



As Amended
February 26, 2018

ORDINANCE NO. 9243

AN ORDINANCE AMENDING TITLE XI OF THE PUEBLO MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER 4.5 TO BE KNOWN AS THE PUEBLO ANIMAL PROTECTION ACT OF 2017 AND MAKING AMENDMENTS TO CHAPTER 4 OF TITLE XI OF THE PUEBLO MUNICIPAL CODE IN CONFORMANCE THEREWITH

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that: (brackets indicate matter being deleted, underscoring indicates new matter being added)

SECTION 1.

Title XI of the Pueblo Municipal Code is hereby amended by the enactment and addition of the following new Chapter 4.5:

CHAPTER 4.5

ANIMAL SHELTERS AND FACILITIES

Sec. 11-4.5-1. Declaration of Policy.

The City declares that the purpose of this Chapter is to protect animals impounded at all Animal Shelters in the City of Pueblo and the owners who care for such animals. The City's Animal Shelters serve a local need by providing necessary shelter for stray, abandoned or abused animals. The City further declares that the Animal Shelters are solely a matter of local concern and is not a matter of state concern because the State of Colorado plays no role in funding that facility. This Chapter is adopted pursuant to authority granted to the City, as a home rule municipality, by Article XX of the Colorado Constitution, to enact legislation regarding matters of local concern.

Sec. 11-4.5-2: Definitions.

For purposes of this Chapter, the following words shall have the following meaning, unless the context clearly indicates otherwise:

(a) "Animal Shelter" means any public or private shelter or facility that provides temporary or permanent shelter to stray, abandoned, abused, or owner-surrendered domestic animals.

(b) "Foster care" means to provide temporary care to shelter animals who, for a variety of reasons, such as sickness, injury, age, temperament, need to live in a home environment (away from the shelter) for an undetermined amount of time.

(c) "Irremediable Physical Suffering" means the physical condition of an animal who has a poor or grave prognosis for being able to live without severe, unremitting pain even with comprehensive, prompt, and necessary veterinary care, as certified in writing by a Licensed Veterinarian.



(d) "Licensed Veterinarian" means a veterinarian licensed to practice veterinary medicine in the State of Colorado.

(e) "Rescue Organization" means a PACFA Licensed entity which rescues, provides animal services or whose purpose is the prevention of cruelty to animals.

Sec. 11-4.5-3 Notifications and Release Rates for Live Animals.

(a) Every Animal Shelter which impounds a stray animal shall use all currently available methods of identification, including microchips, identification tags, and licenses to identify the animal and its owner. If the shelter is closed when the animal is impounded, contact with the owner shall occur the following business day.

(b) Every Animal Shelter shall maintain continuously updated lists of animals reported lost and found, and shall regularly, check those lists for matches with animals in the shelter and shall also post on the internet a photograph of the animal and information on each stray animal impounded by the shelter with sufficient detail to allow the animal to reasonably be recognized and claimed by its owner.

(c) If a possible owner is identified, the Animal Shelter shall undertake due diligence to notify the owner or caretaker of the whereabouts of the animal and any procedures available for the lawful recovery of the animal. These efforts shall include, but are not limited to, notifying the possible owner by telephone, social media, mail, and, personal contact at the last known address.

(d) Once the five (5) business day holding period specified in Sec. 11-4.5-4 has expired, every Animal Shelter shall post a photograph and information on each animal (except those irremediably suffering in accordance with Sec. XXXXXXX) impounded by the shelter on the internet to facilitate adoptions.

(e) No Animal Shelter shall ban, bar, limit, or otherwise obstruct the adoption or transfer of any animal based on the animal's breed, breed mix, species, age, color, appearance, or size.

(f) The live animal "release rate" or "save rate" at every Animal Shelter shall not fall below 90% in any 12-month period. Said rate shall be calculated with the number of live animals being returned to owners, adopted, released to Rescue Organizations or otherwise transferred being the numerator and the number of live animals impounded being the denominator.

(g) PACFA - Refers to the State of Colorado Pet Animal Care Facilities Act (PACFA). This program is defined in CRS as a licensing and inspection program dedicated to protecting the health and well-being of those animals in pet care facilities throughout Colorado.

Sec. 11-4.5-4 Animal Holding Periods

(a) No animal shall be euthanized at any Animal Shelter prior to the expiration of five (5) full business days from impoundment of the animal, not including the date of impoundment, and closed holidays, except for an animal who is Irremediably Physically Suffering. Animal Shelters shall hold an animal that is not irremediably suffering or a dog vicious to people and the prognosis for rehabilitation is poor or grave as long as necessary to facilitate adoption, foster care, or transfer to a rescue organization.



