

STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

At a regular meeting of the Board of County Commissioners for Garfield County, Colorado, held at the Courthouse in Glenwood Springs on Monday, the ____ day of _____, A.D., 2005, there were present:

- Larry McCown, Commissioner
- Trési Houpt, Commissioner
- John Martin, Commissioner Chairperson
- Don K. DeFord, County Attorney
- Ed Green, County Administrator
- Mildred Alsdorf, Clerk to the Board

when the following proceedings, among others were had and done, to-wit:

RESOLUTION NO. 2005 - 48

A RESOLUTION REPEALING RESOLUTION NO. 02-91 CONCERNING THE CONTROL OF DOGS AND ENACTING THE PET ANIMAL CONTROL AND LICENSING RESOLUTION FOR GARFIELD COUNTY, COLORADO

WHEREAS, the Board of County Commissioners of Garfield County, Colorado (hereinafter BOCC) has previously enacted Resolution No. 02-91 concerning the control of dogs within the unincorporated area of Garfield County; and

WHEREAS, the BOCC wishes to enact a new resolution that includes comprehensive revisions and alterations to Resolution No. 02-091, adding provisions concerning the licensing of dogs, as well as other alterations; and

WHEREAS, the BOCC considers the control and licensing of pet animals a matter of the health, safety and welfare for the general public, requiring revision of the current provisions concerning those topics, as well as the addition of penalties, fees and licensing procedures needed to provide for the protection of the public; and

WHEREAS, §30-15-101, et seq., C.R.S., as amended, provides for the enactment and adoption of a resolution concerning the control and licensing of pet animals.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Garfield County, as follows:

1. **Repeal of Resolution No. 02-91 concerning the control of dogs.** Resolution No. 02-91 entitled "Dog Control Resolution of Garfield County" is hereby repealed, together with all attachments to that Resolution, and shall be of no force and effect upon the enactment of the "Pet Animal Control and Licensing Resolution of Garfield County" set forth below. That repeal shall not affect any offense or act committed or done or any penalty or forfeiture

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incurred or any right established or accruing before the effective date of the "Pet Animal Control and Licensing Resolution of Garfield County".

2. Adoption of Pet Animal Control and Licensing Resolution for Garfield County, Colorado. The BOCC herein adopts the provisions set forth in Exhibit A, attached hereto and incorporated herein by reference, as the "Pet Animal Control and Licensing Resolution for Garfield County".

3. Order Requiring Inoculation. The BOCC, acting as the Garfield County Board of Health, pursuant to the provisions of §25-4-607, C.R.S., as amended, hereby orders that all dogs, cats and pet animals shall be vaccinated against rabies as provided in the provisions of the Pet Animal Control and Licensing Resolution, attached hereto as Exhibit A. The Board of Health hereby directs that the Garfield County Sheriff, or his designee, to publish notification of this order in regard to all dogs, cats and other pet animals, which shall become effective as set forth below.

4. TITLE. This Resolution shall be known as the "Pet Animal Control and Licensing Resolution of Garfield County".

5. EFFECTIVE DATE. This Resolution is adopted on the 13th day of June, 2005, and shall become effective thirty (30) days thereafter, except for those provisions relating to vaccinations which shall be effective as provided by §25-4-608, C.R.S., as amended, twenty-four (24) hours after publication of such requirements in a paper of general circulation in Garfield County.

DATED this 13 day of JUNE, 2005.

ATTEST:

Meredith Alsdorf
Clerk to the Board

BOARD OF COUNTY COMMISSIONERS
OF GARFIELD COUNTY, COLORADO

By [Signature]
Chairperson

Upon motion duly made and seconded the foregoing Resolution was adopted by the following vote:

_____	Trési Houpt	_____	Aye
_____	Larry McCown	_____	Aye
_____	John Martin	_____	Aye
_____	Commissioners		



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STATE OF COLORADO)
) ss.
COUNTY OF GARFIELD)

I, Mildred Alsdorf, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Resolution is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Garfield County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Glenwood Springs, this _____ day of _____, A.D. 2005.

County Clerk and ex-officio Clerk of
the Board of County Commissioners



EXHIBIT A

PET ANIMAL CONTROL AND LICENSING RESOLUTION OF GARFIELD COUNTY

1. **AUTHORITY.** Pursuant to the provisions of §30-15-101, *et seq.*, C.R.S., as amended, and §25-4-601, C.R.S., as amended, the BOCC herein adopts the following provisions for the control and licensing of pet animals within Garfield County.

