

Ordinance # 9

ANIMAL CONTROL
ORDINANCE

AN ORDINANCE PROVIDING FOR RABIES CONTROL: LICENSING OF DOGS: RESTRAINT OF ANIMALS RUNNING AT LARGE: RESTRAINT OF VICIOUS DOGS: RESTRAINT OF BOARDING DOGS: IMPOUNDMENT AND DISPOSITION OF ANIMALS: AND 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 the County of Teller, Colorado:

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 and dogs in Teller County constitutes a potential threat to the health, safety, and welfare of the citizens of Teller County; that animal and dog owners must therefore assume full responsibility and strict liability for the actions and conditions of their animals and dogs; that dogs at large, barking dogs, rabid dogs, vicious dogs, and similar animals constitute a public nuisance; that the regulation of animals and dogs and the actions of their owners through administrative regulation and civil and criminal enforcement is necessary to protect the citizens of Teller County and their property; and the provisions of this Ordinance should be liberally construed and are intended to implement the maximum statutory authority for control and licensing of dogs and animals under C.R.S. 30-15-101 et seq.

Section 2 - DEFINITIONS

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

- 2.1 Abandonment: To leave a pet animal unattended without food, shelter, or water for a period of time greater than 24 hours.
- 2.2 Animal: Any living vertebrate creature, domestic or wild, including dogs but excluding estray animals as defined in C.R.S. 35-44-101(l), as amended.
- 2.3 Animal Control Center: The facility or facilities designated by the Teller County Board of County Commissioners for the purposes of impounding, caring, or disposing of animals held under the authority of this Ordinance or state law.
- 2.4 Animal Control Supervisor (Supervisor): The Animal Control Supervisor of Animal Regulations for Teller County shall be the Sheriff or his designee.

- 2.5 Animal Regulation Officer (Officer): Any person designated by the Teller County Board of County Commissioners or the Teller County Health Officer; the Animal Control Supervisor; Animal Control Center personnel; the Teller County Sheriff, Under-Sheriff and deputies acting under authority of C.R.S. 30-15-105; and peace officers of any incorporated municipality within the county which contracts with the County to enforce the provisions of this Ordinance.
- 2.6 At Large: To be off the premises of the owner and not under control by the owner or a responsible agent. This definition does not apply to any dog while actually working livestock, locating or retrieving wild game in season for licensed hunting, assisting law enforcement officers, participating in obedience dog show or an obedience class, or while being trained for any of these pursuits.
- 2.7 Board of Animal Regulation: A five member board established by the Teller County Board of County Commissioners, which shall have such additional authority to hear administrative appeals as may be provided by Section 9 of this Ordinance. Unless and until a separate Board of Animal Regulation is established and appointed, the Teller County Board of Adjustment shall be, and shall act as, the Board of Animal Regulation.
- 2.8 Bodily Injury: Any physical pain, illness, impairment of physical or mental condition or, physical injury wherein the skin is broken, exterior bleeding occurs, bruising occurs, or bone, tissue or muscle damage is suffered, or emergency medical or veterinarian treatment becomes reasonably necessary for a person or animal.
- 2.9 Control: Verbal or physical constraint of an animal.
- 2.10 County: The un-incorporated areas of the County of Teller, Colorado
- 2.11 Cruelty to Animals: Inhumane treatment of an animal including, but not limited to overwork, torture, beating, mutilating.
- 2.12 Dog: Any member of the canine species, or as defined in 2.13.
- 2.13. Dogs of Wild Extraction: A dog that is of any hereditary part related to a wild canines such as but not limited to the wolf family (*canis lupus*) and the coyote family (*canis latrans*).
- 2.14 Harboring: The act of keeping and caring for an animal or of providing a premises to which the animal returns for food, shelter or care for a period of at least three consecutive days.
- 2.15 Health Department: The Teller County or Colorado State Health Department.
- 2.16 Health Officer: The Health Officer of Teller County, or any Health Department Employee or other person authorized by the Health Officer to act on his, or her, behalf.
- 2.17 Humane Euthanasia: Painless death.

