

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF PARK
STATE OF COLORADO

Resolution No. 95-11

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF PARK, STATE OF COLORADO, that the following Resolution be and is hereby adopted:

1. Title

This resolution shall be known as the "Park County Animal Control Resolution of 1995."

2. Definitions

For the purposes of this resolution, the following definitions shall apply:

a. "**Abandon (ed)**" means to deposit, leave, drop off or otherwise dispose of any living domestic **animal** without providing immediate humane care on any public or private property.

b. "**Animal**" means any living vertebrate creature, domestic or wild, including **dogs**, but excluding estrays as defined in § 35-44-101(1), C.R.S., as amended.

c. "**Animal Control**" means the personnel, equipment and facilities of the Park County Sheriff's Department assigned primarily to duties related to the enforcement of this resolution. Regular deputies may perform any of the functions of **Animal Control**.

d. "**Bite**" means to seize or an apparent attempt to seize, no matter how briefly, with the teeth or jaws so that a person or **animal** has been nipped, gripped, wounded or the skin pierced.

e. "**Board**" means the Board of County Commissioners of the County of Park, State of Colorado.

f. "**Cat**" means any **animal** of the Felidae family, regardless of sex, including cats of wild extraction and cats that are of any hereditary part related to wild felines such as but not limited to the mountain lion (*Felis concolor*) and the bobcat (*Lynx rufus*), which has attained the age of six months old.

g. "**Control**" means physical restraint or influence over a **dog** by means of a leash, cord or chain no longer than ten feet in length, except when the **dog** is actually working livestock, locating or retrieving wild game in season for a licensed hunter, assisting

law enforcement officers including search and rescue operations, or while actually being trained for any of these specifically enumerated purposes.

h. **"Conviction"** means a finding of guilt by a court or acknowledgement of guilt by payment of fine pursuant to the penalty assessment procedure.

i. **"County"** means the County of Park, State of Colorado, except for the incorporated municipalities within Park County, and except for lands owned and regulated by the United States of America.

j. **"Damage"** means loss or harm resulting from injury to person or property.

k. **"Dangerous Dog"** means any **dog** that according to the records of the appropriate authority:

- i. Has inflicted **serious bodily injury** upon a human being, without **provocation**, while on public or private property; or
- ii. Has killed a domestic **animal** without **provocation** while off the **owner's** property; or
- iii. Has committed acts resulting in its **owner** being **convicted** of a violation of Section 14, Threatening Wildlife and Livestock, or of a substantially equivalent offense under state law or the laws of another jurisdiction; or
- iv. Has been previously found to be **potentially dangerous**, the **owner** having received notice of such, and the **dog** again **bites**, attacks, or endangers the safety of humans or domestic **animals**; provided, however, that **dogs** shall not be declared dangerous if the threat, injury, or **damage** was sustained by a person who, at the time, was committing a trespass or other tort upon the **premises** occupied by the **owner** of the **dog**, or was abusing or assaulting the **dog**, or was committing or attempting to commit a crime; or
- v. Has engaged in or been trained for animal fighting, as described and prohibited in § 18-9-204, C.R.S., as amended.

1. **"Dog"** means any **animal** of the family Canidae, regardless of sex, including dogs of wild extraction and dogs that are of any hereditary part related to, wild canines such as but not limited to the wolf (*Canis lupus*), the coyote (*Canis latrans*), the jackals, or

the foxes (genus Vulpes), which has attained the age of six months old.

- i. **"Female Dog"** means a **dog** of the female sex on which no ovariectomy or hysterectomy has been performed.
- ii. **"Sterilized Dog"** means a **dog** of the male sex which has been castrated (a "neutered dog") or a dog of the female sex on which an ovariectomy or hysterectomy has been performed by a **licensed veterinarian** (a "spayed dog"),

m. **"Dog Owner"** or, in appropriate context, **"Owner"** means a person or any parent, guardian or legal custodian of any unemancipated child under eighteen years of age who owns, co-owns, possesses, **controls**, maintains, **keeps**, or **harbors** a **dog**, or knowingly permits or intends to permit a **dog** to remain for seven consecutive days on or about property or **premises** owned, controlled or occupied by him or her. A **kennel** is not a **dog owner** within the purview of this definition. **"Owner"** may also be used with similar meaning with respect to other animals.

n. To **"Harbor"** or **"Keep"** means to feed and care for any **dog** or **cat** upon the **premises** or to permit any **dog** or **cat** to be fed and cared for on the **premises**. The occupant of any **premises** where an **animal** is kept or to which the **animal** customarily returns for food, shelter or care is presumed to be harboring such **animal** within the meaning of this resolution and such occupant shall be subject to the applicable provisions of this resolution. No person other than an **owner** shall be deemed to be harboring or keeping any **animal** that has been reported to the Park County Sheriff if such person is actively assisting in efforts to impound or confine such **animal**.

o. **"Keeper"** means any person who **keeps** or **harbors** an **animal** for less than seven days.

p. **"Kennel"** means a person, entity or operation which is required to be licensed or permitted by the State of Colorado or the **County** pursuant to applicable laws and regulations, and which **keeps** or maintains **dogs** for sale, resale, boarding, breeding, show, hunting or other commercial or recreational purposes.

