

TOWN OF SUPERIOR  
ORDINANCE NO. O-9  
SERIES 2024

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF  
SUPERIOR UPDATING THE TOWN'S ANIMAL PROTECTION  
REGULATIONS

**WHEREAS**, Chapter 7 of the Superior Municipal Code establishes the Town's animal protection regulations; and

**WHEREAS**, the Board of Trustees desires to update certain Sections of Chapter 7 with contemporary best practices for animal protection.

**NOW BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, as follows:**

**Section 1.** Section 7-2-10 of the Superior Municipal Code is hereby amended by the addition of the following new definition, to appear in alphabetical order:

**Sec. 7-2-10. – Definitions.**

For purposes of this Article, the following terms shall have the following meanings:

\* \* \*

*Vicious animal* means an animal which at any place within the Town injures or causes bodily injury to a person or animal, charges to the end of its lead or leash in an attempt to attack, or otherwise demonstrates vicious propensities; provided, however, that no animal shall be deemed vicious solely by reason of having attacked or bitten:

- a. An individual who attacked such animal or who engaged in conduct reasonably calculated to provoke such animal to attack or bite such individual or another individual;
- b. An individual engaged in attacking or molesting another individual;
- c. An individual engaged in the unlawful entry into or upon the fenced or enclosed portion of a premises upon which such animal is kept, or into or upon any automobile or other vehicle parked or stored in, upon such premises;
- d. An animal engaged in the unauthorized entry into or upon the fenced or enclosed portion of the premises upon which the accused animal is kept; or
- e. An individual engaged in the unlawful or unauthorized entry into any automobile or other vehicle in which such animal is kept or confined.

**Section 2.** Section 7-2-20 of the Superior Municipal Code is hereby repealed in its entirety and reenacted as follows:

**Sec. 7-2-20. – Tags required.**

- (a) An identification tag or microchip identifying a dog is required on all dogs. The identification tag or microchip shall contain the name, current address, and current phone number for the dog owner.
- (b) The owner of a dog, cat or ferret in the Town shall have such animal inoculated against rabies as required by Boulder County.

**Section 3.** Section 7-2-30 of the Superior Municipal Code is hereby repealed in its entirety and reenacted as follows:

**Sec. 7-2-30. – Public disturbance by animals.**

- (a) It is unlawful for an individual owning or keeping an animal to fail to prevent such animal from disturbing the peace of any other person by loud, persistent and habitual barking, howling, yelping, mewing or making any other loud, persistent and habitual noise, whether the animal is on or off the owner's premises. *Persistent* in this Section means barking or noise that lasts for twenty (20) or more cumulative minutes in a one (1) hour period.
- (b) No individual shall be charged with violating this Section unless a peace officer or code enforcement officer has issued a written warning to such individual within twelve (12) months preceding the first date alleged as a date of violation in the complaint. A warning issued under this Section may be personally delivered to the individual owning or keeping the animal, or sent via United States first-class mail.
- (c) No individual shall be convicted of violating this Section unless two (2) or more witnesses testify to the loud, persistent and habitual nature of the noise, or unless there is other evidence corroborating the testimony of a single witness on this element.
- (e) Provocation of the animal subject to the complaint is a defense to any complaint brought under this Section.

**Section 4.** Section 7-2-50(c) of the Superior Municipal Code is hereby amended to read as follows:

**Sec. 7-2-50. – Vicious animal.**

\* \* \*

- (c) It is unlawful for the owner of a vicious animal to fail to prevent such animal from attacking any person or animal or to willfully fail to prevent an animal from attempting to attack.

**Section 5.** Section 7-2-140(b) of the Superior Municipal Code is hereby repealed in its entirety and the Section renumbered accordingly.

**Section 6.** A new Section 11-4-40 is hereby added to the Superior Municipal Code to read as follows:

**Sec. 11-4-40. – Animals in parks.**

(a) An owner of an animal, as defined in Section 7-2-10 of this Code, shall not allow the animal in the following areas in parks or open space lands owned or controlled by the Town, except as specially permitted by the Town Manager:

(1) A lake, fountain, or pond;

(2) The playing field of sports facility enclosed by a wall or containing an artificial or manicured sports surface, including without limitation tennis courts, basketball courts, and pickleball courts; and

(3) Any other area where animals are prohibited by signage.

(b) Violations of this Section shall be subject to the penalties set forth in Section 1-3-20 and Section 7-2-140 of this Code.

**Section 7.** Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or part or parts be declared unconstitutional or invalid.

**Section 8.** Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

**INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 13<sup>th</sup> day of May, 2024.**



Mark Lacis, Mayor

**ATTEST:**



Lydia Yecke, Town Clerk