- 2.18 Owner: Any person, partnership, corporation, entity or their agent who owns, co-owns, possesses, keeps, harbors, or which has control or custody of an animal; or the person named as owner in current County licensing records or on the dog identification license or rabies tag; or any parent, guardian, or legal custodian of any un-emancipated child under eighteen (18) years of age who owns, co-owns, possesses, keeps, harbors, or has control or custody of an animal. References to the masculine gender of an owner include the feminine gender.
- 2.19 Premises: Property owned, leased, or expressly permitted to be used by an owner or any confined area or locality like 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.
- 2.20 Provocation: Harassment, teasing, threatening, striking, or attacking an animal or it's owner in the animal's presence, by either a person or another animal.
- 2.21 Public Nuisance: An animal infected with rabies, or a dog at large, or a barking dog which disturbs the peace of humans, or a vicious dog, or an unconfined dog in estrus, shall be deemed to be a public nuisance. "Public Nuisance" shall also include any animal whose owner has been charged with three or more violations of this Ordinance concerning the same animal within a twelve month period.
- 2.22 Serious Bodily Injury: Bodily injury to a person or animal which involves 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.
- 2.23 Supervisor: See Animal Control Supervisor (2.4).
- 2.24 Vaccination: The vaccination of an animal with an anti-rabies vaccine approved by the Colorado Department of Health and administered by a licensed veterinarian.
- 2.25 Vicious Dog: A Dog which:
- a. causes bodily injury to a person or animal; or which.
 - b. is infected with rabies; or which
 - c. is of wild extraction that on any occasion causes bodily injury by biting of a person or animal, whether or not provoked, or is known to be infected with rabies
 - d. causes bodily injury to a person or animal off the dogs owner's premises; or which
 - e. is at large and exhibits serious aggressive behavior; or which
 - f. has engaged in a dog fighting contest with the owner's knowledge; or which
 - g. has been specifically found to be vicious by any court or jury;

provided, however, that a dog which attacks, terrorizes, or causes any bodily injury to a person or animal in immediate response to objectively unreasonable provocation shall not be found to be vicious, if the dog owner establishes such facts as an affirmative defense to a charge for violation of Section 5 or to the satisfaction of the investigating Animal Regulation Officer. Any dog which is found to be vicious as defined by Section 2.25.a, 2.25.b, 2.25.c, or 2.25.d shall be destroyed in accordance with Section 9.3.a.

Section 3 - LICENSING AND VACCINATION

3.1 Licensing and Vaccination Required:

No person shall own, keep or harbor in the County any dog over four months of age unless such dog is vaccinated against rabies and licensed. All dogs, including dogs of wild extraction, shall be vaccinated at four months. All dogs will be re-vaccinated one year from the date of vaccination, and each year thereafter, unless there is a current multiple-year vaccination effective throughout the entire ensuing license year, in which case re-vaccination shall occur to assure no lapse in the effective period for vaccinations.

All dogs will be licensed at four months, and each year thereafter. In order to be re-licensed, there must be a current vaccination effective throughout the entire ensuing license year.

Any dog owner who moves into the County, including for purposes of this section both incorporated and unincorporated areas of the County, shall comply with this Ordinance within thirty (30) days afterwards.

If any dog has bitten any person or animal within the last ten days, the owner of said dog shall report that fact to the vaccinating veterinarian or to the animal control facility, and no rabies vaccine shall be administered to that dog until after the ten day observation period.

3.2 Certificate of License: Upon vaccination against rabies, or upon satisfactory proof of current rabies vaccination, a veterinarian or Animal Control Center shall execute and furnish to the owner of the dog, upon payment of required fees, a license certificate and a license tag. Fees for licenses are set forth at Section 11 below. Such certificates of license shall contain the following information:

- a. the name, street address, and telephone number of the owner of the vaccinated dog.
- b. the veterinarian's name, rabies tag number and expiration date of the vaccination.
- c. the breed, age, color and sex and the spay/neuter status of the dog.
- d. the County license number, license year, date of issue, license fee, and licensing agent.

