

## DOGS AND OTHER ANIMALS

### Chapter 79

## DOGS AND OTHER ANIMALS

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[HISTORY: Adopted by the Board of Trustees (now Mayor and Town Council) of the Town of Frisco 09-18-79, Ord. 79-26. Section 79-18C amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

### GENERAL REFERENCES

Licensing of Businesses—See Ch. 110.

Nuisances—See Ch. 124.

Offenses—See Ch. 127.

#### **§ 79-1. Definitions. [Amended 06-02-92, Ord. 92-12; 01-11-05, Ord. 04-22]**

For the purpose of this chapter, certain terms and words are herewith defined as follows:

**ABANDONED ANIMAL**— Any animal that is unclaimed by its owner.

**ANIMAL**— Any living mammal, bird, reptile and amphibian, domesticated or wild, except Homo sapiens. Where used in §§79-06, 79-07 and 79-08, the word "animal"

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means any living creature, domesticated or wild, except Homo sapiens, capable of being infected with or transmitting rabies.

CAT—A domesticated animal of the feline species commonly kept as a pet.

DANGEROUS ANIMAL—Any animal that bites or attacks human beings or other animals; or in a vicious or terrorizing manner attacks or approaches in an apparent attitude of attack upon a person or persons on the streets, sidewalks or any public ground or place; or runs after and bites at or attacks other animals, bicycles or any motor vehicles being ridden or driven on the streets, sidewalks or any public ground or place within the Town of Frisco.

DOG—A domesticated animal of the canine species commonly kept as a pet.

DOMESTICATED ANIMAL—Any animal brought into domestic use by man so as to live and breed in a tame condition, including but not limited to domesticated dogs, house cats, cattle, horses, mules, sheep, swine, goats and all other hard-hooved animals, livestock and animals generally regarded as farm or ranch animals.

EXOTIC, DANGEROUS, VICIOUS AND WILD ANIMALS **[Repealed 06-02-92, Ord. 92-12]**

FOWL—Chickens, ducks, geese, turkeys, guineas, pigeons and like birds and poultry, excluding household pet birds.

KEEP—To feed and shelter any animal upon the premises or to permit the animal to be fed and sheltered upon the premises. The occupant of any premises on which an animal is fed and sheltered or to which it customarily returns for food and shelter shall be presumed to be "keeping" the animal within the meaning of this chapter.

KENNEL—Any person engaged in the business of breeding, buying, selling or boarding domesticated dogs or cats, or both.

NEUTERED—Any male dog or cat which has been castrated by a licensed veterinarian as evidenced by a certificate asserting that said operation has been performed.

OWNER—Any person owning, in possession of or keeping any animal or who shall permit any animal to be kept about his or her premises.

PERSON—Any person, firm, partnership, corporation or association.

PET SHOP—Any person engaged in the business of breeding, buying, selling or boarding animals of any species.

RABIES— A communicable disease of both wild and domestic animals transmittable to humans, as defined by the Public Health Department.

RUN AT LARGE—To be off or away from the property of the owner and not under effective control of that owner, his or her agent or member of his or her family, by means of a leash, cord, chain or other device or to be on the owner's property and not adequately tethered, housed, confined or fenced to confine the animal against escape.

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An animal within the automobile or other vehicle of its owner shall be deemed to be upon the owner's property.

**SPAYED**—Any female dog or cat on which an ovariectomy or ovar-hysterectomy has been performed by a licensed veterinarian as evidenced by a certificate asserting that said operation has been performed.