(b) An animal impounded as a stray with identification or whose owner has been identified shall be made available for owner reclamation for a period of five (5) business days, not including the date of impoundment and closed holidays, subject to payment of any fees or fines required and subject to the animal being properly licensed with appropriate vaccinations.

(c) An animal impounded as a stray without identification and whose owner has not been identified shall be made available for owner reclamation for a period of five (5) business days, not including the date of impoundment and closed holidays, subject to payment of any fees or fines required and subject to the animal being properly licensed.

(d) At any time, an animal impounded as a stray may be placed in foster care, subject to the following:

(1) An animal transferred to foster care under this Subsection remains subject to reclamation by its owner pursuant to Subsections (b) and (c).

(2) Documentation of an animal transferred to foster care under this subsection, including a photograph of the animal and relevant information pertaining to the animal's impoundment and transfer, shall be maintained in physical or electronic form, reviewable by the public, at the Animal Shelter that originally impounded the animal or on the Animal Shelter website for a period of five (5) business days, not including the date of impoundment and closed holidays.

(3) For a period of five (5) business days, not including the date of impoundment and closed holidays, an owner of an animal transferred to foster care is entitled to reclaim the animal even if the animal is no longer physically in the Animal Shelter's custody. At the owner's discretion, the owner has the right to physically reclaim the animal at the Animal Shelter that originally impounded the animal, subject to applicable fees and fines and subject to the animal being properly licensed with appropriate vaccinations and further subject to the requirement that the animal's condition does not conflict with (f)(2) of this section.

(e) The holding periods mandated by this Section 11-4.5-4 do not apply to an animal who is impounded solely for the purpose of sterilization or vaccination administration.

(f) Not less than two business days before the euthanasia of any animal, the Animal Shelter shall:

(1) Make a reasonable attempt to notify by telephone or verifiable written or electronic communication any Rescue Organization that has previously requested to be notified before animals are euthanized;

(2) Unless there is evidence of neglect or animal cruelty as certified in writing by a Licensed Veterinarian, notify or make a reasonable attempt to notify by telephone or verifiable written or electronic communication the owner who surrendered the animal and inform that person that the animal is scheduled to be euthanized;



(3) Make a reasonable attempt to notify by telephone or verifiable written or electronic communication the finder who surrendered the stray animal and inform that person that the animal is scheduled to be euthanized;

(4) Give those notified under Subsections (f) (1), (2), and (3) possession of the animal to avoid the animal's death if they request it.

(g) No Animal Shelter may euthanize any animal without making the notifications required by Subsections (f) (1), (2), and (3).

Sec. 11-4.5-5. Animal Care

(a) Every Animal Shelter shall provide all animals during the entirety of their shelter stay with fresh food; fresh water; and environmental enrichment to promote the animals' psychological well-being through socialization and the use of toys and treats, as needed. Animals shall be given adequate exercise, but not less than once daily. The requirements of this subsection (a) are not applicable to dogs exhibiting vicious behavior towards people or adjudged to be dangerous by a court of competent jurisdiction.

(b) Notwithstanding Subsection (a), an Animal Shelter shall work with a Licensed Veterinarian to develop and follow a care protocol for animals with special needs including, but not limited to, nursing mothers, unweaned animals, sick or injured animals, extremely frightened animals, geriatric animals, or animals needing therapeutic exercise.

(c) During the entirety of their shelter stay, animals being kept at Animal Shelters shall be provided prompt and necessary cleaning of their cages, kennels, or other living environments no less than two (2) times per day, to prevent disease and to ensure environments which are both hygienic and welcoming to the animals and the public. This cleaning shall be conducted in accordance with a protocol developed in coordination with a Licensed Veterinarian. Cats do not need to be removed from their cage for cleaning due to the associated stress placed on a cat when removing cats from their kennels. However, cats and dogs shall be removed from their cages if potentially harmful cleaning solutions are to be used when cleaning the cages.

(d) During the entirety of their shelter stay at Animal Shelters, all animals shall be provided with prompt and necessary veterinary care, sufficient to alleviate any pain caused by disease or injury; to prevent a condition from worsening, and to allow them to leave the shelter in reasonable condition after receiving preventative vaccinations, cage rest, fluid therapy, pain management, and/or antibiotics, as needed.