q. **"Licensed Veterinarian"** means a veterinarian licensed to practice veterinary medicine in the State of Colorado.

r. **"Mistreatment"** means every act or omission which causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering.

s. **"Neglect"** means failure to provide food, water, protection from the elements, opportunity for exercise, socialization, or

other care normal, usual and proper for an **animal's** health and well-being.

t. **"Potentially Dangerous Dog"** means any **dog** that when **unprovoked**:

- i. Inflicts a **bite** on a human or a domestic **animal** either on public or private property; or
- ii. Chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack; or
- iii. Chases or approaches a person upon private property other than the property of the **dog's owner** in a menacing fashion or apparent attitude of attack.

u. **"Premises"** means real property owned, leased, or used with express permission by the **owner** of an **animal**; or any confined area such as a residence, business, room, shop, building, or motor vehicle (including the open space bed of a truck) in which the **animal's** presence is authorized by the owner, lessee or licensee of the premises.

v. **"Proper Enclosure for a Dangerous Dog"** means while on the **owner's** property a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent entry by young children and designed to prevent the **dog** from escaping. Such pen or structure shall have secure sides, a secure top unless the sides are sufficient to contain the **dog**, and a locked gate, and shall also provide protection from the elements. There shall be posted signs, legible to passersby, warning of the presence of the **dangerous dog**.

w. **"Proper Restraint for a Potentially Dangerous Dog"** means:

- i. While on the **owner's** property, a **potentially dangerous dog** shall be restrained by chain, leash or other confinement suitable to prevent the **animal** from leaving the **owner's** property; or
- ii. While off the **owner's** property, a **potentially dangerous dog** shall be under physical restraint of the **owner** or other responsible person.

x. **"Provocation"** means harassment, teasing, threatening, tormenting, abusing, striking, attacking, or inflicting injury upon an **animal**, or its **owner** in the **animal's** presence, by either a person or another **animal**.

y. **"Public Nuisance"** means an **animal** infected with **rabies**, or a **stray cat**, or a repeatedly or continuously barking **dog** which

disturbs the peace of humans, or a **dangerous or potentially dangerous dog** not **properly enclosed or restrained**, or an unconfined **female dog** in estrus, or a **dog** or **cat** that deposits excrement on public or private property other than that of the **owner** and such excrement is not promptly removed by the **owner** or person responsible for the **dog** or **cat**.

z. "**Rabies**," also known as hydrophobia or lyssa, means a viral communicable disease of the central nervous system of both wild and domestic **animals** transmittable to humans.

aa. "**Running at Large**" means a **dog** that enters the property of a person other than its **owner** without authorization by that person, or when it enters public property and it is not under the **control** of the **owner** or other responsible person or an employee or agent of the **owner**. It shall be an affirmative defense to any charge that a **dog** was running at large on public property that the **dog** was under the direct and competent dominion of the **owner** or the **owner's** authorized agent by means of adequate voice command; provided, however, that the **dog** is neither a **dangerous dog** nor a **potentially dangerous dog**.

ab. "**Serious Bodily Injury**" means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery.

ac. "**Stray Dog**" means any licensed or unlicensed **dog** found loose or unattended, other than on its owner's premises, anywhere within the **County**.

ad. "**Unclaimed**" means the **animal** has not been released from impoundment due to the failure of the **owner** to acknowledge **ownership** to **Animal Control** or due to the failure of the **owner** to secure the release of the **animal** from impoundment by paying all collectible fees and charges and executing all reasonably required documents.

ae. "**Vaccination**" and "**Vaccination for Rabies**" each mean the inoculation of an **animal** with an anti-**rabies** vaccine approved by the Colorado State Department of Health and administered by a **licensed veterinarian** for use in the prevention of **rabies** which is deemed current by reference to the expiration date noted on the vaccination certificate or published duration as indicated by the manufacturer.

3. Annual Licensing and Vaccination Required

a. It is unlawful for a **dog owner** to fail to obtain annually a license, in accordance with the provisions of this resolution, for each **dog** which the **dog owner** maintains or **harbors** within the **County** for thirty consecutive days, or to fail to have currently

(within two years) **vaccinated against rabies** each **dog** for which a license is required.

b. It is unlawful for the **owner** of a **cat** maintained or **harbored** within the **County** for thirty consecutive days, upon the request of any authorized officer, to fail to present for inspection a certificate of current **vaccination** of the **cat** for **rabies**, showing the date administered and date of expiration, and identifying the type of vaccine, and the name and business address of the **veterinarian** who administered the vaccine. A license is not required for **cats**.

4. Issuance of Dog License and Dog Tag

The Park County Sheriff's Department or any agency or person designated by the Park County Sheriff in writing shall issue a dog license and dog tag upon the receipt of the fees and an executed application therefor, and upon inspection of the current vaccination certificate for the **dog**.