2. **APPLICABILITY.** Pursuant to the provisions of §30-15-101(1)(b), C.R.S., the control provisions of this Resolution shall apply to all dogs. However, nothing in this Resolution shall exempt any dog, cat, or other pet animal, as set forth in §25-4-601, *et seq.*, C.R.S., as amended, from the application of the order requiring inoculation for rabies.

3. **DEFINITIONS.** For the purpose of this Resolution, the following terms shall have the meanings set forth herein:

3.1 **Abandon** means (a) to fail to provide a pet animal necessary care for a period of twenty-four (24) hours or longer; or (b) to deposit, leave, drop off or otherwise dispose of any pet animal on public or private property without providing necessary care. For the purposes of this Resolution, any pet animal is presumed to be abandoned if, after the posting or personal service of written notice describing deficiencies of necessary care for a pet animal, the deficiencies are not corrected within twenty-four (24) hours of such notice by any person other than the Animal Control Officer.

3.2 **Animal** means any non-human living creature.

3.3 **Animal Control Officer** means any person empowered by Garfield County to enforce the provisions of this Resolution pursuant to §30-15-105, C.R.S., as amended, Garfield County Sheriff's Department personnel and peace officers as defined in §18-1-901, C.R.S., as amended.

3.4 **Animal Shelter** means all facilities and premises authorized by the BOCC to care for animals impounded pursuant to the provisions of this Resolution.

3.5 **Attack** means aggressive behavior by an animal such as biting, injuring or chasing a person or animal that may result in bodily injury, serious bodily injury or the death of a person or animal.



3.6 **Bite** means the piercing, laceration or breaking of the skin by the teeth or jaws of any animal.

3.7 **Bodily injury** means physical pain, illness, or any impairment of physical or mental condition.

3.8 **Cat** means any animal of the species *Felis catus* or any hybrid thereof.

3.9 **Control** means supervision of and influence over any pet animal sufficient to prevent the violation of any of the provisions of this Resolution. Control shall be by physical control or immediate control, as defined herein.

3.10 **Dog** means any animal of the species *Canis familiaris* or any hybrid thereof.

3.11 **Feral Animal** means an animal that exists in an untamed state, either due to birth or reversion to a wild state from domestication and has no known owner.

3.12 **Guard Dog** means

(a) Any dog that has completed a formalized course of training designed to teach to dog to protect people or property; or

(b) Any dog intended to be kept in an enclosed area to deter unauthorized entry.

3.13 **Habitual Offender** means any pet animal Owner who has pled guilty to or been found guilty of violating any provision of this Resolution three (3) times within any eighteen (18) month period. For purposes of this Resolution, after the effective date of this Resolution, any disposition of charges involving probation or deferred judgment and sentencing shall be considered to be convictions.

3.14 **Harass** means to unlawfully endanger, worry, impede, annoy, pursue, disturb, molest, rally, concentrate, harry, chase, drive, herd or torment wildlife or livestock.

3.15 **Immediate Control** means control of a pet animal by the presence of the Owner or responsible person whereby such person can exhibit command or physical control over the pet animal.

3.16 **Livestock** means cattle, horses, mules, burros, sheep, poultry, swine, llama, goats, regardless of use, and any other animal which is raised for food, fiber production or work.

3.17 **Necessary Care** for a pet animal includes, but is not limited to; providing proper food and water; protection from the weather consistent with the species, breed and type involved; and removal of waste from the animal's enclosure.

3.18 **Owner** means a person, firm, corporation or organization who owns, possesses, controls, maintains, keeps or harbors a pet animal, or knowingly permits a pet animal to remain for seven (7) consecutive days on or about property or premises owned, controlled or occupied by that person or entity.

3.19 **Pet Animal** means any animal owned or kept by a person for companionship, protection or for sale to others for such purpose. The term "pet animal" shall not include wild life, livestock, feral animals or any animal while actually used for working purposes on a bonafide farm or ranch. "Pet animal" includes any animal described in §35-80-102(10), C.R.S., as amended.

3.20 **Physical Control** means control of a pet animal by means of a tether or leash attached to the animal and held by the Owner or responsible person capable of controlling the animal at all times, or confinement within a vehicle or secure animal enclosure.

3.21 **Potentially Dangerous Animal** means any pet animal or working dog that:

- (a) engages in any aggressive behavior that requires a defensive action by a person to prevent minor physical injury, or
- (b) without provocation, bites a person or otherwise engages in aggressive behavior causing minor physical injury, or
- (c) without provocation, has killed, seriously bitten, inflicted injury or otherwise caused injury to a domestic animal.

