

**CITY OF RIFLE, COLORADO
ORDINANCE NO. 4
SERIES OF 2018**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING
SECTIONS 7-6-10 AND 7-6-80 OF THE RIFLE MUNICIPAL CODE
PERTAINING TO THE KEEPING OF AGGRESSIVE ANIMALS.

WHEREAS, the City of Rifle (“Rifle” or the “City”) is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Rifle Home Rule Charter; and

WHEREAS, Section 7-6-80 of the Rifle Municipal Code establishes standards for the possession of vicious or potentially dangerous animals, including potential impoundment of an aggressive animal pending adjudication; and

WHEREAS, as currently in place, the Municipal Code requires the Rifle Police Department to choose between impounding a potentially vicious or dangerous animal or leaving the animal with its owners without any restrictions; and

WHEREAS, the current system has proven to be inflexible when considering the wide range of circumstances that may lead the Rifle Police Department to issue a citation pursuant to Section 7-6-80; and

WHEREAS, the Rifle City Council finds and declares that it is in the interest of the public health, safety, and welfare to authorize the Rifle Police Department to exercise reasonable discretion and require at-home confinement of an aggressive animal in certain circumstances; and

WHEREAS, the Rifle City Council desires to amend Section 7-6-80 of the Rifle Municipal Code to provide appropriate flexibility for the keeping of aggressive animals prior to adjudication.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, THAT:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Section 7-6-0 of the Rifle Municipal Code is hereby amended with double underlined text added, as follows:

Sec. 7-6-10. - Definitions.

For the purposes of this Article, the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:

Common area means commonly owned areas in multi-family projects.

Confinement means the animal is not permitted off of the premises of the owner and shall have no contact with animals outside of the owner's premises.

Dog means a domestic dog (*Canus lupus familiaris*), regardless of sex, which can be vaccinated against rabies.

Section 3. Section 7-6-80 of the Rifle Municipal Code is hereby amended by the addition of a new Paragraph (d), as indicated by double underlined text, related to the at-home confinement of an animal where impoundment is deemed too restrictive or inappropriate. All other paragraphs of Section 7-6-80 shall remain unchanged, except that Paragraphs (d) and (e) shall become Paragraphs (e) and (f), respectively, to reflect the inclusion of the new Paragraph (d).

Sec. 7-6-80. - Vicious animals and potentially dangerous animals.

(d) Confinement. If there is probable cause to believe that an animal is owned or harbored in violation of this Article or any other ordinance, regulation, state statute or regulation and the officer believes impoundment is too restrictive, in order to meet the needs of societal protection, the animal may be required to remain on the premises of the owner and have no contact with other animals outside the premises pending a court hearing.

(e) Impoundment; nuisance declared. Any animal which has exhibited behavior that would cause a reasonable person to believe that the animal is a vicious animal or a potentially dangerous animal may be summarily impounded when the animal control officer reasonably believes that the animal is a present threat to the health or safety of the community. Such animal is hereby declared to be a public nuisance, which may be abated by the Municipal Court in a proceeding brought under the procedures established in this Code for the abatement of nuisances. If impoundment of said animal cannot be made with safety to the animal control officer or other persons, the animal may be euthanized by an animal control officer or police officer without notice to the owner or harborer.

(f) Exceptions. No animal shall be found to be a vicious animal or potentially dangerous animal under this Article if:

- (1) The animal is used by a police officer while the officer is engaged in the performance of police officer duties.

INTRODUCED on April 18, 2018, read by title, passed on first reading with amendment, and ordered published as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on May 2, 2018, passed without amendment, approved and ordered published in full as required by Charter.

Dated this ____ day of _____, 2018.

CITY OF RIFLE, COLORADO

ATTEST:

BY

Mayor

City Clerk