

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1813  
Series of 2013

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Series of 2013

A BILL FOR AN ORDINANCE ADDING A NEW ARTICLE 8 TO CHAPTER 14 OF THE NORTHGLENN MUNICIPAL CODE REGARDING THE UNLAWFUL SALE, DISPLAY OR TRANSFER OF DOGS, CATS AND RABBITS IN PET STORES AND AMENDING THE DEFINITIONS IN SECTION 14-1-1 OF THE NORTHGLENN MUNICIPAL CODE IN CONFORMANCE THEREWITH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Section 14-1-1 of the City of Northglenn Municipal Code is repealed and reenacted to read as follows:

**Section 14-1-1. Definitions.**

(a) As used in this ordinance and in the ordinances contained in Chapter 14 of the ordinances of the City of Northglenn, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING DEFINITIONS:

(1) "Animal control facility" or "pound" means the animal control facility for the City of Northglenn, State of Colorado, or any other place or facility temporarily or permanently designated by the City Manager or by ordinance for the impounding of dogs, cats, domestic animals, reptiles, or strays.

(2) "Animal control officer" means and includes any animal control officer appointed pursuant to the provisions of this ordinance, and any person authorized by this ordinance to perform the duties of an animal control officer.

(3) "ANIMAL SHELTER" MEANS A PUBLIC OR PRIVATE FACILITY LICENSED PURSUANT TO THE COLORADO PET ANIMAL CARE AND FACILITIES ACT, C.R.S. § 35-80-101, *ET. SEQ.*, AND THE RULES AND REGULATIONS ADOPTED PURSUANT THERETO, AS THE SAME MAY BE AMENDED FROM TIME TO TIME. THIS DEFINITION INCLUDES HUMANE SOCIETIES AND ANIMAL RESCUES THAT HOUSE PET ANIMALS.

(4) "Bovine animal" means and includes any animal of the species commonly known as cattle or oxen, or other domestic animal of the genus *Bos*.

(5) "Cat" means a mammal of the species *felis domestica* or other species of the family *Felidae*.

(6) “Dog” means a mammal of the species *canis familiaris* or other species of the family *Canidae*.

(7) “Domestic animal” means and includes any domestic quadruped or biped not otherwise defined in this section; and any domestic fowl.

(8) “Estray” means and includes any bovine animal, horse, mule or ass found running at large upon public or private lands in the City of Northglenn.

(9) “Guard dogs” means and includes every dog kept for the purpose of guarding or protecting real or personal property which by reason of special training, breeding, or the known propensities of such dogs, known or intended by the owner of such premises to be likely to attack, or being spirited.

(10) “Holding fee” means the fee provided by ordinance to be charged and collected by the City of Northglenn or its designated agent for the temporary holding and handling of any dog, cat, domestic animal or reptile.

(11) “Impoundment” means confinement in an animal control facility, or temporary holding facility, and includes custody or possession by an animal control officer or police officer in any authorized place, vehicle, enclosure or building, pending transfer to an animal control facility or temporary holding facility or such holding facility as City Council shall, by agreement, make use of on behalf of the City or pending any investigation.

(12) “Manager” means the City Manager of the City of Northglenn, or his authorized representative.

(13) “Owner” means and includes every person owning, possessing, keeping, or otherwise having the custody or control of any dog, cat, domestic animal, or reptile, subject to the provisions of ordinances of the City; and every person, of the age of eighteen years or more, in possession or control of premises upon which is kept any such dog, cat, domestic animal or reptile.

(14) “PET ANIMAL” AS SET FORTH IN ARTICLE 8 OF THIS CHAPTER 14 MEANS DOGS, CATS AND RABBITS.

(15) “PET ANIMAL RESCUE” AS SET FORTH IN ARTICLE 8 OF THIS CHAPTER 14 MEANS ANY PERSON LICENSED PURSUANT TO THE COLORADO PET ANIMAL CARE AND FACILITIES ACT, C.R.S. § 35-80-101, *ET. SEQ.*, AS THE SAME MAY BE AMENDED FROM TIME TO TIME, WHO ACCEPTS DOGS, CATS OR RABBITS FOR THE PURPOSE OF FINDING PERMANENT ADOPTIVE HOMES FOR THE ANIMALS AND DOES NOT MAINTAIN A CENTRAL FACILITY FOR KEEPING ANIMALS, BUT RATHER USES A SYSTEM OF FOSTERING IN PRIVATE HOMES OR BOARDING OR KEEPING PETS IN LICENSED PET ANIMAL FACILITIES.