**STRAY**—Any unlicensed or licensed animal found unattached or loose anywhere within the town limits.

**TRAP**—Any device used to catch animals.

**VACCINATION**— Inoculation of an animal with a standard rabies vaccine.

**WILD ANIMALS**—All undomesticated animals.

### **§ 79-2. Owner Control of Pets. [Amended 06-02-98, Ord. 98-12; 01-11-05, Ord. 04-22]**

#### **A. Dogs.**

1. It is unlawful for any person who is the owner, possessor or keeper of any dog to suffer, permit or allow the same to run at large within the Town of Frisco.
2. Every dog when on any of the town's streets, alleys, parks, cemeteries, treatment facilities or any other town property shall be restrained at all times by means of an adequate leash controlled by the dog's owner, by some member of the dog owner's family or by some employee or agent of the owner.
3. Every dog when tied to any motorized vehicle not on the owner's property shall be restrained by a leash short enough and strong enough to keep the dog within five (5) feet of such vehicle.
4. Every dog when on its owner's property shall be restrained at all times by a permanently tethered leash short enough and strong enough to contain the dog within the boundaries of the owner's property or by a fence of adequate height and strength or by other device to prevent the dog from escaping the property. When within a vehicle, every dog must be restrained by leash, cage, windows or other protection adequate to prevent the dog from escaping the vehicle.
5. No dog shall be allowed to trespass on property not belonging to the dog's owner.

- B. Female dogs in heat.** It shall be unlawful for the owner, possessor or keeper of any female dog to permit the same to run at large while said dog is in estrus (in heat or season) or to permit the same to create a nuisance by attracting other dogs to the premises, and the same is hereby declared to be a nuisance. If, after notice by the Police Department, the owner, possessor or keeper of said female dog in heat does not abate the nuisance by caring for and properly confining said female dog,

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the Police Department may take up and impound said female dog, and said female dog shall not be released from impoundment unless the owner, possessor or keeper establishes that he or she has proper facilities for caring for and confining said female dog.

C. Domestic cats.

1. It is unlawful for any person who is the owner, possessor or keeper of any domestic cat to suffer, permit or allow the same to run at large within the Town of Frisco.
2. It is unlawful for any person to keep or maintain within the Town of Frisco any cat, as defined herein, except the domestic cat.

D. Town Special Events. The Town Council may establish, by resolution, policies governing the presence of pets on public property while such property is used in connection with town-sponsored or town-sanctioned special events. Such policies may prohibit pets entirely from any special event. Notwithstanding the foregoing, dogs assisting disabled persons shall be permitted at all town special events.

**§ 79-3. Keeping of Animals. [Amended 06-02-92, Ord. 92-12; 07-05-94, Ord. 94-06; 07-05-95, Ord. 95-06]**

- A. It is unlawful for any person to keep or maintain any animal, as defined herein, within the Town of Frisco except as provided in this chapter.
- B. For purposes of parades, circuses, carnivals, rodeos and other special events, it shall be lawful for the owner thereof to maintain any animal within the Town of Frisco for not more than seventy-two (72) hours upon securing a special events animal permit from the Town Clerk, which permit shall describe said animal, the special event and the time and location limitations for which it is used.
- C. Other provisions to the contrary notwithstanding, it shall be lawful for persons to maintain hoofed animals at the South Frisco Bay Recreation Area as long as such animals are used to provide a service being conducted at the site. Such persons shall first obtain a special permit from the Town Clerk, which permit shall be issued upon receipt of a service contract and operations plan satisfactory to the Town and containing all information relevant to the business operation.
- D. Keeping of animals prohibited. It is unlawful for any person to own, possess, keep or sell the following types or species of animals:
1. Poisonous reptiles.
  2. Gorillas, chimpanzees, orangutans, baboons or other primates that normally grow to more than thirty (30) pounds in weight.
  3. Any species of feline other than ordinary, domesticated house cats.
  4. Any species of canine other than domesticated dogs.
  5. Bears of any species.

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6. Badgers, porcupines, raccoons, woodchucks, rabbits, skunks or other like species.
7. Hooved animals of any species, with the exception of pot bellied pigs owned as household pets, are subject to all of the following conditions:
  - a) Owners must maintain a collar or harness bearing an identification tag (including name, address and phone number of the owner) on any pot-bellied pig within the town.
  - b) Pot bellied pigs weighing more than 70 pounds are prohibited within the town.
  - c) A person who is the owner, possessor or keeper of any pot-bellied pig shall not suffer, permit or allow the same to run at large within the town.
  - d) No person or household may own, possess or harbor more than one (1) adult pot bellied pig.
8. Fowl of any kind.
9. Wild animals of any kind.

