

“Park County Animal Control Resolution of 1995.”

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 purpose of this resolution, the following definitions shall apply:

- a. “Abandon” means to deposit, leave, drop off or otherwise dispose of any living domestic animal without providing immediate human 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 Office 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 a 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:
 - 1. Has inflicted serious bodily injury upon a human being, without provocation, while on public or private property; or
 - 2. Has killed a domestic animal without provocation while off the owners property; or
 - 3. 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
 - 4. 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 or attempting to commit a crime; or
 - 5. Has engaged on or been trained for animal fighting, as described and prohibited in § 18-9-204, C.R.S. as amended.
- l. “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.
- 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 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 regulation, 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:
 - 1. Inflicts a bite on a human or a domestic animal either on public or private property; or
 - 2. Chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack; or
 - 3. 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:
 - 1. 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
 - 2. 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 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 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 owners 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 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 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 the 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 Tags:

The Park County Sheriff's Office 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 therefore, 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:
 1. Name, mailing address and street address of the dog owner.
 2. Breed, sex, age and description of the dog.
 3. Date of **vaccination for rabies** according to the vaccination certificate.
 4. Date of issuance of license.
 5. 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 five dollars, 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 tag has 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 trail.

- 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 the 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; 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 following subsections described 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:
 1. Running at large
 2. Becoming a danger to persons or property
 3. Trespassing on the property of another
 4. 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 he 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 provision 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 in the premises where the dog is usually kept. Therefore, the owner must comply with the provision 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 Vehicle:** 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 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 / her which has been under his/her control or in his/her 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, which may be reasonably necessary. Any peace officer with reason to believe that 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 that 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 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 owner's identity or whereabouts 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 circumstances 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 owners 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/her family or household, and any agent of the owner have an affirmative duty to endure 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 owners 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/her family or household, and any agent of the owner have 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 subsection by biting or attempting to bite any human or domestic animal, that:
 1. At the time of the attack by the dangerous dog 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 dangerous or potentially dangerous dog, and the attack began on such property; or
 2. 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 owners companion, and the dangerous or potentially dangerous dog was otherwise conforming to the requirements of this resolution; or
 3. 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 owners companion, and the attack did not occur on the owner's property; or
 4. 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 owners property or against the property itself, and the attack began on the owners property; or
 5. The dangerous or potentially dangerous dog was provoked.
- d. A violation of any provision of this subsection 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.
 1. 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.
 2. 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 of 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 owners 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 it's 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 the 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 of 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 such animal is not determined or located, or id the animal is unclaimed be 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 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 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, disturb, molest, rally, concentrate, harrass, 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 require impoundment. A charge of violating this section shall require 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 to be euthanized.

15. Barking Dogs:

- a. It is unlawful for any person to own or keep any dog, which disturbs 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 or keeper of the dog and the officer reasonably determines that the dog is disturbing the peace of the neighborhood.
- b. It is an affirmative defense to a charge under this section that the dog was barking due to provocation.

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 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/she 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:
 - 1. The payment of fees, charges, fines and costs according to any schedule imposed by the court or agreed to by the defendant
 - 2. Any order to confine or quarantine an animal or
 - 3. 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 offices may follow the penalty assessment procedure provided in § 16-2-201, C.R.S., as amended provided that:
 - 1. 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
 - 2. 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 two hundred and fifty dollars 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.

- 1. License Fee
 - Intact dog \$30.00
 - Sterilized dog \$10.00
 - Replacement tags \$ 5.00

- 2. Impound Fees
 - Equine..... \$80.00 for the first day, \$50.00 each day after
 - Dog \$40.00 for the first day, \$20.00 each day after
 - Cat \$20.00 for the first day, \$10.00 each day after
 - All other animals..\$30.00 for the first day, \$10.00 each day after

- 3. Boarding Fees: Quarantine (per day)
 - Dog \$20.00
 - Cat \$10.00

- 4. Euthanization \$100.00

- 5. Adoption \$65.00

- 6. 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:

 - i. Have that veterinarian perform the services upon presentation of the receipt from Animal Control, after which Animal Control will pay the veterinarian, or
 - ii. 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 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 an animal.

- 1. Failure to License
 - First Offense \$35.00
 - Second Offense \$60.00
 - Third and Subsequent offenses up to \$300.00

- 2. Failure to Vaccinate
 - First Offense \$35.00
 - Second Offense \$60.00
 - Third and Subsequent offenses up to \$300.00

- 3. Transfer of License up to \$300.00

- 4. Failure to Display License \$20.00

- 5. Unauthorized Removal of License up to \$300.00

- 6. Running at Large; Trespass; Open Vehicles
 - First Offense \$40.00
 - Second Offense \$80.00
 - Third and Subsequent offenses up to \$300.00

- 7. Failure to Properly Restrain a Potentially Dangerous Dog
 - First Offense \$150.00
 - Second Offense \$300.00
 - Third and Subsequent offenses (mandatory Court Appearance With 10-day quarantine)minimum \$500.00

- 8. Failure to Properly Enclose a Dangerous Dog (Mandatory Court Appearance)minimum \$500.00

- 9. Failure to Confine during Estrus
 - First Offense \$40.00
 - Second Offense \$80.00
 - Third and Subsequent offenses up to \$300.00

- 10. Cruelty; Abandonment; Closed Vehicles up to \$300.00

- 11. Interference with Animal Control Officer (Mandatory Court Appearance) up to \$500.00

- 12. Threatening Wildlife or Livestock
 - First Offense \$75.00
 - Second Offense \$150.00
 - Third and Subsequent offenses (With Mandatory 10-day quarantine) up to \$500.00

13. Barking Dog	
First Offense	\$40.00
Second Offense	\$80.00
Third and Subsequent offenses	up to \$300.00
14. Unlawful Taking or Release	up to \$500.00
15. Failure to Redeem, Comply or Pay	\$175.00
16. Offenses not Otherwise Specified Above	
First Offense	\$40.00
Second Offense	\$80.00
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/her 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 a 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. 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 purpose 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 onto 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 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 am on _____, 1995.