Sec. 11-4.5-6. Animal Euthanasia

(a) No shelter shall euthanize any animal simply because the holding periods required by Sec. 11-4.5-4 have expired. Before an animal is euthanized, all of the following conditions must be met:

(1) There are no empty cages, kennels, or other living environments in the shelter;

(2) There is no additional room to set up temporary cages, kennels, or living environments in the animal shelter, which comply with PACFA requirements;



(3) The animal to be euthanized cannot share a cage or kennel with another animal, which comply with PACFA requirements;

(4) The Animal Shelter has sought appropriate foster home placements and a foster home is not available;

(5) The notifications required in Sec. 11-4.5-4 (f) (1), (2), and (3) have been made and neither a Rescue Organization, the former owner, or the finder is willing to accept the animal;

(6) The animal cannot be transferred to another Rescue Organization or shelter with room and an ability to house the animal;

(7) The animal is not a healthy community cat which can be sterilized and then released;

(8) The animal has been determined medically untreatable by a Licensed Veterinarian;

(9) The dog is determined to be vicious to people and the prognosis for rehabilitation is determined to be poor to grave by a behaviorist, which may include a qualified animal shelter Director skilled in animal behavior;

(10) The director of the Animal Shelter certifies that he or she has no alternative other than euthanasia and the reasons no alternatives exist.

(b) The determination that all conditions of Subsection (a) have been met shall be made in writing, signed by the director of the Animal Shelter. Such euthanasia records shall be made available for public inspection and such euthanasia records shall be maintained by the Animal Shelter for no less than three (3) years.

Sec. 11-4.5-7. Animal Euthanasia Procedures

(a) Animals impounded by an Animal Shelter shall be euthanized, consistent with the requirements of this Chapter 4.5, by lethal intravenous injection of sodium pentobarbital, except as follows:

(1) Intraperitoneal injections may be used only under the direction of a Licensed Veterinarian, and only when intravenous injection is not possible for infant animals, companion animals other than cats and dogs, or in comatose animals with depressed vascular function.

(2) Intracardiac injections may be used only when intravenous injection is not possible for animals who are completely unconscious or comatose, and then only by a Licensed Veterinarian or an appropriately trained technician who works under the supervision of a Licensed Veterinarian.

(b) No animal shall be allowed to witness any other animal being euthanized or being tranquilized or sedated for the purpose of being euthanized or to see the bodies of animals which have been euthanized.



(c) Animals shall be sedated or tranquilized before being euthanized as necessary to minimize their stress or discomfort, or in the case of vicious animals, to ensure staff safety, except that neuromuscular blocking agents shall not be used.

(d) Following their lethal injection, animals shall be lowered to the surface on which they are being held and shall not be permitted to drop or otherwise collapse without support.

(e) An animal may not be left unattended between the time procedures to euthanize the animal are commenced and the time death occurs, nor may the animal's body be disposed of until death is verified.

(f) Verification of death shall be confirmed for each animal as determined by AVMA Guidelines

(g) The room in which animals are euthanized shall be cleaned and regularly disinfected as necessary, but not less than once per day on days the room is used, except the specific area in the room where the euthanization procedure is performed shall be cleaned and disinfected between each procedure.

(h) The room in which animals are euthanized shall have adequate ventilation that prevents the accumulation of odors.

(i) No one other than a Licensed Veterinarian or a euthanasia technician certified by a euthanasia certification program shall perform the procedures referenced in this section 11-4.5-6.

Sec. 11-4.5-8. Reporting.

(a) Every Animal Shelter shall forward a report to the City Council a monthly summary which includes the following information separated by species type:

(1) The number of animals impounded during the previous calendar month;

(2) The number of animals which were euthanized by the Animal Shelter, at the shelter's direction, at a Licensed Veterinarian's direction with the shelter's permission, and/or by a representative of the Animal Shelter during the previous month;

(3) The number of animals who died, were lost, or were stolen while in the direct or constructive care during the previous calendar month (includes animals in foster care);

(4) The number of animals that were returned to their owners during the previous calendar month;

(5) The number of animals that were sterilized and then released during the previous calendar month;

(6) The number of animals adopted from the Animal Shelter the previous calendar month;

(7) The number of animals that were transferred to Rescue



Organizations or other animal shelters during the previous calendar month;

(8) The number of animals which were under the custody or control of the Animal Shelter at the start of the previous calendar month;

(b) Every Animal Shelter shall report to the City Council a calendar year summary which includes the following information separated by species type:

(1) The number of animals impounded during the previous calendar year;