5. Duration. Fees and Requirements of Dog License and Dog Tag

a. A tag and license shall be available for a fee as set forth in this resolution. A dog license shall be valid for one year from the date of its issuance. At or prior to the expiration of a dog license, a new license must be obtained from the **County**.

b. A dog license and application shall state the following information:

- i. Name, mailing address and street address of the **dog owner**;
- ii. Breed, sex, age and description of the **dog**;
- iii. Date of **vaccination for rabies** according to the vaccination certificate;
- iv. Date of issuance of license; and
- v. Number of the dog tag issued.

c. A dog tag shall be issued to the **dog owner** with the dog license and will be regarded as part of the license. The tag shall be made of durable material, shall be suitable for attachment to a dog collar or harness, and shall state the name of the county, the year of issuance and the number of the dog license.

d. In the event a dog tag is lost, destroyed or mutilated, a replacement tag may be issued, for a fee of one dollar, by any

agency or person authorized to issue dog licenses, upon presentation of the current dog license.

e. It is unlawful to affix a dog tag to any **dog** other than the specific **dog** for which the respective dog license and dog tag have been issued.

6. Retention of Dog License; Attachment of Dog Tag to Collar_or Harness

a. A **dog owner** who obtains a dog license shall retain it so long as it remains valid and a license is required, and shall present it for inspection upon request by any peace officer in connection with the enforcement of this resolution.

b. A **dog owner** shall securely place upon his **dog** the dog collar or harness to which the dog tag is securely attached. Such dog collar or harness must be worn by the **dog** at all times, except when the **dog** is securely confined within any enclosure on the property of the **owner**, possessor or **keeper** of such **dog**, or during the period of participation by the **dog** in a sanctioned match, show, or field trial.

c. It shall be unlawful for any **dog owner** to fail to comply with the requirements of this section, or for any person other than the **dog owner** or someone authorized by the **dog owner** to remove a dog collar or harness or dog tag from any **dog**.

7. Kennel Regulations

Dogs, other than **dogs** owned by the **kennel** operator or owner, kept or maintained by a licensed **kennel** need not be licensed pursuant to the provisions of this resolution while they are within the confines of the **kennel premises**; provided, however, that certificates of current **vaccinations** for each **dog** over six months of age are kept on the **kennel premises** and presented for inspection upon request by any peace officer in connection with the enforcement of this resolution.

8. Unlawful Acts

In addition to failure to comply with any other requirement imposed by this resolution, no person shall violate any of the provisions set forth in the following subsections. To the extent that any of the following subsections describe conduct otherwise prohibited, the conduct described below shall be considered specific examples and illustrative, rather than exclusive ways in which other provisions may, be violated.

a. Control. It is unlawful for any **owner** or **keeper** of a **dog** to fail to **control** such **dog** so as to prevent the **dog** from:

- i. **Running at large;**
- ii. Becoming a danger to persons or property;
- iii. Trespassing on the property of another; or
- iv. Being a **public nuisance**.

b. Potentially dangerous dogs. It is unlawful for any **owner** or **keeper** of a **dog** to fail to **control** such **dog** so as to prevent the **dog** from **biting** any person or to prevent the **dog** from causing **damage** to the property of any person other than the **owner**. Whether or not the **owner** or **keeper** of the **dog** is cited or **convicted** of a violation of this subsection, any peace officer who has probable cause to believe that a **dog** has committed a violation of this subsection shall cause notice that the **dog** is a **potentially dangerous dog** to be served upon the **owner**, by personal service, by certified mail, or by posting on the **premises** where the **dog** is usually kept. Thereafter, the **owner** must comply with the provisions of this resolution regarding **potentially dangerous dogs** until and unless such notice is declared invalid by a court of competent jurisdiction, either in the context of a proceeding to enforce the provisions of this resolution or in a separate action brought by the **owner** or **keeper** of the **dog**. The burden of proof in an action to declare such notice invalid shall be upon the **County** and shall be by a preponderance of the evidence. **Conviction** of the **owner** or **keeper** for a violation of this subsection shall be conclusive evidence that the **dog** in question is a **potentially dangerous dog**.

c. Dangerous dogs. It is unlawful for any **owner** or **keeper** of a **dog** to fail to **control** such **dog** so as to prevent the **dog** from inflicting **serious bodily injury** upon any person or to commit any of the other acts which bring the **dog** under the definition of a **dangerous dog**. Whether or not the **owner** or **keeper** of the **dog** is cited or **convicted** of a violation of this subsection, any peace officer who has probable cause to believe that a **dog** has committed a violation of this subsection shall cause notice that the **dog** is a **dangerous dog** to be served upon the **owner**, by personal service, by certified mail, or by posting on the **premises** where the **dog** is usually kept. Thereafter, the **owner** must comply with the provisions of this resolution regarding **dangerous dogs** until and unless such notice is declared invalid by a court of competent jurisdiction, either in the context of a proceeding to enforce the provisions of this resolution or in a separate action brought by the **owner** or **keeper** of the **dog**. The burden of proof in an action to declare such notice invalid shall be upon the **County** and shall be by a preponderance of the evidence. **Conviction** of the **owner** or **keeper** for a violation of this subsection shall be conclusive evidence that the **dog** in question is a dangerous dog. ;

d. Open vehicles. It is unlawful for a **dog owner** to leave within the open portion of a vehicle parked on public property a dog which is creating a danger to persons or property in the immediate vicinity thereto.

e. Closed vehicles. It is unlawful to leave any **animal** confined within a vehicle so as to place such **animal** in undue stress or danger of extremes in temperatures. Any peace officer finding an **animal** left under such circumstances may use whatever means may be reasonably necessary to remove the **animal** from the vehicle and place it into protective care.