### **§ 79-3.5. Use of Goats for Weed Control. [Added 06-19-01, Ord. 01-15]**

Notwithstanding any provision of Section 79-2 or 79-3 to the contrary, the Town Manager is authorized to approve the use of goats for weed control on public property. During such time as goats are grazing for the purpose of weed control, they may be kept within the Town limits, provided that they are at all times under the control of a goatherder and/or herd dogs. Herd dogs are exempt from the requirement that dogs be leashed on public property. It shall be unlawful for any person who is the owner, possessor or keeper of such goats and herd dogs to permit the same to run at large within the Town except upon the property specifically permitted by the Town Manager for grazing. During such time as said goats are grazing, it shall be unlawful for any owner, possessor or keeper of any other animal to permit said animal on the property specifically permitted by the Town Manager for grazing. The Town Manager shall cause such property to be posted "No Animals" during any time that goats are actively grazing.

### **§ 79-4. Trapping of Animals. [Amended 06-02-92, Ord. 92-12]**

- A. It is unlawful for any person to set a trap or cause to be trapped any animal within the Town of Frisco.
- B. Nothing in this section shall prohibit a police officer, animal control officer, wildlife conservation officer or agent of the town from trapping domesticated animals that run at large or wild animals that constitute a threat or create a nuisance within the Town of Frisco.

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### **§ 79-5. Vaccination and Licensing of Dogs and Cats. [Amended 06-02-92, Ord. 92-12; 04-04-94, Ord. 94-03; 02-01-00, Ord. 00-01]**

- A. Vaccination and annual licensing of dogs and cats required. Every dog or cat over three (3) months of age that is kept in the Town of Frisco shall be licensed by the Town Clerk of the Town of Frisco and shall be vaccinated by a regularly licensed veterinarian of the State of Colorado, as evidenced by a certificate from said veterinarian setting out the fact of such vaccination, and the duration of immunity. It shall be unlawful for the owner or keeper of any dog or cat over three (3) months of age which is kept in the Town of Frisco to fail to have said dog or cat properly vaccinated and licensed as required by this chapter. Licensing shall be performed prior to January 1 of each year. Vaccination shall be performed either annually or triennially, the required frequency to be determined by the duration of immunity of the vaccine used. Any person acquiring a dog or cat shall immediately, following such acquisition, have such dog or cat vaccinated and licensed for the remaining portion of that year.
- B. Fees for licensing. The owner or harborer of every dog or cat shall pay a license fee to the Town of Frisco of five dollars (\$5.) per neutered male or spayed female and ten dollars (\$10.) per non-neutered male or unspayed female. Owners applying for a license for a spayed female or neutered male shall furnish a certificate showing that said dog or cat is spayed or neutered.
- C. Duty of persons performing vaccination and licensing. Any veterinarian performing a vaccination shall furnish the owner of the dog or cat vaccinated with a certificate of vaccination setting out the fact of such vaccination and the duration of immunity. Upon presentation of the certificate of vaccination and payment of the town license fee to the Town Clerk, the Town Clerk shall issue the license provided for in Subsection D below, retaining a record thereof in the Clerk's office. No license shall be issued for any dog or cat without the production of a valid certificate of vaccination and payment of the license fee.
- D. Information on licenses or tags; material.
  - 1. The license issued by the Town Clerk to the owner of each dog and cat licensed hereunder shall contain the following information:
    - a) The name and address of the owner of a vaccinated and licensed dog or cat.
    - b) The date of the vaccination and duration of immunity.
    - c) The date of the license.
    - d) The year and series number of the tag.
    - e) The breed, age, color and sex of the vaccinated dog or cat.
  - 2. The tags shall be made of a durable material suitable to be attached to the collar or harness of the vaccinated dog or cat. Such tags shall be distributed by the Town Clerk.