30. Repeal

Upon the effective date of this resolution, the Park County Dog Control Resolution adopted October 3, 1998 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 21st day of February 1995.

(See Appendix A)

Appendix A

PARK COUNTY, COLORADO BOARD OF COUNTY COMMISSIONERS

Resolution No. 2009-07

And

Resolution 2008-32

**PARK COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS
Resolution No. 2009-07**

**A RESOLUTION AMENDING SECTION 20 OF RESOLUTION
NO. 95-11 RELATING TO ANIMAL CONTROL CHARGES,
FEES AND FINES.**

WHEREAS, Section 20 of Park County Resolution No. 95-11 establishes a schedule of charges, fees and fines applicable to animal control; and

WHEREAS, the charges, fees and fines set forth in Section 20 have not been revised or increased since their original adoption in 1995; and

WHEREAS, Park County's costs associated with animal control have increased substantially since 1995 and the Board of County Commissioners wishes to establish new charges, fees and fines commensurate with the cost of animal control;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF THE COUNTY OF PARK, COLORADO THAT:**

Section 20 of Resolution No. 95-11 is hereby amended to read as follows:

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	\$30.00
Sterilized dog	10.00
Replacement tags	5.00

ii. Impound fees

Equine	\$80.00 for the first day, \$50 each day after
Dog	\$40.00 for the first day, \$20 each day after
Cat	\$20.00 for the first day, \$10 each day after

ii	Impound Fees	
	Equine	\$ 80.00 for the first day, \$50 each day after
	Dog	\$ 40.00 for the first day, \$20 each day after
	Cat	\$ 20.00 for the first day, \$10 each day after
	All Other Animals	\$ 30.00 for the first day, \$10 each day after

iii	Boarding Fees; Quarantine (per day)	
	Dog	\$ 20.00
	Cat	\$ 10.00

iv	Euthanization	\$100.00
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v	Adoption fees	\$ 65.00
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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	\$ 35.00
	Second Offense	\$ 60.00
	Third and Subsequent Offenses	up to \$300.00

ii	Failure to Vaccinate	
	First Offense	\$ 35.00
	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	\$ 20.00
v	Unauthorized Removal of License	up to \$300.00
vi	Running at Large; Trespass; Open Vehicles	
	First Offense	\$ 40.00
	Second Offense	\$ 80.00
	Third and Subsequent Offense	up to \$300.00
vii	Failure to Properly Restrain a Potentially dangerous dog	
	First offense	\$150.00
	Second offense	\$300.00
	Third and subsequent (Mandatory Court Appearance With 10-day quarantine)	minimum \$500.00
viii	Failure to Properly Enclose a Dangerous Dog (Mandatory Court Appearance)	minimum \$500.00
ix	Failure to Confine During Estrus	
	First Offense	\$ 40.00
	Second Offense	\$ 80.00
	Third and Subsequent Offenses	up to \$300.00
x	Cruelty; Abandonment; Closed Vehicles	up to \$300.00
xi	Interference with Animal Control Officer (Mandatory Court Appearance)	up to \$500.00
xii	Threatening Wildlife or Livestock	
	First Offense	\$ 75.00
	Second Offense	\$150.00
	Third and Subsequent Offenses (With mandatory 10-day quarantine)	up to \$500.00

xiii	Barking Dog	
	First Offense	\$ 40.00
	Second Offense	\$ 80.00
	Third and Subsequent Offenses	up to \$300.00
xiv	Unlawful Taking or Release	up to \$500.00
xv	Failure to Redeem, Comply or Pay	\$175.00
xvi	Offenses Not Otherwise Specified Above	
	First Offense	\$ 40.00
	Second Offense	80.00
	Third and Subsequent Offense	up to \$300.00

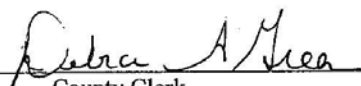
Moved, seconded, and approved this 5th day of Feb, 2009.

PARK COUNTY BOARD OF COUNTY COMMISSIONERS



 John Tighe, Chairperson

ATTEST:



 County Clerk





660219
1 of 1

3/25/2009 9:26 AM
CRESOL R\$0.00 DS0.00

Debra A Green
Park County Clerk

No fee

**PARK COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS
Resolution No. 2008-32
(CORRECTED)**

**A RESOLUTION REPEALING AND REENACTING SECTION
15 OF RESOLUTION NO. 95-11 RELATING TO BARKING
DOGS.**

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

Section 15 of Resolution No. 95-11 is hereby repealed in its
entirety and reenacted to read as follows:

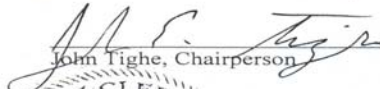
15. Barking Dogs.

a. It is unlawful for any person to own or keep any dog
which disturbs 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 or keeper of the dog
and the officer reasonably determines that the dog is disturbing
the peace of the neighborhood.

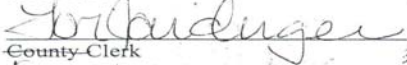
b. It is an affirmative defense to a charge under this section
that the dog was barking due to provocation.

Moved, seconded, and approved this ^{25th} day of March, 2009

PARK COUNTY BOARD OF COUNTY COMMISSIONERS


John Tighe, Chairperson

ATTEST:


County Clerk
Deputy