f. Abandonment. It is unlawful for any person to **abandon** or leave unattended any **animal owned** by him or which has been under his **control** or in his possession. An **animal** which has been left unattended for more than 24 hours after posted notice of **abandonment** shall be considered **abandoned** and may be impounded by any peace officer using whatever means may be reasonably necessary. Any peace officer with reason to believe that an **animal** may have been **abandoned** may post a warning notice regarding **abandoned animals** in a conspicuous place, such as the entry area to the property, a door to the residence, or a place near the **animal**, which notice shall state the type and color of the **animal**, and optionally any other means of identification of the **animal**, the time and date of posting, the phone number for the **owner** to call, and the deadline for calling after which the **animal** may be impounded. Any peace officer may provide food and water to such an animal prior to the expiration of the 24-hour deadline.

g. Common areas; public property. It is unlawful for any **owner** or **keeper** of a **dog** to fail to prevent his or her **dog** from **running at large** in the yard of any multiple occupancy building which is occupied by other persons; or in the common areas of mobile home complexes, apartments, or condominium developments; or in open space areas of subdivisions; or in public or county parks or fairgrounds, unless permission is posted by the owner of the property allowing **dogs at large** on such property.

9. Impounding Dogs

a. It shall be the duty of any peace officer to apprehend any **stray dog**, or any **dog running at large** or not under **control**, or any **dog** not duly licensed or **vaccinated**, and upon receiving any **dog**, such peace officer shall make a complete registry entering the breed sex and color of such **dog**, and whether it is licensed. If the **dog** is licensed, the registry shall include the name and address of the **owner**, and the date of issuance and number of the dog tag.

b. When any **dog** has been impounded. **Animal Control** personnel shall as soon as feasible give notice in person, by service of a

summons on the **owner**, by telephone, or by mail sent to the **owner's** last known address, of the impoundment and the dispositional alternatives. If the **dog owner's** identity or whereabouts are unknown at the time of impoundment, the **Animal Control** personnel shall take all reasonable steps to identify the **owner** and provide such notification. If the **dog owner's** identity or whereabouts still cannot be established and the **dog** remains **unclaimed**, the **Animal Control** personnel may deem the **dog** to be **abandoned** and proceed with any disposition authorized by this resolution. The **Animal Control** personnel shall maintain records of the date, time, and manner of any such notification or attempt to notify the **owner**.

c. The **owner** or **keeper** of any impounded **animal** may reclaim such **animal** upon payment of all costs and charges incurred by the **County** for impounding and maintaining such **animal**, as determined by the **Board** and published in a schedule of fees and charges. **Animal Control** may require the **owner** or **keeper** to accept service of a summons for an alleged violation of this resolution as a condition precedent to the **animal's** release, and shall provide the **owner** or **keeper** the opportunity to pay any penalty assessment fine at the time of the **animal's** release.

d. **Animal Control** shall maintain a record of each impoundment for a minimum of 24 months.

10. Dangerous and Potentially Dangerous Dogs

a. It is unlawful for any **owner** or **keeper** of a **dangerous dog** to **keep** or maintain such **dog** except in a **proper enclosure for a dangerous dog**. If a **dangerous dog** is found **running at large**, or if it **bites** or attempts to **bite** any human or domestic **animal**, such circumstance is prima facie evidence of a violation of this subsection. Any violation of this subsection shall require a mandatory court appearance, and any peace officer may impound the **dog** at the **owner's** expense until the **owner** has appeared in court and the court orders the **dog's** release. The court may order the **dog** to be destroyed. After a **dog** has been designated a **dangerous dog** by proper notice to the **owner**, the **dog owner**, members of his family or household, and any agent of the **owner** have an affirmative duty to ensure compliance with this subsection.

b. It is unlawful for any **owner** or **keeper** of a **potentially dangerous dog** to **keep** or maintain such **dog** except under **proper restraint for a potentially dangerous dog**. If a **potentially dangerous dog** is found **running at large**, or if it **bites** or attempts to **bite** any human or domestic **animal**, such circumstance is prima facie evidence of a violation of this subsection. A third violation of this subsection involving the same **dog** shall require a mandatory court appearance, and any peace officer may impound the **dog** at the **owner's** expense until the **owner** has appeared in court and the court orders the **dog's** release. The court may order the

dog to be destroyed. After a **dog** has been designated a **potentially dangerous dog** by proper notice to the **owner**, the **dog owner**, members of his family or household, and any agent of the **owner** has an affirmative duty to ensure compliance with this subsection.

c. It is an affirmative defense to a charge that a **dangerous dog** or a **potentially dangerous dog** violated any provision of this section by **biting** or attempting to **bite** any human or domestic **animal**, that:

- i. At the time of the attack by the **dangerous or potentially dangerous dog** which causes injury or death to a domestic **animal**, the domestic **animal** was **at large**, was a **stray**, and entered upon the property of the **owner** of the **dangerous or potentially dangerous dog**, and the attack began on such property ; or
- ii. At the time of the attack by the **dangerous or potentially dangerous dog** which causes injury or death to a domestic **animal**, such domestic **animal** was **biting** or otherwise attacking the **dangerous or potentially dangerous dog** or its **owner** or the **owner's** companion, and the **dangerous or potentially dangerous dog** was otherwise conforming to the requirements of this resolution; or
- iii. At the time of the attack by the **dangerous or potentially dangerous dog** which causes injury or death to a person, the victim of the attack was committing or attempting to commit a criminal offense, other than a petty offense, against the **dog's owner** or the **owner's** companion, and the attack did not occur on the **owner's** property; or
- iv. At the time of the attack by the **dangerous or potentially dangerous dog** which causes injury or death to a person, the victim of the attack was committing or attempting to commit a criminal offense, other than a petty offense, against a person on the **owner's** property or against the property itself, and the attack began on the **owner's** property; or
- v. The **dangerous or potentially dangerous dog** was **provoked**.

d. A violation of any provision of this section shall be a separate offense from any other violation committed by the **dog**, and in addition to such other violation, such as **running at large** or failure to **control** the **dog**.

e. Any **dog** that has been previously deemed a **dangerous dog** by appropriate notification and while in violation of this section is found to have caused bodily injury to a person or **animal**, or to have threatened or endangered wildlife or livestock, shall be immediately impounded and **Animal Control** personnel shall immediately file a petition for a court order for the destruction of the **dog**.

f. It shall be the duty of any peace officer to seize and impound any **dangerous or potentially dangerous dog** not **properly enclosed or restrained**. After making every reasonable attempt to seize and impound such **dog**, including the solicitation of assistance from the **owner** if such **owner** is known and available, if the peace officer reasonably determines that such **dog** cannot be seized and impounded without exposing the officer or other persons to danger of personal injury, it shall be lawful for the peace officer to destroy such **dog** without notice to the **dog's owner, keeper** or possessor.

11. Quarantine of Dogs and Cats

a. A **dog** or **cat**, whether or not it has a current **rabies vaccination**, that is known to have **bitten** or otherwise injured any person so as to cause a puncture or abrasion of the skin shall be quarantined for not less than ten days from the date of the bite, at the **owner's** expense. The procedure and place of quarantine shall be designated by the investigating peace officer. If the **animal** is not confined on the **owner's premises**, confinement shall be in the county animal shelter, at any veterinary hospital of the **dog owner's** choice, or at such other place as the investigating peace officer may reasonably designate.

b. The **owner** of any **animal** that has been reported as having inflicted a **bite** on any person shall on demand produce such **animal** for quarantine. It is unlawful for any **owner** or **keeper** to refuse to produce such **animal** for quarantine when so ordered by a peace officer, and each day of such refusal shall constitute a separate and individual violation of this subsection.

c. If at any time during the quarantine of an **animal** such **animal** displays symptoms associated with **rabies** (e.g., restlessness, nervousness, irritability, viciousness, depression, paralysis or a change in the sound of its bark) , such **animal** shall immediately be examined by a **licensed veterinarian** and may be destroyed so that definitive medical tests can be conducted to determine if the **animal** was **rabid**. If an **animal** dies while under quarantine, medical tests shall be conducted to determine whether the **animal** was infected with **rabies** at the time of its death. The cost of all tests shall be borne by the **owner** of the **animal**. It is unlawful for any person having charge of an **animal** under quarantine, including the **owner** of the **animal**, to fail to report

immediately to **Animal Control** the fact that the **animal** has developed symptoms associated with **rabies** or has died.

d. If the **owner** of an **animal** that has **bitten** any person cannot be determined or located, then such **animal** shall be confined at the county animal shelter for a period of not less than ten days from the date of the **bite**. If the **owner** of such **animal** is not determined or located, or if the **animal** is **unclaimed** by the end of the quarantine period. **Animal Control** may destroy the **animal**. If a **licensed veterinarian** suspects such **animal** may be suffering from **rabies**, the **animal** shall be immediately destroyed even if prior to the expiration of the ten-day quarantine.

e. An **unvaccinated dog** or **cat** that is **bitten** by a known or suspected **rabid animal** should be euthanized immediately. If the owner is unwilling to have this done, the **dog** or **cat** shall be placed in strict isolation for six months and vaccinated one month before being released. A **dog** or **cat** that is currently vaccinated, that is **bitten** by a known or suspected **rabid animal**, shall be revaccinated immediately and observed for ninety days. It is unlawful for any **owner** of a vaccinated or **unvaccinated dog** or **cat** to fail to comply with this subsection. Each day such **owner** fails to comply with the provisions of this subsection shall constitute a separate offense.

