

**ORDINANCE #14
ANIMAL CONTROL ORDINANCE**

AN ORDINANCE PROVIDING FOR THE CONTROL AND WELFARE OF CERTAIN ANIMALS WITHIN UNINCORPORATED TELLER COUNTY; ESTABLISHING PENALTIES FOR VIOLATIONS OF SUCH PROVISIONS, AND REPEALING CERTAIN RESOLUTIONS AND ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TELLER COUNTY, COLORADO:

WHEREAS, Teller County, Colorado possesses the authority to adopt an ordinance to implement the maximum statutory authority for control and licensing of DOGS and other ANIMALS pursuant to C.R.S. 30-15-101 et seq., 30-15-401 et seq., and 30-11-101 et seq.; and

WHEREAS, the Board of County Commissioners finds and recognizes that the control and licensing of DOGS and other ANIMALS is necessary to maintain the quality of life for all Teller County Citizens; and

WHEREAS, the Teller County Sheriff's Office is the appropriate enforcement agency for the controls imposed by this ordinance; and

WHEREAS, the Board of County Commissioners hereby finds, determines and declares that adoption of this Ordinance is necessary for the preservation and protection of the public health, safety and welfare of the inhabitants of Teller County, Colorado.

NOW THEREFORE, the following is adopted:

Section 1 – INTENT

The BOARD of County Commissioners of Teller County, Colorado intends by adopting this ANIMAL CONTROL Ordinance to declare as a matter of public policy that the keeping of ANIMALS in Teller County constitutes a potential threat to the health, safety, and welfare of the citizens to Teller County; that ANIMAL OWNERS, KEEPERS, and POSSESSORS must therefore assume full and total responsibility and punishment for the actions and conditions of their ANIMALS; that DOGS at large, barking DOGS, rabid DOGS, VICIOUS DOGS and similar ANIMALS constitute a PUBLIC NUISANCE; the regulation of ANIMALS, and without limitation specifically DOGS, through and by the actions of their OWNERS, KEEPERS, and POSSESSORS through administrative regulation and civil and criminal enforcement is necessary to protect the citizens of Teller County and their property; and that the provisions of this Ordinance should be liberally construed in favor of control and regulation of DOGS and other

ANIMALS, and are intended to implement the maximum statutory authority for control and licensing of DOGS and other ANIMALS under C.R.S. 30-15-101 et seq., 30-15-401 et seq., and 30-11-101 et seq.

Section 2 – DEFINITIONS

When used in this Ordinance, the following words and terms have the following meanings:

- 2.1 **ABANDONMENT:** means to leave an ANIMAL, that is OWNED, KEPT OR POSSESSED, unattended without food, shelter, or water or without adequate other provisions for its proper care for a period of time greater than 24 hours (See also: C.R.S. 35-42-103).
- 2.2 **ANIMAL, ANIMALS** means any living vertebrate creature, domestic or wild, including without limitation DOGS and stray ANIMALS as defined in C.R.S. §35-44-101(I), as it may be hereafter amended or replaced. The terms ANIMAL and ANIMALS shall be understood to be interchangeable, where appropriate, for the purposes of this Ordinance.
- 2.3 **ANIMAL CONTROL CENTER** means the facility or facilities previously or hereafter designated by the BOARD for the purposes of impounding, caring for, or disposing of ANIMALS held under the authority of this Ordinance or state law.
- 2.4 **ANIMAL CONTROL OFFICER** means the Teller County Sheriff, or the Teller County employee assigned to the ANIMAL CONTROL OFFICER position, or a Sheriff's Deputy, any of whom may issue Summonses and Complaints enforcing this Ordinance, as amended.
- 2.5 **ATTACK, ATTACKING, ATTACKED** means to forcefully threaten, assault or to act menacingly without PROVOCATION toward any human or ANIMAL.
- 2.6 **BITE, BITING, BIT** means to seize with teeth or jaws so as to enter, aggressively grip, wound or cause a puncture to the skin.
- 2.7 **BOARD** means the Teller County Board of County Commissioners.
- 2.8 **BODILY INJURY** means any physical pain, illness, impairment of physical or mental condition, physical injury wherein the skin is broken, exterior bleeding occurs, bruising occurs, bone, tissue or muscle damage is suffered, or emergency medical or veterinarian treatment becomes reasonably necessary, to or for a PERSON or ANIMAL.
- 2.9 **CONTROL** means any one or more of the following:
 - 2.9.1 Having a DOG on a leash, rope or other means of restraint so that the freedom of the DOG'S movement is restricted within a ten foot (10') radius;
 - 2.9.2 Having a DOG exclusively within the private property of the OWNER, KEEPER or POSSESSOR of a DOG;