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- E. Tag to be attached to dog or cat and license to be retained by owner. Every owner of a dog or cat shall attach the tag evidencing the licensing and vaccination to the collar or harness of the vaccinated and licensed dog or cat, and such collar or harness shall be worn by said dog or cat at all times. The license shall be retained by the owner of the vaccinated and licensed dog or cat for inspection at any time by any member of the Police Department or any animal control officer.
- F. Unlawful possession of licenses or tags. Only those persons who own a dog or cat duly vaccinated and licensed in accordance with the provisions of this chapter shall be permitted to possess the license and tag provided for herein. It shall be unlawful for any person to affix a tag evidencing vaccination and licensing to the collar or harness of any dog or cat other than the dog or cat for which the tag and license were issued. Upon loss of a tag, the Town Clerk shall reissue a tag upon presentation of the licensing certificate as provided for in Subsection D of this section.
- G. Registration. A license and tag shall be valid from the date of issue through December 31 of that same year.
- H. Violations.
  - 1. When requested to do so by any member of the Police Department or any animal control officer, the owner, possessor or keeper of a dog or cat shall present the requesting officer the dog or cat's license or vaccination certificate as evidence of current and effective vaccination.
  - 2. Testimony of the failure of any owner, possessor or keeper of a dog or cat to present evidence of vaccination when requested to do so by an officer shall be prima facie evidence that such owner, possessor or keeper of a dog or cat violated subsection A of this section.
  - 3. No person charged with violating subsection A of this section shall be convicted if the person produces in court a bona fide complying certificate or license setting out the fact of vaccination which was in effect at the time of the alleged violation.

### **§ 79-6. Quarantine of Animals. [Amended 06-02-92, Ord. 92-12; 01-11-05, Ord. 04-22]**

- A. Any animal which is known to have bitten or injured any person or domesticated animal so as to cause an abrasion of the skin shall be closely confined by its owner in accordance with the direction of any Town officer or member of the Police Department. If the animal is suspected of being infected with rabies or the owner of the animal cannot produce a current certificate of rabies vaccination, the animal shall be confined at the County Animal Shelter for a period of not less than ten (10) days. The cost of confinement shall be borne by the animal owner.
- B. If the owner of any animal which is confined pursuant to § 79-6A cannot be determined or located within the ten-day quarantine period, then the Chief of Police may order the animal destroyed.

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- C. Any person knowing or suspecting that an animal has rabies shall immediately notify a police officer. If the animal is determined to be suffering from rabies, it shall be destroyed and turned over to the County Animal Shelter.

### **§ 79-7. Disposition of Rabid and Possibly Rabid Animals. [Amended 01-11-05, Ord. 04-22]**

Any animal known to have been bitten by or exposed to a rabid animal shall:

- A. Placed in a suitable quarantine for a period of not less than ten (10) days at the expense of the owner;
- B. Destroyed immediately by a policeman, animal control officer or animal warden; or
- C. Released upon proof of vaccination by a qualified veterinarian at the expense of the owner.

### **§ 79-8. Reporting of Animal Bites. [Amended 01-11-05, Ord. 04-22]**

It shall be the duty of every person bitten by any animal and of every keeper of an animal bitten by another animal in the Town of Frisco to report such bite to the Frisco Police Department to assist in the apprehension of that animal.

### **§ 79-9. Muzzling and Confinement of Animals. [Amended 01-11-05, Ord. 04-22]**

Whenever it becomes necessary to safeguard the public from the dangers of rabies, the Mayor shall have the authority to issue a proclamation ordering every person owning an animal capable of being infected with or transmitting rabies to confine it securely on his or her premises unless such animal shall have a muzzle of sufficient strength to prevent its biting any person. Any unmuzzled animal running at large during the time of proclamation shall be seized and impounded, unless noticeably infected with rabies and displaying vicious propensities, in which case it shall be immediately destroyed by a policeman, animal control officer or game warden without notice to the owner. Any animal impounded during the time of proclamation, if claimed within five (5) days, shall be released to the owner, unless infected with rabies, after payment of impounding charges provided for in § 79-12. If unclaimed after that period, the animal may be euthanized without notice to the owner.

### **§ 79-10. Dangerous Animals. [Amended 01-11-05, Ord. 04-22; 06-02-92, Ord. 92-12]**

- A. No owner of a dangerous animal shall allow said animal to remain off the premises of said owner. If any dangerous animal is found off the premises of the owner in violation of this section, it shall be taken up and impounded; provided, however, that if a member of the police department determines that the dangerous animal cannot be safely taken up and impounded without exposing the officer or other persons to danger or personal injury, it may be immediately destroyed by a member of the Police Department.
- B. Every dangerous animal and every other animal required to be confined under the provisions of this chapter shall be kept upon the premises of the owner at such



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place as to not be a danger to newsboys, mail carriers, deliverymen, meter readers and other persons lawfully upon the premises.

