

CITY OF WHEAT RIDGE, COLORADO  
INTRODUCED BY COUNCIL MEMBER FITZGERALD  
COUNCIL BILL NO. 07-2015  
ORDINANCE NO. 1569  
Series 2015

**TITLE: AN ORDINANCE PROVIDING FOR THE SUNSET OF THE ANIMAL WELFARE AND CONTROL COMMISSION**

**WHEREAS**, pursuant to Section 9.1 of the Home Rule Charter, the Council has the authority to provide by ordinance for the continuation or the sunset of all City Boards and Commissions; and,

**WHEREAS**, the Animal Welfare and Control Commission has capably served the City of Wheat Ridge, its residents, and most important, the interests of wild and domestic animals in the City since its creation; and,

**WHEREAS**, the City Council expresses its sincere appreciation for all members of the Animal Welfare and Control Commission, both past and present, for their diligent contributions to the Commission's vision; and,

**WHEREAS**, the City Council has determined that it is in the best interest of the City that the Animal Welfare and Control Commission is no longer needed to perform functions which are otherwise in the charge of other City departments, and therefore has determined to sunset the Commission.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:**

**Section 1.** The Animal Welfare and Control Commission is hereby terminated.

**Section 2.** Section 2-52 of the Wheat Ridge Code of Laws is amended to read:

**Sec. 2-52. - Establishment.**

The following boards and commissions of the city are hereby established: Cultural commission, ~~animal control commission~~, parks and recreation commission, building code advisory board, planning commission, and board of adjustment.

**Section 3.** Section 2-56 of the Wheat Ridge Code of Laws, entitled "Animal welfare and control commission," is repealed in its entirety and renamed as "Reserved."

**Section 4.** Section 4-2 of the Wheat Ridge Code of Laws entitled "Animal welfare & control commission" is repealed in its entirety and renamed as "Reserved."

**Section 5.** Section 4-10(c) of the Wheat Ridge Code of Laws is amended to read:

It shall be unlawful for the owner of any dog, cat or other animal that has bitten any person to destroy such animal before it can be properly confined by the community service officer. The location of such confinement shall be determined by the ~~animal control commission~~ COMMUNITY SERVICES TEAM SUPERVISOR and shall be at the expense of the owner.

**Section 6.** Section 4-14 of the Wheat Ridge Code of Laws entitled "Exotic or wild animals" is amended to read:

**Sec. 4-14. - Exotic or wild animals.**

- (a) *Prohibited.* It shall be unlawful for any person to own, possess, harbor, sell, or in any other manner traffic in any exotic or wild animals, that is, any animal that is not a domestic animal, whether it is a native animal of this state or not.
- (b) *Exceptions.* The ~~animal welfare and control commission~~ CHIEF OF POLICE may grant exceptions to this section for successive periods of time not to exceed twelve (12) months.
- (c) *Potbellied pigs:*
  - (1) Any exceptions granted by the ~~animal control commission~~ CHIEF OF POLICE for a potbellied pig, *Sus scrofa vittatus*, pursuant to subsection (b), shall be limited as follows:
    - a. No more than two (2) potbellied pigs may be kept at one residence or location, provided, however, that an additional pig may be kept for each one acre of property in excess of the minimum lot size;
    - b. Every potbellied pig must be neutered or spayed by the age of four (4) months;
    - c. No potbellied pig may weigh more than one hundred fifty (150) pounds nor be taller than twenty-two (22) inches in height;
    - d. The potbellied pig must be certified as such by a licensed veterinarian or be an officially registered potbellied pig;
    - e. Penned exterior areas confining potbellied pigs must be no closer than fifteen (15) feet to a side or rear yard lot line and no closer than thirty (30) feet to a residential structure located on an adjacent lot;
    - f. Outdoor enclosures must be kept clean;
    - g. Prior to the granting of an exception, owners must review educational materials provided by the ~~animal welfare and~~

~~control commission~~ CHIEF OF POLICE related to the care and keeping of potbellied pigs;

- h. The ~~animal welfare and control commission~~ CHIEF OF POLICE shall adopt rules of procedure related to the review of complaints regarding the keeping of potbellied pigs for which an exception has been granted; and
- i. The ~~animal welfare and control commission~~ CHIEF OF POLICE may impose reasonable conditions prior to granting or during the term of any exception which is necessary to protect the animal's health and the safety and enjoyment of adjacent properties and owners.

(2) The keeping of potbellied pigs, *Sus scrofa vittatus*, which is an exotic animal, shall be permitted in the Agricultural-Two Zone District and shall not be subject to the requirements of subsections (b) and (c).

(3) Notwithstanding the requirements of chapter 26, the keeping of an exotic animal for which the ~~commission~~ CHIEF OF POLICE has granted an exception pursuant to this subsection (c) shall be deemed a lawful use of the affected property.

(d) *Specific animals enumerated:*

(1) The following animals are domestic animals:

Aquarium fishes.

Psitocine birds, aviary finches, etc., farm birds (ducks, geese, swans, poultry).

Domestic rabbit (*Oryctolagus cuniculus*).

Mongolian gerbil (*Meriones unguicularus*).

Guinea pig (*Cavia porceilus*).

Hamster (*Musorcriectus auratus*).

Domestic laboratory mouse (*Mus domesticus*).

Domestic laboratory rat (*Rattus rattus* Albino strain).

Domestic cat (*Felis catus*).

Domestic dog (*Canis familiaris*).