- 2.9.3 Accompanying a DOG on public property when said DOG is at all times within ten feet (10') of, and immediately responsive to the voice commands of, the DOG'S OWNER, KEEPER or POSSESSOR;
- 2.9.4 Accompanying a DOG on private property with permission of the OWNER of such private property, when said DOG is at all times within forty feet (40') of, and immediately responsive to the voice commands of, the DOG'S OWNER, KEEPER or POSSESSOR.
- 2.9.5 A DOG shall be deemed to be in CONTROL when it is performing tasks or assistance as described in C.R.S. 30-15-101(1)(b), as it may be hereafter amended or replaced.
- 2.10 **C.R.S.** means the Colorado Revised Statutes.
- 2.11 **CRUELTY TO ANIMALS** means the inhumane treatment of an ANIMAL including, but not limited to, overwork, torture, beating, or mutilating.
- 2.12 **CUSTODY** means providing food, shelter, water, other sustenance or care for a DOG or other ANIMAL.
- 2.13 **DEPARTMENT** means the Teller County Sheriff's Office, ANIMAL CONTROL Division
- 2.14 **DOG, DOGS** means any member of the canine species, or a DOG of WILD EXTRACTION as defined in subsection 2.15. The terms DOG and DOGS shall be understood to be interchangeable, where appropriate, for the purposes of this Ordinance.
- 2.15 **DOGS OF WILD EXTRACTION** means any DOG that is of any hereditary part related to any wild canine such as but not limited to the wolf family (canis lupus) and the coyote family (canis latrans).
- 2.16 **EUTHANASIA, HUMANE EUTHANASIA:** means to produce a humane death by techniques accepted by the American Veterinary Medical Association.
- 2.17 **HEALTH DEPARTMENT** means the Teller County or Colorado State Health Department.
- 2.18 **KEEPER, KEPT:** means a PERSON(s) who, or whose unemancipated child (children) under the age of eighteen (18) years who reside(s) with said PERSONS, has permanent or temporary CUSTODY of a DOG or other ANIMAL through purchase, gift, adoption, agreement or otherwise. KEPT means such CUSTODY by a KEEPER.
- 2.19 **KENNEL** means a pound, shelter, place, premises, facility, company or organization, for profit or non-profit, whether private or public, that cares for overnight, boards, trains or breeds DOGS or other ANIMALS for personal, public, private, recreation or business purposes. The term KENNEL, where appropriate, and as referenced in this Ordinance, includes the definitions in C.R.S. and the Teller County Land Use Regulations as they may be amended.

- 2.20 **KENNEL PERMIT:** means a conditional use permit that is issued pursuant to the Teller County Land Use Regulations.
- 2.21 **NEGLECT, NEGLECTED:** means failure to provide food, water, protection from the elements, or other care generally considered to be normal, usual and accepted for a DOG's or other ANIMAL's health and well-being consistent with the species, breed, and type of a DOG or other ANIMAL.
- 2.22 **MISTREATMENT, MISTREATED:** means every act or omission that causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering.
- 2.23 **OWNER, OWNS** means a PERSON(s) who, or whose unemancipated child (children) under the age of eighteen (18) years who reside(s) with said PERSON(s), has permanent CUSTODY of a DOG or other ANIMAL through purchase, gift, adoption or otherwise. OWNS means such CUSTODY by an OWNER.
- 2.24 **PERSON** means any natural PERSON or individual, corporation, business trust, estate, trust, partnership, association, business, KENNEL, or any other legal entity, but shall exclude all governments, governmental subdivisions or governmental agencies.
- 2.25 **POSSESSOR, POSSESSED** means a PERSON(s) who, or whose unemancipated child (children) under the age of eighteen (18) years who reside(s) with said PERSON(s), has voluntarily assumed CUSTODY of a DOG or other ANIMAL, or the responsibility for the CONTROL of a DOG or other ANIMAL, through means other than as an OWNER or KEEPER. A PERSON is not a POSSESSOR if he/she, or their unemancipated child (children) under the age of eighteen (18) years who reside(s) with said PERSON, assumes temporary CUSTODY of a DOG or other ANIMAL for the sole purpose of summoning ANIMAL CONTROL authorities, or for the sole purpose of seeking emergency aid or medical treatment for a DOG or other ANIMAL. POSSESSED means such CUSTODY by a POSSESSOR.
- 2.26 **PREMISES** means property owned, leased, or expressly permitted to be used by an OWNER, KEEPER or POSSESSOR, or any confined area or locality such as but without limitation a residence, business, room, shop, building or motor vehicle in which the ANIMAL'S presence is authorized by the OWNER of the PREMISES. The term "PREMISES" includes the open bed of a truck in which an ANIMAL is secured.
- 2.27 **PROVOCATION** means harassment, teasing, threatening, striking, or ATTACKING an ANIMAL or its OWNER in the ANIMAL'S presence, by either a PERSON or another ANIMAL.
- 2.28 **PUBLIC NUISANCE** means an ANIMAL infected with rabies, or a VICIOUS DOG, or an unconfined DOG in estrus, or any ANIMAL

whose OWNER has been convicted of three or more violations of this Ordinance concerning the same ANIMAL within a twelve month period.