12. Disposition of Unclaimed, Diseased or Dead Animals

a. If an **animal** has been impounded or quarantined and has not been claimed, released or disposed of in accordance with other provisions of this resolution. **Animal Control** shall keep **dogs** in the County Animal Shelter or other suitable place for not less than five days and shall keep **cats** for not less than 72 hours after which **Animal Control** personnel may have such animal destroyed, except as otherwise provided in this resolution.

b. After the required period of time, in lieu of having said animals destroyed. **Animal Control** may release any such animal, if **unclaimed** and not diseased, to a bona fide humane society, or to a person having no previous interest in such animal upon payment of an adoption fee and fees and charges where appropriate for **vaccination, sterilization** and a dog license. All animals released to private persons shall be **sterilized** unless such surgery would be dangerous to the animal due to its age or physical condition.

c. An impounded **animal** which is sick, injured, in pain or possibly contagious to other **animals**, and which is not identifiable to an **owner**, is not subject to a minimum impoundment period and may be immediately euthanized. If an impounded **animal** which is sick, injured in pain or possibly contagious to other **animals** is identifiable to an **owner**, **Animal Control** personnel shall diligently

attempt to contact the **owner** within 24 hours after impoundment, after which time the **animal** may be euthanized if still **unclaimed**.

d. When recovering or disposing of dead **animals**, **Animal Control** personnel shall take reasonable and appropriate steps to protect the health, safety and welfare of the community, including disposal of the dead **animal** without unnecessary delay. If a dead **dog** has a current dog tag intact. **Animal Control** personnel shall make reasonable efforts to notify the **owner** before disposing of the **dog**. Reasonable fees for time and expenses of disposition may be charged to the **owner** of a dead **animal**.

e. Nothing in this section or this resolution shall be construed to prevent any peace officer from taking whatever action is reasonably necessary to protect himself or others from injury by any **animal**.

13. Interference with Animal Control Officer

It is unlawful for any person knowingly to interfere with, hinder, prevent or obstruct an **Animal Control** Officer in the performance of his or her duties. Nothing in this section shall preclude charging one or more violations of various sections of the Colorado Criminal Code, when applicable, instead of charging a violation of this section.

14. Threatening Wildlife and Livestock

It is unlawful for any person knowingly or negligently to allow a **dog** to harass, endanger, worry, impede, annoy, pursue, disturb, molest, rally, concentrate, harry, chase, pursue, drive, herd, torment, attack, or otherwise threaten wildlife or livestock. If any **dog** is found to be threatening wildlife or livestock, such **dog** may be immediately destroyed by any peace officer if necessary to prevent **damage** or harm to wildlife, livestock or any person. If the **dog** is not destroyed, it shall be impounded. A charge of violating this section shall require a mandatory court appearance. Upon **conviction**, the court shall require the **owner** of the **dog** to pay restitution for any **damage** or injury caused by the **dog**, in addition to any fines and court costs imposed. The court may order that the **dog** be euthanized and, if not, the **dog** shall thereafter be deemed a **dangerous dog**. Upon a second **conviction** for a violation of this section committed by the same **dog**, the court shall enter an order commanding the euthanization of the **dog** unless the court makes express findings on the record justifying its decision not to order the **dog** to be euthanized.

15. Barking Dogs

a. It is unlawful for any **dog owner** to fail to prevent his **dog** from disturbing the peace of any other person or neighborhood by loud, habitual, untimely or persistent barking, howling, yelping or whining. Any peace officer may impound such **dog** if the peace officer is unable to contact the **owner**, reasonably determines that the **dog** is disturbing the peace of the neighborhood, and has a written complaint signed by a complaining witness.

b. It is an affirmative defense to a charge under this section that the **dog** was barking due to **provocation**.

c. No person shall be charged with a violation of this section unless written warning as hereafter provided has been given to an **owner** at least 72 hours and not more than thirty days prior to the offense giving rise to the charge. No person shall be charged with a violation of this section except upon a signed written complaint regarding a violation separate from the offense for which the written warning was issued.

d. Any peace officer may issue a written warning after receiving a written complaint, signed by the complainant, and including the complainant's address and telephone number. The complaint shall also state, if known, the name of the **dog's owner**, the **owner's** address and telephone number, a description of the **dog**, a description of the offense, and the date, time, place and duration of the offense. Unless the nature of the complaint or the neighborhood would make such efforts futile. **Animal Control** must corroborate the complaint before issuing a written warning. Corroboration may consist of similar complaints from other people about the same **dog**, a neighborhood survey indicating that a significant percentage of the persons living in the vicinity consider the **dog's** barking a nuisance, or the officer taking or making the opportunity personally to verify the nature of the **dog's** barking. When appropriate, an effort should be made to determine if the barking is being caused by **provocation** or by other **animals**, whether **at large** or not, in the vicinity of the barking **dog**.

e. The written warning shall cite this section of this resolution, and shall advise the **owner** of the possible penalties for a violation. The written warning shall also state that a complaint has been received, recite the date and time of the alleged offense, and conclude that the **owner's dog** may have disturbed the peace of another individual. The warning must be signed by a peace officer, and may be delivered in person, by mail, or by posting in a manner calculated to be received by the **owner**.

f. A record or incident report, including a copy of the written warning, shall be kept by **Animal Control**.

16. Unlawful Taking or Release

a. It is unlawful for any person to take any **animal** from an enclosure, vehicle, **premises**, or other building and deliver the **animal** to **Animal Control** unless authorized to do so by the **owner** or **keeper** of the **animal** or otherwise authorized by this resolution.

b. It is unlawful for any person to open or cause to be opened any enclosure, vehicle, **premises** or building, or otherwise to release any **animal** from a chain or other device designed to **control** the **animal** for the purpose of allowing the **animal** to **run at large**.

c. It is unlawful for any person to release or remove any **animal** from any **Animal Control** facility or vehicle, or otherwise from the custody of **Animal Control** or any peace officer without the consent of **Animal Control** or a peace officer.