(16) “PET STORE” AS SET FORTH IN ARTICLE 8 OF THIS CHAPTER 14 MEANS ANY RETAIL ESTABLISHMENT OPEN TO THE PUBLIC AND ENGAGING IN THE BUSINESS OF SELLING DOGS, CATS OR RABBITS AT RETAIL. THE SALE AT

RETAIL OF DOGS, CATS OR RABBITS BY A LICENSED COLORADO VETERINARIAN SHALL NOT BE INCLUDED IN THE DEFINITION OF A PET STORE. ANY PERSON WHO SELLS, EXCHANGES, OR OTHERWISE TRANSFERS ONLY DOGS, CATS OR RABBITS THAT WERE BRED OR RAISED, OR BOTH, BY THE PERSON, WHO SELLS OR OTHERWISE TRANSFERS ONLY ANIMALS KEPT PRIMARILY FOR REPRODUCTION, SHALL BE CONSIDERED A BREEDER AND NOT A PET STORE.

(17) “PET STORE OPERATOR” AS SET FORTH IN ARTICLE 8 OF THIS CHAPTER 14 MEANS A PERSON WHO OWNS OR OPERATES A PET STORE, OR BOTH.

(18) “Potbellied Pig” means a pig registered with a bona fide potbellied pig registry and weighing less than ninety-five (95) pounds.

(19) “Pound fee” means and includes all fees and charges established by the City of Northglenn for the impounding, care, boarding and release of any dog, cat, domestic animal, fowl, or reptile at the animal control facility.

(20) “RABBIT” MEANS AN ANIMAL OF THE *LEPORIDAE* FAMILY OF THE ORDER *LAGOMORPHA*.

(21) “Reptile” means and includes any snake, alligator, lizard, tortoise, turtle or crocodile.

(22) “Temporary holding facility” means and includes any building enclosure, vehicle, structure or place designated by the manager for temporary confinement of dogs, cats, domestic animals and reptiles subject to the provisions of this ordinance.

(23) “Veterinarian” means a person licensed to practice veterinary medicine IN THE STATE OF COLORADO.

(b) Except as otherwise provided in this section, the definitions and constructions contained in sections 1-1-5 and 11-5-2 of the Northglenn Municipal Code shall apply TO THE PROVISIONS OF THIS CHAPTER 14.

Section 2. The City of Northglenn Municipal Code is amended by the addition thereto of a new Article 8 of Chapter 14 to read as follows:

ARTICLE 8  
UNLAWFUL SALE, DISPLAY OR TRANSFER OF DOGS, CATS, AND RABBITS

**Section 14-8-1. Purpose.**

The purpose of this ordinance is to promote animal health safety and welfare standards, to promote community awareness of animal health safety and welfare standards, and to foster a more humane environment in the City of Northglenn.

**Section 14-8-2. Unlawful Sale or Display of Dogs, Cats or Rabbits by a Pet Store.**

Except for pet stores operating within the City limits prior to the effective date of this Article, it shall be unlawful for any pet store operator or pet store to display, sell, deliver, offer for sale or adoption, barter, auction, give away, a pet animal in the City of Northglenn. This prohibition does not apply to animal shelters or pet animal rescues licensed by the State of Colorado who are using the premises of a pet store.

**Section 14-8-3. Inspection; Record Keeping Requirements.**

(a) All pet stores may be inspected by an animal control officer of the City during regular business hours for compliance with the requirements of this Article. All pet store operators must make their pet store and records available for inspection during regular business hours by the City or authorized agents of the City.

(b) Every pet store operator shall keep and maintain a record that declares the source or origin of any pet animal displayed, sold, traded, delivered, bartered, leased, rented, auctioned, adopted, given away, transferred, and offered for sale or transfer at a pet store. Such records shall be retained for a period of two (2) years after such sale, trade, delivery, barter, lease, rent, auction, adoption, give away, or transfer and the same shall be kept on the premises of the pet store.

**Section 14-8-4. Violations and Penalties.**

(a) Any person who violates any section of this article is guilty of a misdemeanor and a nuisance pursuant to Section 9-11-3 of this Code. Any persons convicted of a violation of any section of this Article shall be punished as provided in Section 1-1-10(a)(2) of this Code, and may also be punished pursuant to the provisions of Article 11 of Chapter 9, as the same may be applicable.

(b) In addition to any other penalty, the City may initiate an action to enjoin any violation of this Article.

(c) The Municipal Court of the City of Northglenn shall have jurisdiction over and venue of all alleged violations of the provisions of this Article.

INTRODUCED, READ AND ORDERED POSTED this \_\_\_\_ day of \_\_\_\_\_, 2013.

ATTEST:

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JOYCE DOWNING  
Mayor

\_\_\_\_\_  
JOHANNA SMALL, CMC  
City Clerk

PASSED ON SECOND AND FINAL READING this \_\_\_\_ day of \_\_\_\_\_,  
2013.

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JOYCE DOWNING  
Mayor

ATTEST:

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JOHANNA SMALL, CMC  
City Clerk

APPROVED AS TO FORM:

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COREY Y. HOFFMANN  
City Attorney