- 2.29 **QUARANTINE:** means to isolate an ANIMAL to protect the public health and safety or to isolate an ANIMAL that has been determined by an ANIMAL CONTROL OFFICER to be an overly aggressive ANIMAL.
- 2.30 **RUNNING AT LARGE or RUNS AT LARGE** means a DOG that is upon public property or upon the private property of a PERSON other than the DOG'S OWNER, KEEPER or POSSESSOR, when said DOG is not under the CONTROL of the DOG'S OWNER, KEEPER or POSSESSOR; or a DOG that is upon the private property of a PERSON other than the DOG'S OWNER, KEEPER or POSSESSOR, without permission from an owner of the private property or his/her agent, even if said DOG is under the CONTROL of the DOG'S OWNER, KEEPER or POSSESSOR. A DOG shall not be deemed to be RUNNING AT LARGE when it is performing tasks or assistance as described in C.R.S. 30-15-101(1)(b), as it may be hereafter amended or replaced.
- 2.31 **SERIOUS BODILY INJURY** means BODILY INJURY to a PERSON or ANIMAL, which involves death, a substantial risk of death, serious permanent disfigurement, or a substantial risk of protracted loss or impairment of the function of any part or organ of the body.
- 2.32 **STATE ISSUED ANIMAL LICENSE:** means any state license required by state law to, without limitation, board, breed, race, or collect ANIMALS including without limitation permits required by C.R.S. Section 35-80-104.
- 2.33 **VACCINATION** means the VACCINATION of an ANIMAL with an anti-rabies vaccine approved by the Colorado Department of Health and administered by a licensed veterinarian.
- 2.34 **VICIOUS DOG** means
- 2.34.1 Any DOG whose freedom of movement is not restricted by confinement or by attachment to a leash, rope or other means of restraint, and which DOG has displayed past aggression by ATTACKING or BITING human being(s) or ANIMAL(s). Said restriction shall prevent the escape of such DOG from its OWNER, KEEPER or POSSESSOR, or from such OWNER'S, KEEPERS' or POSSESSOR'S property, and shall prevent such DOG from ATTACKING or injuring a human being(s) or ANIMAL(s); or,
- 2.34.2 Any DOG which has caused BODILY INJURY, as defined by C.R.S. § 18-1-901, as it may be hereafter amended or replaced, to a human being or ANIMAL on two or more separate occasions; or,

- 2.34.3 Any DOG which has caused SERIOUS BODILY INJURY, as defined by C.R.S. §18-1-901, as it may be hereafter amended or replaced, to a human being or ANIMAL; or
- 2.34.4 Any DOG which has caused death to a human being or ANIMAL; or
- 2.34.5 Any DOG which is infected by rabies;
- 2.34.6 Any DOG which has been intentionally trained by qualified instructors for guard or police purposes shall be excluded from Subsections 2.34.1 through 2.34.4 of this Section 2.34 if and only if such DOG has legally ATTACKED, BIT, injured or caused death to a human being or ANIMAL under legal and bonafide guard or police circumstances. However, any such DOG OWNED, KEPT or POSSESSED primarily as a domestic pet on residential property shall not in any circumstance be excluded from Subsections 2.34.1 through 2.34.4 of this Section 2.34;
- 2.34.7 Episodes wherein a DOG has ATTACKED, BIT, caused BODILY INJURY, caused SERIOUS BODILY INJURY, or caused death to a human being or ANIMAL, when said human being or ANIMAL PROVOKED such DOG'S actions without justifiable reasons, shall be excluded from Subsections 2.34.1 through 2.34.4 of this Section 2.34.

The exclusions provided for in Subsections 2.34.6 and 2.34.7 of this Section 2 shall be affirmative defenses.