- 3.3 License Tags: Concurrent with the issuance and delivery of the license referred to in Section 3.2 of this Ordinance, the dog owner shall cause to be attached to the collar or harness of the vaccinated dog a metal tag serial numbered, bearing the year of issuance and the name of Teller County. This license tag is distinct from a metal rabies tag, which the Department of Health may separately require to be issued to an owner and worn by the dog. No dog owner shall fail to place upon his dog the collar or harness to which the tag is attached, and no dog owner shall fail to insure that the dog at all times wears the collar or harness displaying the license tag. If the dog is participating in a sanctioned dog show, or is securely confined within the owner's premises, or is aiding law enforcement officers, or is actually training to hunt or retrieve game in circumstances where attachment of a license tag would constitute a clear danger to the dog, then the wearing of the tag is not required.
- 3.4 Duplicate Tags: In the event of loss or destruction of the original license tag provided for in this section, the dog owner shall obtain as soon as possible a duplicate from the Animal Control Center for the fee of \$2.00.
- 3.5 Proof of Licensing: No person shall own or harbor a dog and fail or refuse to exhibit a license certificate, license tag, or rabies tag within a reasonable time upon demand by any Animal Regulation Officer.
- 3.6 Harboring Unvaccinated Dogs: No person shall own or harbor any dog which has not been vaccinated against rabies as provided herein, or any dog which cannot be identified as having a current rabies vaccination and license tag.
- 3.7 False and Stolen License Documents: No person shall possess or make use of a stolen, counterfeit or forged license certificate, license tag or rabies vaccination tag.
- 3.8 Transferability: 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. The same is true for rabies vaccinations and tags.
- 3.9 Records: The Animal Control Center and any veterinarian practicing in Teller County shall create, maintain and retain a record of the contents and date of issuance of each license certificate and license tag. Such records shall be deemed to be public records for purposes of admissibility in any proceeding for violation of the 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.

- 3.10 Kennel License: Any person owning or keeping more than six (6) dogs, four months of age or older, at any one premises within the unincorporated area of Teller County, is required to obtain a Teller County Kennel License. All applicants must comply with all zoning and health requirements before a license will be issued. Any person keeping in excess of six (6) dogs shall be deemed to be operating a kennel. A separate offense shall be deemed to have been committed for each day upon which such kennel is kept and maintained without a license therefor as herein provided.
- a. Any person wishing to obtain a Kennel License must make written application to Teller County Animal Control. The name, mailing address and phone number of the applicant along with the proposed location and size of the kennel must be stated. The application shall be accompanied by the written consent of a majority of the persons of legal age, residing within 1/4 mile, or three blocks if in a platted subdivision, of the exterior boundaries of the premises of the proposed kennel.
 - b. Dogs will be required to have proper shelter, adequate water and food, and be enclosed by an adequate fence or tethered to prevent the dogs from running at large. All kenneled dogs over the age of four months will require proof of current anti-rabies vaccinations, approved by the Colorado Department of Health and administered by a licensed veterinarian. Animal waste will be removed from the premises at least once a week. A County Kennel License will not be approved for persons proposing breeding or boarding more than 20 dogs per year for profit or compensation. Failure to comply with the above conditions during the licensing period will subject the licensed person to have their licensed canceled. The property used for kenneling dogs will be subject to random inspections for compliance of the above conditions.
 - c. The kennel license will be issued upon compliance with the following requirements:
 - 1) Payment of the license fee in the amount of \$100.00, payable annually.
 - 2) Approval of the Teller County Health and Environment Officer.
 - 3) Compliance with all applicable provisions of this Ordinance relating to the keeping of animals generally.
 - 4) Approval of the Zoning administrator.
 - 5) Compliance with all other properly promulgated rules and regulations relating to the care and keeping of animals.