3.22 **Premises** means property owned, leased or expressly permitted to be used by an Owner, including confined area or



locality such as a residence, business, room, shop, building or motor vehicle, including the open space bed of a truck. This term shall not include the yard of a multiple occupancy building occupied by other persons or common areas of apartments, condominiums, developments and complexes.

3.23 **Provocation** means the harassment, teasing, threatening, striking or attacking an animal or its Owner in the animal's presence, by a person.

3.24 **Public Custody** means the confinement of an animal in an animal shelter or in the physical control of an Animal Control Officer performing duties pursuant to the provisions of the Resolution.

3.25 **Quarantine** means the confinement of an animal in public custody for observation to detect symptoms of disease. Home observation may be permitted at the Garfield County Sheriff's or Animal Control Officer's discretion.

3.26 **Rabies** means a communicable disease of warm-blooded animals, transmittable to humans, as defined by the United States Department of Agriculture.

3.27 **Responsible Person** means any person to whom the owner of a dog or pet animal has granted temporary control or custody.

3.28 **Running at Large** means a dog off the premises of the Owner and not under the physical or immediate control of a person competent to restrain the dog by those methods. A dog entering the private property of any person other than the Owner shall be considered to be running at large, unless such intrusion is done with specific permission of the property Owner. A dog within or upon any automobile or other vehicle shall not be deemed as running at large.

3.29 **Secure Animal Enclosure** means a structure having a top, bottom, sides and is locked so as to prevent either the escape of the animal or unauthorized human entry.

3.30 **Serious Bodily Injury** means such injury which, either at the time of the attack or at a later time, is a injury that results in a long term or permanent physical disability, impairment or disfigurement; or a substantial risk of protracted loss or impairment of functions of any part or organ of the body; or breaks, fractures, burns, punctures or death.

3.31 **Tether** means to securely tie, chain or leash an animal to an inanimate object.

3.32 **Vicious Animal** means any animal that bites or attacks any person or pet animal. An animal will not be considered vicious if such animal meets the following criteria: (1) such animal meets the definition of a guard dog set forth herein; and (2) if the attack on a person or animal takes place during the course of protection of people or property.

3.33 **Wildlife** means any animal that currently exists as a species in a natural and wild state, except those species determined to be domestic animals by rule or regulation of the Colorado Wildlife Commission or the Colorado State Agricultural Commission.

3.34 **Working Dog** means a dog which is actually working livestock, locating or retrieving wild game in season for a licensed hunter, assisting law enforcement officers, assisting in rescue efforts or being trained for any of these purposes:

4. **VACCINATION OF DOGS, CATS AND PET ANIMALS REQUIRED.**

4.1 Owners of all dogs, cats and other pet animals which are harbored, kept or maintained in Garfield County, for which animals the United States Department of Agriculture has a licensed rabies vaccine, shall (1) vaccinate; (2) maintain the efficacy of the vaccination; and (3) maintain proof of current, efficacious rabies vaccination for those animals.

4.2 All animals subject to this section shall be vaccinated when the animal reaches the age of three (3) months or is licensed (if applicable), whichever occurs first, and the vaccination shall be repeated as recommended in the current 'Compendium of Animal Rabies Control' as published by the National Association of State Public Health Veterinarians.

5. **DOG LICENSING.** All dogs kept or maintained in Garfield County shall be licensed, except dogs exempt by State or Federal law, or dogs kept as part of the operation of a licensed animal shelter or Garfield County maintained animal shelter.

5.1 All dogs over the age of three (3) months shall have a valid Garfield County dog license.

5.2 All dog licenses shall expire three (3) years from the date of issue, or upon expiration of valid vaccination, whichever occurs first.

5.3 A valid dog license tag shall be attached to a collar or harness and shall be worn by the dog at all times. It shall be a defense to prosecution that the Owner or responsible person can produce a certification by a veterinarian that the dog cannot wear a collar or harness because of a permanent medical condition or the dog was, at the time of notice, working in a capacity that made the wearing of a collar or harness hazardous to the dog.

5.4 A dog license shall be comprised of and evidenced by a written license form and a dog license tag.

5.5 The Garfield County Sheriff, designated Animal Control Officer, and/or any agency or person designated by the BOCC by resolution will issue a dog license upon the receipt of the executed application, payment of the license fee and evidence of a current rabies vaccination, as described in Section 4.2 above, with efficacy extending past the date of license issuance.