Section 3 – VACCINATION OF DOGS REQUIRED

- 3.1 Any OWNER, KEEPER or POSSESSOR of a DOG commits a Class Two Petty Offense if such DOG is more than 120 days old, and current VACCINATION against rabies has not been obtained.
- 3.2 All DOGS must be re-vaccinated one year from the date of VACCINATION, and each year there after, unless there is a current multiple year VACCINATION effective throughout the entire ensuing license year.
- 3.3 No PERSON charged with violating this Section 3 shall be convicted if he/she produces to the Court, or produces to an ANIMAL CONTROL OFFICER where such PERSON has been issued a penalty assessment Summons and Complaint, proof of VACCINATION for the DOG which was current, valid and in effect on the date of the alleged violation(s) concerning such DOG.
- 3.4 No PERSON shall possess or make use of a stolen, counterfeit or forged certificate of rabies VACCINATION.

- 3.5 Each and every day during which a violation of this Section 3 occurs shall be deemed a separate violation.
- 3.6 Notwithstanding the foregoing, no vaccination is required for any type of DOG for which the available approved vaccinations have been determined to be ineffective by the Colorado Department of Health.

Section 4 – LICENSING OF DOGS/ REQUIRED

- 4.1 Any OWNER, KEEPER or POSSESSOR of a DOG commits a Class Two Petty Offense if such DOG has resided in Teller County for more than 30 days, except as provided in Sections 5.5 pr 5.6, is more than 180 days old, and a current Teller County license issued by the ANIMAL CONTROL CENTER or their authorized agent, or a licensed veterinarian practicing in Teller County, has not been acquired for such DOG.
- 4.2 It is the responsibility of any OWNER, KEEPER or POSSESSOR of a DOG, to cause such DOG to wear at all times a metal tag bearing the legible number of a current Teller County DOG license issued to such DOG, as provided for in Sections 4 and 5 of this Ordinance. At a trial concerning a violation charged under this Section, the absence of such tag upon a DOG shall be prima facie evidence that such DOG was not properly licensed.
- 4.3 No PERSON charged with violating this Section 4 shall be convicted if he/she produces to the Court, or produces to an ANIMAL CONTROL OFFICER where such PERSON has been issued a penalty assessment Summons and Complaint, a Teller County license for the DOG which was current and in effect on the date of the alleged violation(s) concerning such DOG.
- 4.4 No PERSON shall possess or make use of a stolen, counterfeit or forged license certificate or license tag.
- 4.5 DOG license certificates and license tags are not transferable. No PERSON shall attach or cause to be attached any license tag to any DOG other than the DOG for which the tag was originally issued.
- 4.6 The ANIMAL CONTROL CENTER and any authorized agent, and any veterinarian practicing in Teller County shall create, maintain and retain a record of the contents and date of issuance of each Teller County license certificate and license tag issued by them. Such records shall be deemed to be public records for purposes of admissibility in any proceeding for violation of this Ordinance. Such records and the absence of entries in such records shall constitute prima facie evidence of DOG ownership and compliance or noncompliance with the licensing and VACCINATION provisions of this Ordinance.

- 4.7 Each and every day during which a violation of this Section 4 occurs shall be deemed a separate violation.

Section 5 – DOG LICENSING PROCEDURE

- 5.1 Teller County DOG licenses and tags shall be issued by the ANIMAL CONTROL CENTER or their authorized agent(s) or a licensed veterinarian practicing in Teller County, subject to the following requirements:
 - 5.1.1 A DOG license shall not be issued until the OWNER, KEEPER or POSSESSOR of the DOG to be licensed provides satisfactory evidence, acceptable to the license issuer, that a valid rabies VACCINATION certificate has been issued for such a DOG by a licensed veterinarian.
 - 5.1.2 A DOG licensing fee, as provided for in Section 13 of this Ordinance shall be paid to the ANIMAL CONTROL CENTER or its designated agent.
- 5.2 Upon completion of the requirements provided for in subsection 5.1 of this Section 5, the authorized issuing agent shall give to the PERSON paying the DOG licensing fee: a DOG license containing the DOG OWNERS' names and addresses, a description of the DOG, the DOG'S rabies tag number, the date of the DOG'S rabies VACCINATION and the license number issued to the DOG; and a metal tag bearing the same number of the license issued to the DOG.
- 5.3 The ANIMAL CONTROL CENTER shall keep a record of the names and addresses of all OWNER(s), KEEPER(s) or POSSESSOR(s) who license a DOG; and of all DOG licenses which are issued, including the information required and contained on such licenses.
- 5.4 All DOG licenses shall expire one year from the date of issue. Renewals shall be obtained before or within thirty (30) days after the expiration date.
- 5.5 Any DOG OWNER who moves into the County and remains in the County for a period of thirty (30) days or more shall comply with the licensing requirements of this Ordinance within the later to occur of forty-five (45) days of the DOG's arrival in the County or when the DOG reaches 180 days of age.
- 5.6 Any DOG that resides at a non-profit KENNEL for a period of 180 days or more shall comply with the licensing requirements of this Section 5.