17. Cruelty to Animals

It is unlawful for any person, knowingly or with criminal negligence, to overdrive, overload, overwork, torture, deprive of necessary sustenance, beat unnecessarily or cruelly, mutilate or kill needlessly, carry in or upon any vehicle in a cruel manner, or otherwise **mistreat** or **neglect** any animal, or cause or procure it to be done, or, having the charge and custody of any animal, to fail to provide it with proper food, drink, socialization, or protection from the weather, or to abandon it. Any violation of this section requires a mandatory court appearance.

18. Failure to Redeem, Comply or Pay Fines or Fees

a. It is unlawful for any person knowingly to fail to make arrangements for the redemption or for the surrender for adoption of any **dog** or other **animal** of which he is the **owner**, within five days after such **animal** is impounded. Depending upon the circumstances, such failure may constitute **abandonment** and be charged as such instead of charging a violation of this subsection.

b. It is unlawful for any person to fail to comply with any lawful order issued by a peace officer or by the court pursuant to this resolution, including (i) the payment of fees, charges, fines and costs according to any schedule imposed by the court or agreed to by the defendant, (ii) any order to confine or quarantine an **animal**, or (iii) any direction to an **owner** to assist a peace officer in seizing, confining, impounding or **controlling** an **animal**.

c. Any summons and complaint charging a violation of this section shall require a mandatory court appearance.

19. Penalties and Procedures

a. Any violation of any provision of this resolution which did not result in bodily injury to any person shall be a class 2 petty offense and punishable upon **conviction** by a fine of not more than three hundred dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment for each separate offense. When a person is charged with a violation of this resolution which did not result in bodily injury to any person, the arresting officer may follow the penalty assessment procedure provided in § 16-2-201, C.R.S., as amended, provided that:

- i. The defendant has not been **convicted** on more than one previous occasion of any violation of this resolution, any previous County resolution concerning dog control and animal control, or any state laws concerning **dogs** or **animals** other than wildlife; and
- ii. The charged offense does not concern a **dangerous dog**, a **potentially dangerous dog**, an **animal** that was destroyed or euthanized, or an offense which requires a mandatory court appearance by the terms of this resolution.

b. Any violation of any provision of this resolution which did result in bodily injury to any person shall be a class 2 misdemeanor and punishable upon **conviction** by a fine of not less than \$250 nor more than one thousand dollars, or by imprisonment in the county jail for not less than three months nor more than twelve months, or by both such fine and imprisonment for each separate offense.

c. Upon **conviction**, the court may order restitution to be paid to the injured party or **owner** of the **animal** or **animals** for any **damage** done.

d. Nothing herein shall be construed to prevent the impoundment of any **animal**.

20. Charges. Fees and Fines

a. Charges and fees for seizure, impoundment, boarding, licensing, quarantine, and adoption of an **animal** shall be assessed to any **animal owner** according to the following fee schedules. In addition, the **owner** of any **animal** shall be liable for the actual cost of any veterinary care. Payment of all applicable fees and charges shall be a condition of release, redemption or adoption of any **animal**. If any **animal** has more than one **owner**, the fees and charges attributable to that **animal** shall be a joint and several

obligation of each **owner**. Adoption "requires payment of the adoption fee, license fees, **rabies vaccination** and **sterilization** fees, but not costs of impoundment, boarding or veterinary care prior to adoption. An **owner** reclaiming an impounded **animal** may also pay any penalty assessment fine.

i. License fees

Intact dogs	\$10.00
Sterilized dogs	5.00
Replacement tags	1.00

ii. Impound fees

Dog	30.00
Cat	10.00

iii. Boarding fees; quarantine (per day)

Dog	10.00
Cat	5.00

iv. Euthanization 15.00

v. Adoption fees 10.00

vi. **Rabies vaccination; sterilization**

Animal Control will from time to time make arrangements with a local, **licensed veterinarian** to administer **vaccinations** and perform **sterilizations** for an agreed amount, which will be collected at the time of redemption (**vaccination** only) or adoption (**both vaccination and sterilization**). The **owner** may then either (a) have that **veterinarian** perform the services upon presentation of the receipt from **Animal Control**, after which **Animal Control** will pay the **veterinarian**, or (b) have a different **licensed veterinarian** perform the services at the **owner's** expense and present the paid receipt for those services to **Animal Control** for a refund of the amounts collected for those services.

b. The following fines shall be imposed pursuant to the penalty assessment procedure or by the court upon conviction. If the court finds extraordinary mitigating circumstances are present, it may reduce the amount of the fine below the following fine schedule. If the penalty assessment procedure was not followed, and if the court finds extraordinary aggravating circumstances are present, it may increase the amount of the fine above the following fine schedule. In any case where the court may impose the maximum fine, it may also impose a jail sentence, and a court appearance is

mandatory. For purposes of the penalty assessment procedure, a prior offense must have occurred within two years before the current offense, but the court may consider other prior offenses in aggravation for purposes of sentencing when the penalty assessment procedure was not used. Neither the following fine schedule nor the penalty assessment procedure apply to any case resulting in injury to a person or **animal**.