- C. It shall be unlawful for any person to own, keep, harbor or possess any dangerous animal.
- D. The Frisco Municipal Court may, upon a finding of probable cause to believe that a dangerous animal exists on any property, issue a warrant to allow a Town police officer to enter upon such property to search for and seize for impoundment any dangerous animal, such impoundment to continue until such time as there is a determination by the Municipal Court of the merits of any Summons and Complaint issued to such animal's owner, keeper, harbinger or possessor charging a violation of any part of this section 79-10. It shall be unlawful to prevent or attempt to prevent the impoundment of any dangerous animal pursuant to this Chapter.
- E. The Municipal Judge may order any person found guilty of violating any part of this section 79-10 to dispose of or destroy such dangerous animal and the failure or refusal of said person to comply with such order shall constitute a separate violation of this Section. Further, upon failure or refusal, a Town officer may impound and cause such dangerous animal to be euthanized. The owner of such dog shall be responsible for and shall pay all costs of impoundment and euthanization.

### **§ 79-11. Imported Animals. [Amended 02-01-00, Ord. 00-01]**

- A. No animal shall be imported or brought into the Town of Frisco except in compliance with the laws, rules and regulations of the State of Colorado regarding the handling of animals. Any imported dog or cat shall have been vaccinated within twelve (12) or thirty-six (36) months prior to importation, whichever time period reflects the duration of immunity of the vaccine used. Any imported dog or cat shall have been vaccinated not less than thirty (30) days prior to importation. The metal tag denoting vaccination shall be firmly affixed to the collar or harness of the dog or cat. A certificate of vaccination issued by a licensed veterinarian to the owner of a dog or cat stating the fact of vaccination and the duration of immunity, or a license issued by any state, county or municipality stating the same, shall be evidence of compliance with this section.
- B. If any imported dog or cat remains in the Town of Frisco for more than thirty (30) days, said dog or cat shall be licensed in accordance with the provisions of this chapter. A certificate of vaccination issued by a licensed veterinarian to the owner of a dog or cat stating the fact of vaccination and the duration of immunity or a license issued by any state, county or municipality stating the same shall be sufficient evidence of vaccination within the Town of Frisco. The vaccination and license tag shall be exchanged for a Town of Frisco tag which will expire at the same time the imported tag would have expired. A transfer fee of two dollars (\$2) shall be imposed thereon for a male or spayed female and three dollars (\$3) for an unspayed female.

### **§ 79-12. Impoundment. [Amended 05-05-80, Ord. 80-09; 06-02-92, Ord. 92-12; 07-05-94, Ord. 94-06]**

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- A. Police and Poundmaster duties. It shall be the duty of every police officer, animal control officer or other animal warden to apprehend any dog, cat or other animal found astray or running at large contrary to the provisions of this chapter and to impound such dog, cat or other animal in a suitable place as designated by the Town Council. Whenever, in the performance of duties under this chapter, an officer or warden determines that an animal found astray or running at large cannot reasonably or safely be captured by conventional means, the officer or warden is hereby authorized to use a tranquilizer gun to capture the animal. Upon receiving any dog, cat or other animal, the Poundmaster or other designated official shall make a complete registry, entering the breed, color and sex of such dog, cat or other animal and whether or not licensed. If licensed, the name and address of the owner and the number of the license tag shall be entered. Licensed dogs, cats and other animals shall be separated from unlicensed dogs, cats and other animals.
- B. Interference with police or animal control officer unlawful. It shall be unlawful for any person to interfere with any police officer or animal control officer who is in the process of impounding any dog, cat or other animal.
- C. Redemption of impounded animal. The owner of any dog, cat or other animal impounded, except any animal that is wild or otherwise prohibited by this chapter, may reclaim it upon payment of the license fee, if unpaid, and all costs and charges for impounding and maintenance. Any animal not claimed shall be put up for adoption after five (5) days of impoundment. After the animal has been up for adoption for five (5) days, the Poundmaster may destroy the animal.
- D. Refusal of owner to retrieve impounded animal. The refusal of an owner to retrieve his or her impounded dog, cat or other animal shall not relieve the owner of the duty to pay the impoundment fee and other charges which have been assessed. It shall be unlawful for the owner of any impounded dog, cat or other animal to fail or refuse to pay the impoundment fee and other charges provided in this chapter.
- E. Disposition of unclaimed or infected animals. It shall be the duty of the Poundmaster, or other designated official, to keep every impounded dog, cat or other animal for a period of five (5) days. If at the expiration of five (5) days after the date of notice to the owner the dog, cat or other animal has not been reclaimed, it may be destroyed. Any unlicensed dog, cat or other animal required by law to be licensed and any dog, cat or other animal which appears to be suffering from rabies or affected with hydrophobia, mange or other infectious or dangerous disease shall not be released, but may be destroyed forthwith.
- F. Impoundment of noisy animals. Animals, whether properly restrained or not, may be impounded by a police officer or animal control officer if the animal causes annoyance or disturbance to persons in the neighborhood by frequent or habitual howling, barking, meowing, squawking or otherwise, and the owner or agent for the owner is unable, unwilling or unavailable to keep the animal quiet. Any animal so impounded will not be placed for adoption nor destroyed after the minimum confinement periods unless it becomes apparent that the owner has abandoned the animal. The cost of the confinement shall be borne by the animal owner.