Section 6 - DOGS NOT TO RUN AT LARGE

- 6.1 Any OWNER, KEEPER or POSSESSOR of a DOG commits a Class Two Petty Offense if such DOG RUNS AT LARGE.

- 6.2 Any OWNER, KEEPER or POSSESSOR of a DOG commits a Class Two Misdemeanor if such DOG causes BODILY INJURY or SERIOUS BODILY INJURY to any PERSON while RUNNING AT LARGE.
- 6.3 Any Teller County ANIMAL CONTROL OFFICER may seize any DOG which is observed by an ANIMAL CONTROL OFFICER to be RUNNING AT LARGE either upon public property or upon private property.
- 6.4 Each and every event observed by an ANIMAL CONTROL OFFICER during which a violation of this Section 6 occurs shall be deemed a separate violation.
- 6.5 A violation of this Section 6 may be proven solely by the uncorroborated testimony of a single witness, including without limitation an ANIMAL CONTROL OFFICER.
- 6.6 ANIMAL CONTROL OFFICERS may immediately impound all DOGS seized under this Section 6, and those impounded DOGS shall be under the authority of the ANIMAL CONTROL Division of Teller County until a violation is issued to the OWNER, KEEPER or POSSESSOR.
- 6.7 ANIMAL CONTROL OFFICERS may release a DOG observed to be RUNNING AT LARGE under this Section 6 to the OWNER, KEEPER or POSSESSOR, when such PERSON is identifiable. In such case where the DOG is released to the OWNER, KEEPER or POSSESSOR the ANIMAL CONTROL OFFICER may issue the violation for DOG RUNNING AT LARGE with the addition of Release in Lieu of Impoundment Fee.
- 6.8 A DOG shall not be deemed to be RUNNING AT LARGE when it is performing tasks or assistance as described in C.R.S. 30-15-101(1)(b), as it may be hereafter amended or replaced.

Section 7 – NOISY DOGS

- 7.1 Any OWNER, KEEPER or POSSESSOR of a DOG commits a Class Two Petty Offense if such DOG individually, or in combination with another DOG or DOGS together, disturb the peace and quiet of a PERSON by making any noises which are audible continuously, or noises which are audible twenty (20) or more times during a noise episode, with such noises being separated by pauses or gaps, however slight or long, where such continuous noise or noise episode lasts for a twenty (20) minute or longer period.
- 7.2 Noises made by a DOG shall not be considered audible unless heard by a complaining PERSON at such PERSON's occupied dwelling or regular place of employment which is located at least twenty feet (20 ft.) away from the location of the DOG or DOGS making said noise.

- 7.3 A summons and complaint for the first violation of this Section 7 shall not be issued. First time violators will be issued a warning, which warning shall be signed by an ANIMAL CONTROL OFFICER. Such warning shall contain the dates and approximate times when the violation occurred, and a brief explanation of the nature of the noise violation and copy of this Section 7.
- 7.4 No Summons and Complaint shall be issued for subsequent violations unless and until three (3) days have elapsed between the warning and any subsequent violations. Said initial warning shall be made by personal service, posted on the property or delivered by certified mail of said warning to either an OWNER or KEEPER or POSSESSOR of the DOG or DOGS. For second or subsequent violations of this Section 7, each and every day during which a violation of this Section 7 occurs shall be deemed a separate violation.
- 7.5 A Summons and Complaint for any violation of this Section 7 shall be signed by at least one complaining PERSON, which signature shall be in addition to the required signature of an ANIMAL CONTROL OFFICER.
- 7.6 PROVOCATION, as defined in Subsection 2.27 of this Ordinance, of a DOG whose noise is complained of is an affirmative defense to any charge for violation of Subsection 7.1.

Section 8 – VICIOUS DOGS

Issues of VICIOUS DOG(s) will be enforced and prosecuted as provided for in C.R.S. Section 18-9-204.5 *et seq.*, as those sections may be hereafter amended or replaced.

Section 9 – CRUELTY TO ANIMALS, ABANDONMENT, MISTREATMENT OR NEGLECT OF ANIMALS

Issues of CRUELTY TO ANIMALS, ABANDONMENT, MISTREATMENT or NEGLECT of ANIMALS will be enforced and prosecuted as provided for in C.R.S. Section 18-9-201 *et seq.*, as those sections may be hereafter amended or replaced.