- d. Annual renewal of this license will require payment of the license fee and written consent of a majority of the persons of legal age residing within 1/4 mile, or three blocks if in a platted subdivision, of the exterior boundaries of the premises of the kennel.
 - e. Any Animal Regulation Officer may revoke the kennel license for any violation of this Ordinance.
- 3.11 Temporary Kennel License: A temporary dog kennel license is required if a person is going to temporarily exceed the maximum number of six (6) dogs at their premises. The cost of the temporary license is \$30.00 and will be valid only for a period of 90 days from the date of issue. All regular kennel requirements will apply to the temporary license including revocation.

Section 4 - DOGS RUNNING AT LARGE

- 4.1 Confinement Required: A dog owner shall physically confine the dog to the owner's premises. Such physical confinement shall insure that the dog cannot leave the owner's premises or be at large.
- 4.2 Dogs at Large: No dog owner shall fail to prevent his dog from being or running at large, as defined at Section 2.6. Any dog off its owner's premises shall be under control (as defined in 2.9) by its owner, or a responsible agent, at all times.
- 4.3 Dogs in Common and Public Areas: No dog owner shall fail to prevent his or her dog from running at large in the yard of any multiple occupancy building which is occupied by other persons; or in the common areas of mobile home complexes, apartments, or condominium developments; or in open space areas of subdivisions; or in public or county parks or fairgrounds unless permission is posted by county or public authorities, allowing dogs at large.
- 4.4 Confinement During Estrus: Any unspayed female dog in the state of estrus (heat) shall be confined during estrus in a house, building, or secured enclosure constructed so that no other dog may gain access to the confined animal. Owners who do not comply with this subsection may be ordered to remove the dog to a boarding kennel, veterinary hospital or the Animal Control Center. All expenses incurred as a result of such confinement shall be paid by the owner. Failure to comply with the removal order of an Animal Regulation Officer shall be a violation of this Ordinance, and any unspayed female dog in estrus may be summarily impounded in the event of noncompliance with such a removal order.

- 4.5 Evidence of Running At Large: It shall be prima facie evidence that a dog is running at large if the dog is out of the site of the owner, or responsible agent, or if the dog goes upon public or private property without the property owner's or manager's consent.

Section 5 - VICIOUS DOGS

- 5.1 Vicious Dogs Prohibited: No person shall own or harbor a vicious dog within the County, except as provided in this Ordinance. Such dog shall be impounded as a public nuisance pursuant to the procedures set forth in Section 8, and shall be subject to disposition as provided by Sections 9.3, 9.4 and 9.5.
- 5.2 Control of Dogs: No owner, or responsible agent in control, of a dog shall fail to prevent it from causing bodily injury to, or biting without provocation, any person or animal, including, but not limited to pets, domestic livestock, fowl, or wildlife.
- 5.3 Guard Dogs: No person shall own or allow any dog which has been specifically trained to attack people to be placed in any area for the protection of persons or property, unless the following conditions are met:
- a. the dog is confined to an area from which it cannot escape; or
 - b. the dog is under the complete control of the handler at all times; and
 - c. warning signs bearing letters not less than ten (10) inches high are conspicuously posted about the area of confinement indicating the presence of a guard dog.

Section 6 - BARKING DOGS

- 6.1 Barking Dogs Prohibited: No owner of a dog shall fail to prevent it from disturbing the peace and quiet of any other person by loud and persistent barking, baying, howling, yipping, crying, yelping, or whining, whether the dog is on or off the owner's premises.
- 6.2 Provocation Defense: Provocation of a dog whose noise is complained of is an affirmative defense to any charge for violation of Section 6.1.
- 6.3 Warning Required: No person shall be charged with a violation of Section 6.1 unless written warning as provided in Section 6.4 has been given at least seven (7) days but not more than thirty seven (37) days preceding the charge.