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- G. Unlawfully removing impounded animals. It shall be unlawful for any person to remove an animal from the pound until such time as all fees have been paid and permission to remove such animal has been given by the Poundmaster.

### **§ 79-13. Cruelty to Animals. [Amended 06-02-92, Ord. 92-12]**

- A. Cruelty generally. It shall be unlawful for any person to overdrive, overload, drive when overloaded, overwork, torture, deprive of necessary sustenance, beat, mutilate, kill or injure needlessly or carry or transport in any vehicle or otherwise in a cruel or inhumane manner any animal or to cause or permit any of these acts to be done.
- B. Starvation of animals unlawful. It shall be unlawful for any person having charge or custody of any animal to fail to provide it with proper food, drink and protection from the weather or to cause or permit any of these acts to be done.
- C. Abandonment of animals unlawful. It shall be unlawful for any person to abandon any animal or to cause such to be done.
- D. Unlawful to keep place for fighting animal. It shall be unlawful for any person to keep or cause to be kept any place where any fowl or other animals are suffered to fight upon exhibition or for sport upon any wager.
- E. Supply of food to enclosed animals by any person permitted. In case any animal, including any domestic dog or house cat, shall be at any time enclosed or confined and shall continue to be without necessary food or water for more than twelve (12) consecutive hours, it shall be lawful for any person from time to time and as often as it shall be necessary to enter into or upon any such enclosure in which any such animal shall be confined and supply it with the necessary food and water as long as it shall remain so confined. Such person shall not be liable to any action for such entry, and the reasonable cost of such food and water may be collected by him or her from the owner of such animal.
- F. Poisoning animals. It shall be unlawful for any person to poison any animal or to distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any animal, except as part of an animal control program authorized by the State of Colorado or by an agency of the federal government.
- G. Frightening, shooting, killing, trapping, molesting, etc., of animals. It shall be unlawful for any person at any time within the Town of Frisco to frighten, shoot at, wound, kill, take, capture, ensnare, net, trap or in any other manner molest or injure any animal, or in any manner molest or injure the nest or eggs of any bird or have in possession the nest or eggs of any bird.
- H. Animal fights unlawful. It shall be unlawful for any person to cause, instigate or encourage any dog, cat or other animal to fight with another of its own species or with another of a different species in any public or private place within the Town of Frisco.

### **§ 79-14. Noisy Animals. [Amended 06-02-92, Ord. 92-12]**

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It shall be unlawful for any person to own, keep, have in his or her possession or harbor any dog, cat or other animal which, by frequent or habitual howling, barking, meowing, squawking or otherwise, shall cause annoyance or disturbance to persons in the neighborhood, provided that this section shall not apply to hospitals conducted for the treatment of small animals which are approved by the Health Department or to premises occupied or used as the town pound.