Section 10 – LEGAL NUMBER OF DOGS / LIMIT

- 10.1 Any OWNER, KEEPER or POSSESSOR without any required Teller County KENNEL PERMIT or any required STATE ISSUED ANIMAL LICENSE commits a Class Two Petty Offense.
- 10.2 Public and private KENNELs with all required Teller County KENNEL PERMITs and STATE ISSUED ANIMAL LICENSEs and/or veterinarian offices shall be exempt from the provisions of Section 10.1.

- 10.3 Public and private KENNELs with any required Teller County KENNEL PERMITs and a STATE ISSUED ANIMAL LICENSE and/or veterinarian offices shall be limited to the number of DOGS allowed by any applicable KENNEL PERMIT and/or STATE ISSUED ANIMAL LICENSE at any one time.
- 10.4 Any OWNER, KEEPER or POSSESSOR running any public or private KENNEL with all required Teller County KENNEL PERMITs and a STATE ISSUED ANIMAL LICENSE and/or veterinarian offices commits a Class Two Petty Offense if it exceeds the number of DOGS allowed by any applicable KENNEL PERMIT and/or STATE ISSUED ANIMAL LICENSE.
- 10.5 For the purposes of this Section 10, each lot, parcel, or tract of land, whether platted or unplatted, and each separate townhouse, condominium, apartment, or other such dwelling unit within a multi-family development shall be considered a separate property.
- 10.6 Each and every day during which a violation of this Section 10 occurs shall be deemed a separate violation.
- 10.7 A violation of this Section 10 shall not be proven solely by the uncorroborated testimony of a single witness, unless the witness is an ANIMAL CONTROL OFFICER.
- 10.8 Any Summons and Complaint issued for a violation of this Section 10 shall be signed by at least one complaining PERSON; which signature shall be in addition to the required signature of an ANIMAL CONTROL OFFICER.
- 10.9 ANIMAL KENNELs must hold all applicable and required KENNEL PERMITs and STATE ISSUED ANIMAL LICENSES, however State KENNEL, ANIMAL health and welfare laws and regulations will also be enforceable and applicable.

Section 11 – SEIZURE AND IMPOUNDMENT OF DOGS

- 11.1 ANIMAL CONTROL OFFICERS may seize and impound any DOG which is observed to be RUNNING AT LARGE, either upon public property, or upon private property, so long as such seizure is with the consent of the property owner.
- 11.2 ANIMAL CONTROL OFFICERS may seize and impound DOGS RUNNING AT LARGE, whether on public or private property without obtaining consent, that are a VICIOUS DOG, or that are a PUBLIC NUISANCE.
- 11.3 Upon the impounding of any DOG, the DEPARTMENT shall cause written or verbal notice to be given to the OWNER, KEEPER or POSSESSOR (if known) of such DOG. Any OWNER, KEEPER or POSSESSOR of an impounded DOG may recover possession of such DOG upon the payment of the costs of such DOG'S impoundment, unless the DOG has been MISTREATED OR NEGLECTED or is a VICIOUS DOG.

- 11.4 If an OWNER, KEEPER or POSSESSOR of a DOG impounded under the provisions of this Ordinance refuses to claim such DOG, does not or fails to claim such DOG, or does not pay the costs for such DOG'S impoundment, all within five (5) days after receipt of the written or verbal notice required by Subsection 11.3, then such DOG shall come under the authority of the ANIMAL CONTROL CENTER for final disposition to include but not limited to adoption, relocation, or HUMANE EUTHANASIA.
- 11.5 If the OWNER, KEEPER or POSSESSOR of an impounded DOG can be determined, the notice of the applicable fees and costs incurred by Teller County and any designated ANIMAL care provider in impounding and caring for such DOG shall be paid to the appropriate entity incurring the expense, which entity may initiate legal proceedings to obtain reimbursement from such OWNER, KEEPER or POSSESSOR, and all or any of them, for said costs.
- 11.6 If an OWNER, KEEPER or POSSESSOR of a DOG impounded under the provisions of this Ordinance is unknown, said DOG shall be held for a period of five (5) days, after which said DOG will come under the authority of the ANIMAL CONTROL CENTER for final disposition, including but not limited to adoption, relocation or HUMANE EUTHANASIA.
- 11.7 An ANIMAL CONTROL OFFICER may exercise his/her discretion, and return a DOG found RUNNING AT LARGE to such DOG'S OWNER, KEEPER or POSSESSOR if the DOG'S OWNER, KEEPER or POSSESSOR first pays a "Release in Lieu of Impoundment Fee" as provided for in Section 13 of this Ordinance.

