.

6.08.025    Habitual animal offender.
  It shall be unlawful to be a habitual animal offender. For the purposes of this section, a habitual animal offender shall mean any animal owner, who within any twelve-month period, is charged with three violations, arising out of separate incidents, of this title, any provision of Title 9 which pertains to animals, or any provision of Title 17 which pertains to household pets from which conviction, guilty plea, no contest plea, deferred judgment, or plea bargain results. The controlling date is the date of each animal ordinance violation, not the date of the plea entered, or the conviction resulting therefrom. (Ord. 2006-14 § 16, 2006).
6.08.030  **Severability.**

If any portion of this title shall be adjudged invalid or unenforceable for any reasons, the remainder of the title shall continue in force unless to give effect to the remaining provisions would defeat the policy embodied herein. (Ord. O-98-06 § 9 (part), 1998; Ord.O-87-28 § 1 (part), 1987).