6. **VOLUNTARY CAT IDENTIFICATION.** Owners of cats harbored, kept or maintained in Garfield County are entitled to obtain an identification tag suitable to be worn on a collar or harness. Cat identification tags will be available from the Garfield County Sheriff's Department, designated Animal Control Officer and/or any agency or person designated by the BOCC by resolution, upon the receipt of the executed application, payment of the identification tag fee and evidence of a current rabies vaccination with efficacy extending past the date of tag issuance.

7. **OWNERSHIP OF A VICIOUS ANIMAL.** It shall be unlawful for any owner of a pet animal or working dog to allow that animal to:

7.1 Bite, attack, or act in an aggressive manner towards a person or pet animal,

7.2 Become a danger to any person or property;

7.3 Reach past the the perimeter of the Owner's premises with its teeth or claws thereby causing or threatening injury or property damage of another;

It shall be an affirmative defense that the working dog was actually working and protecting livestock, assisting Law

Enforcement Officers, or acting in the capacity of a guard dog as defined.

8. FAILURE TO CONTROL A PET ANIMAL. It shall be unlawful and considered a failure to control a pet animal when:

8.1 A dog is running at large;

8.2 A pet animal is tethered upon any public or private property without the permission of the person owning, leasing or otherwise controlling the property in question;

8.3 A pet animal is allowed to defecate on public or private property and the Owner or responsible person of the animal does not remove the waste in a timely manner;

8.4 A pet animal is not under physical control in areas posted by any agency of the Federal government, the State of Colorado or political subdivision of the State as requiring the animal to be on a leash.

9. INTERFERENCE WITH AN OWNER'S CONTROL OF A PET ANIMAL. It shall be unlawful for any person to perform any act which interferes with, prevents or hinders the efforts of an Owner to control any of the Owner's pet animals.

10. INTERFERENCE WITH AN ANIMAL CONTROL OFFICER.

10.1 No person shall interfere with, molest, hinder, prevent or obstruct the Garfield County Sheriff or designated Animal Control Officer in the performance of their duties pursuant to this Resolution.

10.2 No person shall remove any animal from the public custody without consent of the Garfield County Sheriff, or his designated Animal Control Officer.

11. MANAGEMENT OF CLASSIFIED ANIMALS, APPEALS AND RESTRICTIONS.

11.1 The Court shall have the sole authority, based on probable cause, to determine that an animal is potentially dangerous.

11.2 During the pendency of any court proceedings and any appeal therefrom, the Garfield County Sheriff or designated Animal Control Officer may require that the animal be kept securely confined on the premises of the Owner or responsible person or other location required by the Garfield County

Sheriff or designated Animal Control Officer, at the Owner's or responsible person's expense.

12. ON-PREMISES CONFINEMENT.

12.1 While on the Owner's or responsible person's property, a potentially dangerous animal must immediately be securely confined indoors or in a securely enclosed and locked pen or structure suitable for preventing the entry of young children and designed to prevent the pet animal from escaping by climbing, burrowing or otherwise. The potentially dangerous dog must be securely confined indoors at all times until such enclosure is available. Such enclosure must have minimum dimensions of four feet (4') by eight feet (8') and must have secure sides, top and bottom. The enclosure must also provide adequate protection from the elements and be kept in a clean and sanitary condition.

13. OFF-PREMISES RESTRAINT.

13.1 A potentially dangerous animal may be off the Owner's or responsible person's premises only if it is restrained by a substantial leash not exceeding four feet (4') in length. The leash and animal shall be under the actual physical control of a person suitable for controlling the animal at all times. Such animal shall not be leashed to inanimate objects such as trees, posts, buildings, etc.

14. NOTIFICATION OF CHANGE OF STATUS.

14.1 The Owner or responsible person shall immediately notify the Garfield County Sheriff's Office if a potentially dangerous animal is loose, unconfined, has attacked another animal or a human being; or has died, been sold, been given away; or is otherwise no longer in the possession of the Owner or responsible person. If the animal has been sold or given away, the Owner or responsible person shall provide the Garfield County Sheriff or designated Animal Control Officer with the new Owner's or responsible person's name, address and telephone number. If the new Owner or responsible person maintains the animal within Garfield County, the new Owner or responsible person shall comply with the requirements previously applied to such animal and the requirements of this section.

15. SIGNS.

15.1 **Display Required.** The Owner or responsible person may be required to display a sign or signs in such form on



their premises warning that there is a potentially dangerous animal on the premises. Such a sign or signs shall be visible and capable of being read from any public right-of-way abutting the premises. Such a sign shall also be posted on the enclosure for the potentially dangerous animal.