6.4 Warning Process:

The warning process to be employed shall be substantially as follows:

- a. The warning must relate to a barking incident separate from the charged violation.
- b. The Animal Regulation Officer may issue a warning after either receiving a phoned-in complaint and investigating the complaint in the field, or after receiving two phoned-in complaints from different households.
- c. All complainants must clearly identify themselves by stating their name, address and telephone number. The complainant shall further state, if known, the name of the dog's owner, the owner's address and telephone number, a description of the dog, description of the offense, and the date, time, place and duration of the offense.
- d. A record or incident report shall be kept of any such complaint and investigation.
- e. A warning to a dog owner shall cite Section 6.1 and advise the owner of penalty for the violation of Section 6.1. The warning shall also state that a complaint has been received, recite the date of the alleged offense, and conclude that the owner's dog may have disturbed the peace of another individual. The warning must be identified as being issued by an Animal Regulation Officer empowered by Teller County to enforce the provisions of the Ordinance.

6.5 Notice and Evidence of Warnings: An owner shall be deemed to have been issued and received a warning under Section 6.4 if the warning is personally served upon the owner, posted on the owner's premises, or placed in the U.S. Mail, first class postage prepaid and addressed to the owner of the dog according to the last address given by the owner to obtain a certificate of license or license tag.

6.6 Complainant Rights and Responsibilities:

- a. The identity of a complainant(s) shall be kept confidential until a violation of this Section is charged.
- b. If a violation of this Section 6 is charged, the complainant(s) shall sign an affidavit on the citation attesting to the violation, or shall verify in writing the allegations of a complaint prior to service of the charge upon the owner. No person or owner shall be convicted at a trial for violation of this Section unless testimony is presented by at least two complaining witnesses, or by one complaining witness when there is only one occupied residence within one quarter (1/4) mile, or three blocks if in a platted subdivision, in any direction. An Animal Regulation officer may testify as a complaining witness.

Section 7 - ABANDONED, ABUSED OR NEGLECTED ANIMALS

- 7.1 Cruelty to Animals Prohibited: It shall be unlawful for any person:
- a. To overload, overwork, torture, beat, mutilate, needlessly injure or kill or otherwise treat any animal in a cruel and inhumane manner.
 - b. To fail to provide any animal owned or kept by him with adequate and proper food, drink and protection from the weather, or with adequate space, consistent with the normal requirements and habits of the animal's size, species and breed.
 - c. To abandon (release) any animal
 - d. To intentionally poison any animal
 - e. To maintain or permit the maintenance of a doghouse, pen, yard, enclosure, shed, or compartment where dog urine or feces have been allowed to accumulate and where the doghouse, pen, yard, enclosure, shed or compartment is not in clean and sanitary condition and free of offensive odors, insects and rodents.
- 7.2 The abandonment, abuse or neglect of an animal is considered a class 2 petty offense.
- 7.3 Warning Required: A warning process substantially similar to that set forth in Section 6.4 shall be utilized by an Animal Regulation Officer prior to charging any owner with a violation of this Section 7.

Section 8 - SEIZURE AND IMPOUNDMENT

- 8.1 Impoundment of Dogs Authorized: An Animal Regulation Officer shall in his discretion be responsible for seizing and impounding any dog which is at large, or is otherwise a public nuisance; any dog required to be vaccinated against rabies not wearing a current vaccination tag; any dog off the owner's premises not wearing a current license tag; any dog required to be observed for rabies symptoms; any abandoned, abused or neglected dog; any unconfined, unspayed female dog in estrus; or any animal being kept or maintained contrary to the provisions of this Ordinance. If a dog found running at large is properly licensed, the Animal Regulation Officer may, in his discretion, return the dog to its owner in lieu of impounding the dog upon payment of any seizure or release fee which may be required.