Section 12 – ENFORCEMENT/LIABILITY

Pursuant to C.R.S. §30-15-104, as it may be hereafter amended or replaced, the BOARD of County Commissioners of Teller County, any of their assistants or employees, or any other PERSON authorized to enforce the provisions of this Ordinance, shall not be held responsible for any accident or subsequent disease that may occur to a DOG or other ANIMAL in connection with the administration of this ANIMAL CONTROL Ordinance.

Section 13 – FEES

ANIMAL CONTROL CENTER Charges and Fees for , impoundment, boarding, licensing, and veterinary care of any ANIMAL shall be cumulatively assessed to any ANIMAL OWNER, KEEPER or POSSESSOR, and all or any of them, according to the following schedules. Payment of all applicable fees shall be a condition of release, redemption or adoption of any ANIMAL. These fees are for administrative

expenses incurred in impounding, boarding, licensing, and disposal of ANIMALS. The ANIMAL CONTROL CENTER may in addition charge other charges and fees related to the adoption, release or otherwise of an ANIMAL, payable to the ANIMAL CONTROL CENTER, that are not intended to be enforceable through this Ordinance. Those fees and charges will be set by, owed to and collected solely by the ANIMAL CONTROL CENTER.

- 13.1 Impound Fees:
 - 13.1.1 \$30.00

- 13.2 Boarding Fees:
 - 13.2.1 DOGS \$ 8.00 per/day
 - 13.2.2 Other ANIMALS Actual. cost with min. of 3.50 per/day
 - 13.2.3 QUARANTINE ANIMALS \$15.00 per/day

- 13.3 License Fees
 - 13.3.1 DOG (altered) \$10.00
 - 13.3.2 DOG (Unaltered) \$30.00
 - 13.3.3 Altered DOGS OWNED by Seniors 65 and over must be licensed but are exempt from the license fee.
 - 13.3.4 Assistance DOGS OWNED by a natural PERSON with a disability must be licensed but are exempt from the license fee, to the extent provided in C.R.S. 24-34-803(5).

- 13.4 Release in Lieu of Impoundment Fee \$ 20.00
 - 13.4.1 The Release in Lieu of Impoundment Fee applies only if impoundment has not occurred, and is payable to the Teller County general fund.

- 13.5 Transport Fee for Confiscated ANIMALS \$25.00 each way

- 13.6 Bond for Confiscated Horses:
 - 13.6.1 The bond amount is to be set by the ANIMAL CONTROL OFFICER in consultation with the State Veterinarian Office and the Bureau of ANIMAL Protection.
 - 13.6.2 In the event the OWNER of the horses(s) posts a bond, Transportation fees, Boarding Fees, and any required medical or ferrier costs authorized by an ANIMALCONTROL OFFICER shall be deducted from the bond. If expenses exceed the posted bond the OWNER is responsible to pay approved costs prior to reclaiming the horse.

Section 14 – ENFORCEMENT/PEACE OFFICER DESIGNATION

The provisions of this Ordinance shall be enforced primarily by the DEPARTMENT. For purposes of enforcement, and pursuant to C.R.S. §30-15-105, as it may be hereafter amended or replaced, Teller County ANIMAL CONTROL OFFICERS may issue Citations, Summonses and Complaints to enforce this Teller County ANIMAL CONTROL Ordinance. Either the District Attorney or the County Attorney shall have the authority to prosecute in his/her discretion any violation of this Ordinance.

Section 15 – VIOLATIONS/ STRICT LIABILITY

Violations of any provisions of this Ordinance, shall be proven by establishing beyond a reasonable doubt that a PERSON acted, or omitted to perform an act; and that such act or omission was contrary to any provisions of this Ordinance constituting a violation. It shall not be necessary to prove a culpable mental state on the part of any PERSON with respect to any material element of any violation. Any violations of this Ordinance are ones of "Strict Liability" as defined by C.R.S. §18-1-502 as it may be hereafter amended or replaced.

In addition to enforcement pursuant to this Ordinance, any violation of this Ordinance may be separately, concurrently, or together enforced by and through the Teller County Land Use Regulations and as they may be hereafter amended or replaced.