15.2 **Cost - Additional Signs.** The County shall provide one (1) sign required by this section at no cost to the Owner or responsible person. Additional or duplicate signs shall be purchased from the County for an amount equal to the County cost for providing the signs.

16. **SPECIAL LICENSE AND TAG.**

16.1 The Owner or responsible person for any potentially dangerous dog shall obtain an annual special license for such dog, which license shall expire one (1) year from the date of issue.

16.2 An application for a special license shall be made to the Garfield County Sheriff's Office which shall include the information required by Section 5 of this Resolution.

16.3 All potentially dangerous dogs shall be issued a special license identification tag which shall be worn by the animal at all times.

17. **SPAY OR NEUTER REQUIREMENT FOR POTENTIALLY DANGEROUS ANIMALS.** Within fourteen (14) calendar days after its classification as a potentially dangerous animal, the Owner or responsible person shall have the animal spayed or neutered and present proof of that fact to the designated Animal Control Officer.

18. **OWNERSHIP AND DESTRUCTION OF DANGEROUS ANIMALS.**

18.1 Any dog determined to be dangerous in accordance with §18-9-204.5, C.R.S., as amended, Ownership of a Dangerous Dog, shall be subject to all of the provisions of that statute.

18.2 If the County Sheriff or designated Animal Control Officer determines that an animal presents an immediate threat to the public safety, they may immediately destroy such animal, if no other means of restraint can be accomplished without placing the Sheriff, designated Animal Control Officer or the public in physical danger.

19. DUTY TO REPORT PET ANIMAL AND WORKING DOG BITES. It shall be unlawful for any medical personnel who provides treatment to a person or an animal for a bite caused by a pet animal or working dog; to fail to report to the Garfield County Sheriff or designated Animal Control Officer any information known to him regarding the animal bite. The report shall be made within twenty-four (24) hours after such information is received by him and shall include with the report the name, address and telephone number of the person making the report. The report may be made by telephone to the Animal Control Officer on voicemail.

20. DUTY TO PRODUCE BITING ANIMAL FOR INSPECTION OR QUARANTINE. Upon the request of the Garfield County Sheriff or designated Animal Control Officer, an Owner or responsible person shall make available for inspection and/or quarantine any pet animal or working dog which has bitten a person or is suspected of biting a person.

21. QUARANTINE OF ANIMALS.

21.1 Any pet animal or working dog which is known to have bitten or injured any person, so as to cause an abrasion of the skin shall be quarantined for 10 days.

21.2 Any pet animal or working dog in which in the opinion of the County Sheriff, designated Animal Control Officer or a licensed veterinarian appears to be affected or infected with rabies shall be quarantined for 10 days.

21.3 Any pet animal or working dog with proof of current rabies immunization or proof of titers protection which has been bitten by or exposed to a rabid animal, shall be quarantined for 10 days. If no such proof is evident, the animal shall be quarantined for up to 6 months, or euthanized, as per the Rabies Prevention and Control Policy of the Colorado Department of Public Health and Environment.

21.4 Any pet animal or working dog without proof of current rabies immunizations or proof of titers protection which has caused an abrasion of the skin of another animal, shall be quarantined for 10 days.

21.5 Any animal so quarantined and not demonstrating evidence of rabies shall be released upon visual inspection by the Sheriff, designated Animal Control Officer or licensed veterinarian after such period. At the time of release, the animal shall receive a rabies vaccination by a licensed veterinarian.

21.6 If an animal is deemed by a veterinarian to be suffering from rabies, it shall be destroyed immediately upon such determination.

21.7 All costs of quarantine and immunization shall be the responsibility of the Owner.

22. FAILURE TO COMPLY WITH CERTAIN TERMS OF A SALES OR ADOPTION CONTRACT. It shall be unlawful to fail to comply with any terms of an adoption or fostering contract when an animal is obtained from an approved Garfield County Animal Shelter pursuant to such contract.

23. IMPOUNDMENT OF ANIMALS.

23.1 The Garfield County Sheriff or designated Animal Control Officer may impound any animal that is not under control as required by this Resolution, or when its Owner is in violation of any of the provisions of this Resolution.

23.2 As soon as practical after the impoundment of any animal, the Garfield County Sheriff or designated Animal Control Officer shall make a reasonable effort to notify the Owner.

24. OWNER'S DUTY TO REDEEM ANIMAL AND PAY FEES.

24.1 The Owner of any impounded animal shall be held responsible for all costs of impoundment, including medical treatment and boarding, and such costs shall be fully paid prior to the release of the animal. In addition, prior to the release, the Owner shall pay for rabies inoculation or provide proof of efficacious rabies vaccination.