- i. Failure to license
 - First offense \$30.00
 - Second offense 60.00
 - Third and subsequent offenses. up to 300.00
- ii. Failure to vaccinate
 - First offense 30.00
 - Second offense 60.00
 - Third and subsequent offenses up to 300.00
- iii. Transfer of license up to 300.00
- iv. Failure to display license 10.00
- v. Unauthorized removal of license up to 300.00
- vi. Running at large; trespass; open vehicles
 - First offense 30.00
 - Second offense 75.00
 - Third and subsequent offenses up to 300.00
- vii. Failure to properly restrain a potentially dangerous dog
 - First offense 60.00
 - Second offense 150.00
 - Third and subsequent offenses m. up to 300.00
- viii. Failure to properly enclose a dangerous dog
. up to 300.00
- ix. Failure to confine during estrus
 - First offense 30.00
 - Second offense 60.00
 - Third and subsequent offenses up to 300.00
- x. Cruelty; abandonment; closed vehicles
. up to 300.00

- xi. Interference with Animal Control officer up to 300.00
- xii. Threatening wildlife or livestock
 - First offense 60.00
 - Second offense 150.00
 - Third and subsequent offenses up to 300.00
- xiii. Barking dog
 - First offense 30.00
 - Second offense 75.00
 - Third and subsequent offenses up to 300.00
- xiv. Unlawful taking or release up to 300.00
- xv. Failure to redeem, comply or pay 150.00
- xvi. Offenses not otherwise specified above
 - First offense 30.00
 - Second offense 60.00
 - Third and subsequent offenses up to 300.00

21. Strict Liability

Unless otherwise expressly provided in this resolution, the offenses defined herein are strict liability offenses. It is the intent of this resolution to impose upon the **owners of dogs** and other **animals** the affirmative duty to prevent violations of this resolution. Therefore, although it may be a defense that third parties or other intervening causes led to the violation, it is not a defense that the violation was caused by the negligence of the **owner** nor that the **owner** took steps the **owner** believed were reasonable to comply if in fact those steps were insufficient.

22. Euthanization of Dogs

a. In addition to any penalty, if the court finds that any **dog** complained of is a **dangerous dog**, the court may order the **dog** destroyed at the **owner's** expense.

b. In the event any **dog owner** is twice **convicted** of an offense punishable as a class 2 misdemeanor relating to the same **dog**, the court shall order the **dog** destroyed at the **owner's** expense and shall order as a condition of probation or a suspended sentence that the defendant shall not **own, harbor, or keep** any **dog** for a period of two years.

23. Muzzling and Confinement

Whenever the **Board** finds it necessary in order to safeguard the public from the dangers of **rabies**, the **Board** may issue a proclamation ordering every person **owning** or **keeping** a **dog** to confine it securely on his property or **premises** and to keep a muzzle on the **dog** sufficient to prevent it from **biting** any person. If a peace officer encounters any **dog running at large** during the time such a proclamation is in effect, the peace officer shall seize and impound the **dog**. If the peace officer is unable to seize the **dog**, or if the **dog** displays dangerous propensities, the peace officer may immediately destroy the **dog**. Any **dog** impounded for **running at large** during such proclamation shall be considered to have been exposed to a **rabid animal**.

24. Enforcement

The provisions of this resolution shall be enforced by the Park County Sheriff and Park County **Animal Control**. The provisions of this resolution may be enforced by any peace officer.

25. Hot Pursuit

a. Any peace officer in hot pursuit of any **animal** in apparent violation of this resolution may enter into municipal corporate limits or upon private property for the purposes of enforcing this resolution, including impoundment of the **dog**, removal of the **dog**, ascertaining the identity of the **dog**, determining if the **dog** is currently licensed, or issuing a citation to the **owner** of the **dog**.

b. Nothing in this section grants any peace officer any additional authority to enter without a warrant into any dwelling or other building beyond that authority which may now exist under Colorado law.

26. Disposition of Fines and Forfeitures

All fines, fees, charges and forfeitures collected pursuant to this resolution shall be paid over to the county treasurer at least monthly.

27. Captions

The captions and paragraph headings used throughout this resolution are for the convenience of reference only, and the words contained therein shall in no way be held or deemed to define,

limit, describe, explain, modify, amplify or add to the interpretation, construction or meaning of any provision of this resolution.

28. Severability

If any provision of this resolution or the application thereof to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this resolution, or the application of such provision to parties and circumstances other than those to which it is invalid or unenforceable, shall not be affected thereby, and each provision of this resolution shall be valid and enforced to the fullest extent permitted by law.

29. Effective Date

The provisions of this resolution shall become effective at 12:01 a.m. on _____, 1995.

30. Repeal

Upon the effective date of this resolution, the Park County Dog Control Resolution adopted October 3, 1988, shall be repealed and replaced by this resolution. Such repeal shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this resolution.

ADOPTED in open session by the Board of County Commissioners of the County of Park, State of Colorado, at its regular meeting held the 21 day February of 1995.

BOARD OF COUNTY COMMISSIONERS
PARK COUNTY, COLORADO

ATTEST:

By [Signature]
Chairman

Barbara J. Pasco
County Clerk and Recorder



BY Paul O. Ottmer
SHERIFF