Section 16 – PENALTIES

- 16.1 Each violation of any provision of this Ordinance which constitutes a Class Two Petty Offense, notwithstanding the provisions of C.R.S. §18-1.3-503 and 30-15-102, as they may be hereafter amended or replaced, shall be punishable upon conviction by a fine of not to exceed Three Hundred Dollars (\$300.00), or by imprisonment in the County Jail for not more than ninety (90) days, or by both such fine and imprisonment.
- 16.2 Each violation of any provision of this Ordinance which constitutes a Class Two Misdemeanor by involving BODILY INJURY to any PERSON by a DOG, shall be punished upon conviction as provided for in C.R.S. §18-1.3-501, as it may be hereafter amended or replaced.
- 16.3 When a person is issued a summons and complaint for a violation of this ordinance, the issuing officer may give the person a penalty assessment notice pursuant to Section 16-2-201 C.R.S as it may be hereafter amended or replaced. The penalty assessment notice

shall be a summons and complaint, shall identify the alleged offender, shall specify the offense and applicable fine, and shall require that the alleged offender pay the fine or appear to answer the charge at a specified time and place. A duplicate copy shall be sent to the clerk of the county court. If the person given a penalty assessment notice chooses to acknowledge guilt, he/she may pay the specified fine in person or by mail at the place and within the time specified in the notice. If he/she chooses not to acknowledge his/her guilt, he/she shall appear as required in the notice. Upon trial, if the alleged offender is found guilty, the fine imposed shall be that specified in the notice for the offense of which he/she was found guilty, and customary court costs may be assessed against him/her in addition to the fine.

Upon conviction, or admission of guilt pursuant to this subsection 16.3, each violation of any provision hereof is punishable by the following fines:

- | | | |
|----------|---|-------|
| 16.3.1.1 | First Offense | \$30 |
| 16.3.1.2 | Second Repeated Offense | \$60 |
| 16.3.1.3 | Third Repeated Offense | \$150 |
| 16.3.1.4 | Fourth Repeated Offense | \$300 |
| 16.3.1.5 | Fifth and above repeated offenses, mandatory court appearance and court assessed fines allowed by state statute. | |
| 16.3.1.6 | Repeated offenses shall be cumulative only within a 365 day period, counting from and including the day of the first violation. "Repeated Offense means a conviction of a PERSON for an additional repeated violation of the same provision of this Resolution, for which violation of said same provision such PERSON has been previously convicted. | |

Section 17 – DISPOSITION OF FEES

All fees collected for impoundment, Boarding, Adoption, License and Release of Ownership, shall be paid to the ANIMAL CONTROL CENTER. All fees collected for Release in Lieu of Impoundment shall be paid into the Treasury of Teller County, by depositing such monies as collected into the General Fund of Teller County,

Section 18 – DISPOSITION OF FINES

All fines collected for convictions of violations of this Ordinance, shall be paid into the Treasury of Teller County, by depositing such monies as collected into the General Fund of Teller County.

Section 19 – INCORPORATION OF COLORADO STATUTES

All provisions of C.R.S. Title 30, Article 15, Part 1 are hereby adopted and incorporated by reference into this Teller County ANIMAL CONTROL Ordinance.

Where any provision of this Ordinance conflicts with any other provision of this Ordinance, or any other law or ordinance, the more stringent requirement, regulation, restriction or limitation shall apply.

Section 20 – SEVERABILITY CLAUSE

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 21 – APPLICABILITY

The provisions of this Ordinance shall apply to, and may be enforced within, all areas of unincorporated Teller County. It shall also apply to, and may be enforced within, any municipality that adopts the provisions of this Ordinance, or any portion thereof, for the purposes of enforcement within such municipality.

Section 22 – PRIOR RESOLUTIONS RESCINDED

It is the intent of the BOARD, that this Ordinance completely embody all rules, regulations and requirements within unincorporated Teller County regarding the licensing, CONTROL and impoundment of DOGS and other ANIMALS. Therefore, all prior Resolutions and Ordinances, including Ordinance #9, heretofore adopted by the BOARD in relation to the matters contained herein, are hereby declared null, void and of no effect as of and for matters occurring after the Effective Date of this Ordinance. To effectuate this purpose, all prior animal control Ordinances, including Ordinance #9, are hereby rescinded as of and for matters occurring after the effective Date of this Ordinance.

CERTIFICATION: THE FOREGOING ORDINANCE WAS INTRODUCED AND READ ON JULY 14, 2005, BY THE BOARD OF COUNTY COMMISSIONERS OF TELLER COUNTY, COLORADO, AND APPROVED FOR PUBLICATION.

DATE OF PUBLICATION: _July 20, 2005_____

THE FOREGOING ORDINANCE WAS CONSIDERED ON August 25, 2005 AND
ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS

EFFECTIVE: September 30, 2005

DATE OF SECOND PUBLICATION: _August 31, 2005

Patricia A. Crowson
Teller County Clerk & Recorder

BY: THE TELLER COUNTY BOARD OF COUNTY COMMISSIONERS

Robert W. Campbell
Board of County Commissioners,
Teller County

Attest:

Patricia A. Crowson,
Teller County Clerk & Recorder