24.2 Prior to release of any impounded animal, the Owner shall pay for a Garfield County dog license or provide proof of current licensure in Garfield County or the place of the animal's primary residence.

24.3 It shall be unlawful for any Owner to fail to make arrangements for the redemption or surrender of any animal impounded pursuant to the provisions of this Resolution, or to fail to pay any fees associated with the redemption or surrender of such animal within 5 days of impoundment.

25. DISPOSITION OF IMPOUNDED ANIMALS.

25.1 Any licensed animal impounded pursuant to the provisions of this Resolution shall become the property of the

Garfield County Sheriff five (5) days after verified notification of the Owner or responsible person, after which the Garfield County Sheriff or designated Animal Control Officer, or designated agent, may humanely euthanize the animal.

25.2 Any unlicensed animal impounded pursuant to the provisions of this Resolution shall become the property of the Garfield County Sheriff after five (5) days of impoundment after which the Garfield County Sheriff or designated Animal Control Officer or designated agent may humanely euthanize the animal.

25.3 For purposes of this section, a "day" means a twenty-four (24) hour period beginning at the time of day and the date which the animal was taken into public custody.

25.4 The Garfield County Sheriff or designated Animal Control Officer may humanely euthanize any animal at any time prior to the expiration of the five (5) day impoundment period, if the animal is seriously injured or ill, or if the animal poses a risk to the health of any person.

25.5 After the required time period, in lieu of having any animal destroyed, the Garfield County Sheriff or designated Animal Control Officer may release an animal which is not diseased to a bona fide humane society or animal shelter.

25.6 All animals impounded by Garfield County and adopted directly or through a humane society or animal shelter shall be sterilized at the time of adoption, unless such procedure would be dangerous to the animal.

26. HARASSMENT OF LIVESTOCK, WILDLIFE, PERSONS OR PROPERTY.

Unless otherwise allowed by Colorado statute, rule or regulation, it shall be unlawful for any person to knowingly or negligently allow, or direct a dog owned or controlled by that person to harass or threaten livestock, wildlife, persons or private property, whether or not such livestock, wildlife, persons or other property are actually injured by the subject dog.

26.1 Any dog threatening or harassing livestock, wildlife, persons or private property may be immediately destroyed at the discretion of the Garfield County Sheriff, his designated Animal Control Officer or any person threatened or harassed by such dog. In regard to a private person, such destruction may occur only during the time period when that

individual is actually subject to the threats or harassments of the dog. Nothing in this section shall be construed to prohibit a livestock owner, the owner's family, employees or agents from destroying a dog found harassing livestock.

26.2 Upon conviction of this violation, if the animal was not destroyed at the time of the incident, the Court may order it destroyed under the supervision of the Garfield County Sheriff, his Deputy, or his designated Animal Control Officer. If the Court does not order the animal destroyed, it may deem the animal a potentially dangerous animal and possession shall be returned to the Owner, subject to the regulations applicable to potentially dangerous animals under this Resolution.

26.3 Nothing in this section shall be construed to prevent the employment of dogs in the lawful control of wildlife:

(a) In situations when it is necessary to prevent such wildlife from inflicting death, damage, or injury to crops, real or personal property, livestock, or human life.

(b) Or as authorized by the Colorado Commissioner of Agriculture.

(c) Or as permitted by the Rules and Regulations of the Colorado Division of Wildlife.

26.4 Upon conviction of any violation of this section, the Owner shall be required by the Court to pay restitution of any livestock or wildlife injured or killed by the Owner's animal.

27. OWNERSHIP AND RESTRAINT OF GUARD DOGS. It shall be unlawful for any person, corporation or entity to own, harbor or maintain a guard dog without providing physical or verbal restraints efficient to assure that such dog will not depart from the property of the Owner or entity or control of said Owner or entity.

28. NUISANCE ANIMAL NOISE.

28.1 It shall be unlawful for any pet animal Owner or responsible person to allow such animal to create noise continuously (barking or noise regularly occurring for at least one (1) hour) in such a manner that the animal can be heard beyond the property line of the Owner. It shall be an



affirmative defense to the violation of this section that the noise originated from a licensed pet animal facility or animal shelter.

28.2 No violation of the provisions of the foregoing section shall be alleged unless the law enforcement official (including Animal Control Officer) serving the Summons and Complaint has obtained a written verified statement from a private citizen complaining of the activities set forth in the above paragraph, and such statement contains facts sufficient to demonstrate probable cause to proceed.