(2) The number of animals which were euthanized by the Animal Shelter, at the shelter's direction, at a Licensed Veterinarian's direction with the shelter's permission, and/or by a representative of the Animal Shelter during the previous year;

(3) The number of animals who died, were lost, or were stolen while in the direct or constructive care during the previous calendar year (includes animals in foster care);

(4) The number of animals that were returned to their owners during the previous calendar year;

(5) The number of animals that were sterilized and then released during the previous calendar year;

(6) The number of animals adopted from the Animal Shelter the previous calendar year;

(7) The number of animals that were transferred to rescue groups or other animal shelters during the previous calendar year;

(8) The number of animals which were under the custody or control of the Animal Shelter at the start of the previous calendar year;

(c) The annual summary required by Subsection (b) shall be completed and reported by February 1 each year for the previous calendar year. Each Animal Shelter will report data on ShelterAnimalsCount.org, OR any website that is publicly available.

(d) By April 1 of each year, or whenever requested by the State of Colorado, whichever comes first, the annual summaries required by the State of Colorado shall be transmitted by the Animal Shelter to the Colorado Department of Agriculture with the request that the Colorado Department of Agriculture make the information available on its website for public review in a format which will be searchable by individual shelter and in the aggregate for all shelters statewide.

Sec. 11-4.5-9. Transfer of Animals.

An animal under the custody or control of an Animal Shelter shall not be sold or transferred, with or without consideration, to any person, hospital, educational, private, or commercial institution, laboratory, or animal dealer, whether or not such dealer is licensed by the United States Department of Agriculture, for purposes of medical or biological teaching, research, study, or experimentation of any kind.



Sec. 11-4-5-11. Effective Date.

This Chapter 4.5 shall go into effect on January 1, 2019.

SECTION 2.

Effective January 1, 2019, Title XI, Chapter 4 of the Pueblo Municipal Code is hereby modified to read as follows:

Sec. 11-4-14 Vicious Animals.

(h) Impoundment and euthanization.

(3) Any animal impounded pursuant to the requirements of this Section shall not be released pending disposition of any euthanization hearing or related criminal charges under this Section except on order of the Municipal Court who may direct the owner to pay all impounding fees. Subject to the foregoing limitation and the exception noted herein, an impounded vicious animal shall be handled and processed according to the requirements set forth in Section 11-4-16 of this Code and, if applicable, Section 11-4-13 of this Code, except that no vicious animal shall be sold or put up for adoption. Any vicious animal which is deemed abandoned under Section 11-4-16 shall be humanely euthanized **as provided in Chapter 4.5 of this Title XI.**

(4) The Municipal Court is authorized to order the release of any animal impounded pursuant to this Section when, in the Municipal Court's judgment, said animal does not represent a continuing threat of serious harm to persons or domestic animals, the Municipal Court may order said animal to be humanely euthanized **as provided in Chapter 4.5 of this Title XI.**

Sec. 11-4-16. Disposition of impounded animals.

(d) [The Shelter Operator and its employees may humanely euthanize any abandoned animals not sold or adopted within a reasonable time. If it is found that any impounded animal is infected with rabies or other infectious or contagious disease, such animal shall be humanely euthanized upon the recommendation of a licensed veterinarian.] **Reserved.**

Sec. 11-4-54. Disposition of Feral Cat Colony cats.

Any cat, ear-tipped, feral or otherwise, trapped and/or turned into the Animal Shelter or an Animal Control Officer, shall go through the regular and usual disposition process as set forth in **[Section 11-4-16 of this] Chapter 4.5 of this Title XI.**

Sec. 11-4-55. Enforcement of provisions by Shelter Operator.

(a) The Shelter Operator or an Animal Control Officer shall have the right to trap in a humane manner any cat that is deemed to be a threat to public health or safety. Any Feral Cat considered a vicious animal shall be confined and euthanized, if appropriate, as provided in **[Section 11-4-14 of this] Chapter 4.5 of this Title XI.**



SECTION 3.

The officers and staff of the City are directed and authorized to perform any and all acts consistent with the intent of this Ordinance to implement the policies and procedures described herein.

SECTION 4.

This Ordinance shall become effective thirty days following final passage and approval.

INTRODUCED November 27, 2017

BY: Chris Nicoll
MEMBER OF CITY COUNCIL

APPROVED: *Christopher A. Smith*
PRESIDENT OF CITY COUNCIL

ATTESTED BY: *Brenda Armijo*
ACTING CITY CLERK

PASSED AND APPROVED: February 26, 2018