### **§ 79-15. Kennels. [Amended 06-02-92, Ord. 92-12]**

- A. It shall be unlawful for any person to operate a kennel within the Town of Frisco except in connection with a licensed small-animal hospital owned and operated by a licensed veterinarian.
- B. Every kennel operated within the Town of Frisco shall obtain annually as its kennel license a business license from the Town of Frisco.<sup>1</sup>PT No kennel license shall be issued until an annual inspection certificate has been issued certifying approval of the kennel by the animal control officer.
- C. Every applicant for a kennel license shall furnish the Town Clerk with a list of the types of dogs and cats to be kept, handled or exhibited, such list to include an estimate of the maximum number of dogs and cats to be handled at any one (1) time. The license issued shall specify the types and maximum number of dogs and cats permitted to be kept, handled or exhibited by the licensee. It is unlawful for a licensee to keep, handle or exhibit any type or number of dogs, cats or other animals not authorized in the license.
- D. All dogs and cats in a kennel shall be supplied with sufficient, good and wholesome food and water as often as feeding habits for such dogs and cats require.
- E. All dogs and cats in a kennel shall be kept in a clean and sanitary condition. Adequate ventilation shall be maintained.
- F. Proper shelter and protection from the weather shall be provided at all times. Dogs and cats shall not be overcrowded or exposed to excessive heat or cold. Quarters shall be draft-free. Proper temperatures for the well-being of dogs and cats shall be maintained at all times.
- G. All dogs and cats in a kennel must be contained in quarters so constructed as to prevent their escape.
- H. Sick or diseased dogs and cats shall be isolated from healthy dogs and cats at all times and so segregated that the illness or disease shall not be transmitted to other dogs and cats.
- I. Every kennel in the Town of Frisco shall be operated in such a manner as to eliminate excessive or untimely noises from the dogs and cats and offensive odors.
- J. No kennel license shall be issued to house any animal other than domesticated dogs and cats.

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<sup>1</sup> Editor's Note: See Ch. 110, Licensing of Businesses.

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### **§ 79-16. Number of Dogs, Cats or Pot Bellied Pigs Limited. [Amended 06-02-92, Ord. 92-12; 07-05-94, Ord. 94-06]**

Any person who is the owner of more than three (3) adult dogs, more than three (3) cats or more than one (1) adult pot bellied pig, other than a female dog, cat or pot bellied pig with a litter, must have in his or her possession a business license authorizing a kennel. Such license shall be by application and approval of the Town Council of the Town of Frisco and in conformance with § 79-15 of this chapter. Otherwise, no household shall keep more than three (3) adult dogs or cats, or (1) adult pot bellied pig, other than a female with a litter.

### **§ 79-17. Pet Shops. [Amended 06-02-92, Ord. 92-12]**

- A. All requirements for licensing, care and treatment of animals as enumerated in § 79-15 pertaining to kennels shall apply to pet shops, including the requirement that a business license be obtained; provided, however, that the requirement of ownership and operation by a licensed veterinarian and the limitation to dogs and cats only shall not apply.
- B. Every pet shop within the Town of Frisco shall be located in a building that is totally enclosed, and all animals shall be confined exclusively to the building. No pet shop may have outside runs or pens, and no animal owned by the pet shop shall be kept or housed outside of the building at any time for any reason.
- C. It is unlawful for any pet shop to sell any sick or injured animal or to house or harbor such animals on the premises or to sell or offer to sell any such animal.
- D. It is unlawful for any pet shop to sell any unweaned animal or any animal that is so young or weak that its sale would be injurious to the animal.

### **§ 79-18. Violations and Penalties; Enforcement. [Amended 08-05-80, Ord. 80-20; 02-07-89, Ord. 89-01; 06-02-92, Ord. 92-12]**

- A. For the purpose of conviction for violation of any provision of this chapter, it shall not be necessary to prove notice or knowledge on the part of the owner of any animal in question that the animal is violating any provision of this chapter 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 chapter.
- B. This chapter shall be enforced by the Police Department of the Town of Frisco and by any animal control officer duly appointed and deputized by the Town Council.
- C. Any owner convicted of violating any provision of this chapter shall be guilty of a misdemeanor and shall be punishable as provided in Chapter 1, General Provisions, Article I.

### **§ 79-19. Severability. [Added 07-05-94, Ord. 94-06]**

If any part of this ordinance shall be held unconstitutional or invalid, the remainder of this ordinance shall continue in full force and effect, it being the legislative intent that

## DOGS AND OTHER ANIMALS

this ordinance would have been adopted even if such unconstitutional or invalid matter had not been included herein.