29. **ANIMAL FECES ACCUMULATION.** It shall be unlawful for any animal Owner to permit the accumulation of pet animal feces on the property in which the animal is kept, such as it is detectable visually or by odor at the property line.

30. **HABITUAL OFFENDER.** Subject to the definition set forth in Section 3.13, any person may be charged as a habitual offender in addition to any other charges brought pursuant to the provisions of this Resolution. Upon the conviction of an Owner as a habitual offender, the Owner's offending animal(s) may be ordered removed from Garfield County or surrendered to the Garfield County Sheriff, his Deputy, or his designated Animal Control Officer, along with any other penalties imposed by the Court.

31. **ENFORCEMENT.** The Garfield County Sheriff, Deputy Sheriff or designated Animal Control Officer shall have the authority to issue a Summons and Complaint to any alleged violator of this Resolution. The fine or other penalty shall be as provided in this Resolution or otherwise provided by law.

32. **PENALTIES FOR VIOLATIONS.**

32.1 An animal Owner found violating any provisions of this Resolution where such violations involves bodily injury to any person by such animal shall be guilty of a Class II Misdemeanor and upon conviction shall be punished for each such offense as provided by law and as set forth in the provisions of §30-15-102(2), C.R.S., as amended.

32.2 An animal Owner found violating any provisions of this Resolution, other than one involving bodily injury, shall be considered a Class II Petty Offense as set forth in the provisions of §30-15-102(1), C.R.S., as amended, and shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the Garfield County Jail for not more than ninety (90) days, or by both such fine and



imprisonment for each separate offense. No separate penalty assessment procedure is adopted by this Resolution.

33. FEES.

33.1 Licensing Fees:

Dog:	\$10.00
Cat (Voluntary):	\$5.00
Potentially Dangerous Animal:	\$200.00

33.2 Impoundment or Quarantine Fee:

Twenty Dollars (\$20.00) for each calendar day in which the animal is in the impoundment or quarantined.

34. LIABILITY FOR ACCIDENT OR SUBSEQUENT DISEASE FROM IMPOUNDMENT. The BOCC, its employees, and agents, the Garfield County Sheriff, his deputies and/or designated persons authorized herein to enforce the provisions of this Resolution, shall not be held responsible for any accident or subsequent disease which may be suffered by an animal as a result of the administration or implementation of this Resolution.

35. NOTICE AND EVIDENCE OF WARNINGS. An Owner shall be deemed to have been issued and received an appropriate notice of warning as herein referred if the warning is personally served upon the Owner, posted on the Owner's premises, or placed in the U.S. Mail, postage prepaid and addressed to the Owner according to the last address given by the Owner to obtain a dog license or cat identification tag, or to such other address as may be on file for the Owner with any government agency.

36. ENFORCEMENT. The provisions of this Resolution shall be enforced by the Garfield County Sheriff or his Deputy or designated Animal Control Officer and by any peace officer of jurisdiction.

37. ANIMAL CONTROL OFFICER. The position of Garfield County Animal Control Officer, shall be employed by the Garfield County Sheriff and appointed by such Sheriff, acting directly or through the Sheriff, at such compensation and such qualification as from time to time shall be fixed by the Garfield County Sheriff or by the BOCC.

38. DISPOSITION OF FINES AND FORFEITURES. If authorized by law, all fines and forfeitures for violation of provisions of this Resolution and all monies collected by the County for license fees



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shall be paid to the Garfield County Treasurer immediately upon receipt.

39. CAPTIONS. The captions and paragraph headings used throughout this Resolution are for the convenience of reference only, and the words contained herein 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 to or the scope of this Resolution.

40. SEVERABILITY. If any provision of this Resolution or the application thereof to any party or circumstance shall to any extent be invalid or unenforceable, the remainder of this Resolution and the application of such provision to parties or 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 be enforced to the fullest extent permitted by law.

5. DOG LICENSING. All dogs kept or maintained in Garfield County shall be licensed, except dogs exempt by State or Federal law, or dogs kept as part of the operation of a licensed animal shelter or Garfield County maintained animal shelter.

5.1 All dogs over the age of three (3) months shall have a valid Garfield County dog license.

5.2 All dog licenses shall expire three (3) years from the date of issue, or upon expiration of valid vaccination, whichever occurs first.