Domestic livestock, including, but not limited to: Horses, cattle, sheep, goats, mules, donkeys, burros, llamas, honeybees, and swine (except potbellied pigs, *Sus scrofa vittatus*, which is an imported variety of swine and which shall be considered exotic animals).

**Section 7.** Section 4-34 of the Wheat Ridge Code of Laws is amended to read:

**Sec. 4-34. - Kennel licenses.**

- (a) No person, group of persons or business entity shall own, keep or harbor more than three (3) dogs or four (4) cats of more than six (6) months of age or engage in the commercial business of breeding, buying, selling, trading, training or boarding cats or dogs without having obtained a kennel license from the chief of police.
- (b) Kennel licenses must be renewed every year between January 1 and March 1. ~~No kennel license shall be issued until a recommendation of approval has been obtained from the animal welfare and control commission.~~
- (c) The yearly license fee for kennels shall be as established by the ~~commission~~ ~~by resolution~~ CHIEF OF POLICE.
- (d) This section shall not apply to and will not be construed to require a kennel license for a licensed veterinarian to operate an animal hospital.
- (e) This section shall not apply to and will not be construed to require a kennel license for any pet shop which sells animals of less than six (6) months of age.

Any person or business applying for or holding a kennel license must be currently licensed by the State of Colorado. Pursuant to the Pet Animal Care and Facilities Act, C.R.S. §§ 35-80-101—35-80-117.

The issuance of a new kennel license shall be based on the following minimum requirements:

Application for a new kennel license or for transfer of an existing license shall be made to THE CHIEF OF POLICE and ~~a recommendation of approval obtained from the animal welfare and control commission.~~ The application shall include a detailed description of the property to be licensed.

~~The animal welfare and control commission may require a public hearing before a new kennel license is recommended for approval. The hearing shall be posted and published in the same manner as in section 26-6.~~

~~The animal welfare and control commission shall have the authority to conduct a hearing to consider whether to recommend that the chief of police grant a variance to subsection (a) above as to the number of animals permitted and the animal welfare and control commission shall inform the chief of police of its decision.~~

~~The recommendation of the animal welfare and control commission shall be forwarded to the chief of police, who shall act to approve, approve with conditions, or deny the application within thirty (30) days of the animal welfare and control commission's recommendation. The chief of police shall not approve a variance application that proposes the use of property in violation of Chapter 26 of this Code.~~

The chief of police may promulgate rules and regulations to establish minimum standards for the care and treatment of animals at any facility licensed under this section, ~~after review and approval by the animal welfare and control commission.~~

Community service officers or any agent of the chief of police have the authority to inspect any licensed facility under this section during normal posted business hours.

~~Violations of any of this section may be brought before the animal welfare and control commission for review, and a hearing may be initiated by the animal welfare and control commission for suspension, revocation or nonrenewal of the kennel license. The animal welfare and control commission may recommend, and~~ The chief of police may revoke, suspend or not renew a license for failure to comply with any of the requirements of this section. No such action may be taken without prior notice to the licensee and an opportunity for the licensee to present evidence and testify. No decision by the chief of police under this section shall bind, alter, or affect a subsequent decision on a subsequent application, either for a new kennel license or for renewal of an existing license. Nothing in this section shall affect the independent authority of appropriate city officials to take action with respect to vicious animals, threats to public safety, or the enforcement of any other provision of this Code of Laws.

**Section 8.** Subsections 26-605(E) and (F) of the Wheat Ridge Code of Laws are amended to read:

**Sec. 26-605. - Large animals.**

...

- E. After a complaint is received concerning the keeping of a large animal on residential lots and substandard sized agricultural lots with corrals less than one thousand (1,000) square feet in size, the owner shall follow an approved manure management program as prescribed by the ~~animal welfare control commission~~ CHIEF OF POLICE.

F. Upon receipt of any complaint involving large animals as defined herein, standard nuisance abatement procedures will be followed. Additionally, code enforcement personnel will make the complaint known via the COMMUNITY SERVICES TEAM SUPERVISOR APEO superintendent to the ~~members of the animal welfare and control commission~~ CHIEF OF POLICE who shall AUTHORIZE CONSULTATION WITH AN APPROVED VETERINARIAN OR ANIMAL CONTROL RESOURCE AT ANY TIME. ~~be available in any advisory capacity at any time.~~ The ~~animal welfare and control commission~~ CHIEF OF POLICE will investigate all citizen complaints regarding large animals or their equivalents. The ~~animal welfare and control commission~~ CHIEF OF POLICE will develop written procedures ~~as to~~ FOR how citizen complaints will be investigated, monitored, and disposed of.

**Section 9.** The Wheat Ridge Code of Laws is amended by the deletion of all other references to the animal welfare and control commission not contained in Sections 1-8 above and the replacement of that phrase with "COMMUNITY SERVICES TEAM SUPERVISOR."

**Section 10. Effective Date.** This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

**INTRODUCED, READ, AND ADOPTED** on first reading by a vote of 5 to 1 on this 9th day of March, 2015, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for March 23, 2015 at 7:00 p.m., in the Council Chambers, 7500 West 29<sup>th</sup> Avenue, Wheat Ridge, Colorado.

**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of 5 to 1, this 23 day of March, 2015.

SIGNED by the Mayor on this 23rd day of March, 2015.

  
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Joyce Jay, Mayor

ATTEST:

  
\_\_\_\_\_  
Janelle Shaver, City Clerk



Approved as to Form



Gerald E. Dahl, City Attorney

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