5.3 A valid dog license tag shall be attached to a collar or harness and shall be worn by the dog at all times. It shall be a defense to prosecution that the Owner or responsible person can produce a certification by a veterinarian that the dog cannot wear a collar or harness because of a permanent medical condition or the dog was, at the time of notice, working in a capacity that made the wearing of a collar or harness hazardous to the dog.

5.4 A dog license shall be comprised of and evidenced by a written license form and a dog license tag.

5.5 The Garfield County Sheriff, designated Animal Control Officer, and/or any agency or person designated by the BOCC by resolution will issue a dog license upon the receipt of the executed application, payment of the license fee and evidence of a current rabies vaccination, as described in Section 4.2 above, with efficacy extending past the date of license issuance.

6. VOLUNTARY CAT IDENTIFICATION. Owners of cats harbored, kept or maintained in Garfield County are entitled to obtain an identification tag suitable to be worn on a collar or harness. Cat identification tags will be available from the Garfield County Sheriff's Department, designated Animal Control Officer and/or any agency or person designated by the BOCC by resolution, upon the receipt of the executed application, payment of the identification tag fee and evidence of a current rabies vaccination with efficacy extending past the date of tag issuance.

7. OWNERSHIP OF A VICIOUS ANIMAL. It shall be unlawful for any owner of a pet animal or working dog to allow that animal to:

7.1 Bite, attack, or act in an aggressive manner towards a person or pet animal,

7.2 Become a danger to any person or property;

7.3 Reach past the the perimeter of the Owner's premises with its teeth or claws thereby causing or threatening injury or property damage of another;

It shall be an affirmative defense that the working dog was actually working and protecting livestock, assisting Law

**Title 30. Government—County. County Powers and Functions.
General. Article 15. Regulation Under Police Power. Part 1.
Control and Licensing of Pet Animals.**

§ 30-15-101. Pet animal control and licensing

(1)(a) The board of county commissioners of any county may adopt a resolution for the control and licensing of dogs and other pet animals as provided in this part 1. Such resolution may:

(I) Require licensing of dogs and other pet animals by owners and impose reasonable conditions and fees on the same. No registration permit or license shall be issued by any board of county commissioners unless and until the owner of a dog shall exhibit to such board or designated official a valid rabies vaccination certificate indicating the dog has been vaccinated against rabies by a licensed veterinarian. The county dog control resolution may exempt dogs below a specified age from licensing and registration or vaccination requirements, or both; except that the recommendations of the department of public health and environment shall be followed concerning the minimum age for such vaccination.

(II) Require that dogs and other pet animals be under control at all times and define "control", which may vary from time to time, place to place, and animal to animal;

(III) Define "vicious dog" and "vicious animal";

(IV) Establish a dog pound, or other animal holding facility, and engage personnel to operate it and otherwise to enforce the county dog control resolution or any other resolution concerning the control of pet animals;

(V) Provide for the impoundment of animals which are vicious, not under control, or otherwise not in conformity with the resolutions;

(VI) Establish terms and conditions for the release or other disposition of impounded animals;

(VII) Establish such other reasonable regulations and restrictions for the control of dogs and other pet animals as the board of county commissioners may deem necessary.

(b) The control provisions of such resolution, as provided in subparagraph (II) of paragraph (a) of this subsection (1), shall not apply to dogs while actually working livestock, locating or retrieving wild game in season for a licensed hunter, or assisting law enforcement officers or while actually being trained for any of these pursuits.

(2) In order to implement the provisions of this section, any county or municipality may enter into an intergovernmental agreement pursuant to the provisions of part 2 of article 1 of title 29, C.R.S., to provide for the control, licensing, impounding, or disposition of dogs or other pet animals or to provide for the accomplishment of any other aspect of a county or municipal dog control or pet animal control licensing resolution or ordinance.

(3) For purposes of this part 1, "pet animal" means and includes any animal owned or kept by a person for companionship or protection or for sale to others for such purposes. Except as otherwise provided in this subsection (3), "pet animal" does not include wildlife, livestock used for any purpose or which is stray as defined in section 35-44-101, C.R.S., or animals which are owned or bought and sold through the efforts of those that are licensed, inspected, or both, by the United States Department of Agriculture, the Colorado department of agriculture, or both; however, nothing in this subsection (3) shall be construed to exempt such animals from county control regulations.

CREDIT(S)

Repealed and reenacted by Laws 1977, H.B.1716, § 1, eff. July 7, 1977. Amended by Laws 1994, H.B.94-1029, § 556, eff. July 1, 1994; Laws 1994, H.B. 94- 1137, § 10, eff. May 22, 1994; Laws 2005, Ch. 217, § 55, eff. June 1, 2005.