- 8.2 Impoundment of Vicious Dogs: An Animal Regulation Officer shall forthwith investigate any credible complaint that a dog is vicious. In the event that a dog is determined by the officer to be vicious, it shall be immediately seized and impounded as a public nuisance. If impoundment of a vicious dog cannot be made with safety to the Animal Regulation Officer or other persons, the vicious dog may be summarily destroyed without notice or liability to its owner.
- 8.3 Notice of Impoundment and Dispositional Alternatives: When any dog has been impounded, the Supervisor shall as soon as feasible give notice in person, by letter, telephone, or service of a Citation upon the owner, of the dog's impoundment and dispositional alternatives. If the dog's owner is unknown at the time of impoundment, the Supervisor shall take all reasonable steps to identify the owner and provide such notification. If the dog's owner still cannot be established, the Supervisor may proceed with any disposition authorized by this Ordinance. The Supervisor shall maintain records, of the time, dates and manner of any such notification, and such records shall constitute prima facie evidence of notification or attempted notification.
- 8.4 Length of Impoundment:
- a. Minimum Period - Except as otherwise provided herein, an impounded animal shall be held at the Animal Control Center for seventy-two (72) hours after impoundment, or for forty-eight (48) hours after notification to the owner of the animal's impoundment, whichever is shorter. If the owner does not properly claim and redeem the animal within these periods of impoundment, the animal shall be subject to disposition under Section 9.
 - b. Sick or Injured Dog - An impounded dog which is sick or injured and in pain or contagious to other animals, and which is not identifiable to an owner is not subject to a minimal impoundment period and may immediately be humanely disposed of through euthanasia. If a sick or injured dog which is in pain or contagious to other animals is identifiable to an owner, the Supervisor shall diligently attempt to contact the owner within twenty-four (24) hours after impoundment, after which time the dog may be disposed of if still unclaimed.
 - c. Vicious Dog - A vicious dog shall not be released from impoundment during the pendency of any criminal proceeding for violation of Section 5 of this Ordinance. If no such action has been or will be commenced, such dog shall be disposed of pursuant to Section 9.

- d. Observation Period - Notwithstanding any other provision herein to the contrary, any dog which is known or credibly alleged to have bitten any person shall be immediately impounded or quarantined for observation for rabies infection until ten (10) days after the date of the bite, and for such further time as deemed necessary by the Supervisor.
- 8.5 Liability for Seizure and Impoundment Expenses: An owner shall be obligated to reimburse the Animal Control Center for all expenses incurred as a result of seizure or impoundment of an animal. Such fees shall be assessed against the owner of any impounded animal, and shall be payable upon redemption, release or abandonment of the animal. Owners of unwanted animals and persons in custody of abandoned animals may bring in and release them to the Animal Control Center for a fee of \$15.00 to the owner and no cost to others.
- 8.6 Removal of Impounded Animals: No person shall remove any impounded animals from the Animal Control Center or from the official custody of an Animal Regulation Officer without the consent of the Supervisor.
- 8.7 Impoundment Alternatives: Nothing in this Section 8 shall be construed to prevent an Animal Regulation Officer from taking whatever action is reasonably necessary to protect his person or members of the public from injury by any animal.

Section 9 - REDEMPTION AND DISPOSITION

- 9.1 Redemption Fees Authorized: Any dog or animal may be claimed and redeemed from impoundment by a properly identified owner and released from the Animal Control Center upon payment of all seizure fees, impoundment fee, license fees, veterinary charges, charges for unusual care and feeding, redemption fees, and such other costs or fees as may be reasonably set by the Supervisor or as set forth in Section 11, Animal Control Center Charges and Fees Schedule.
- 9.2 Disposition of Impounded Animals: Any animal not properly redeemed by the end of any required impoundment or observation period shall become the property of Teller County. The animal may then be disposed of by the Supervisor by donation, adoption to a suitable owner, or by humane euthanasia. No Animal Control Officer or its designee shall sell or donate an impounded dog to any institution or facility that is known to intend to use that dog for research or experimentation purposes.

9.3 Disposition of Vicious Dogs:

- a. A dog expressly or impliedly found to be vicious by any Court, the Supervisor, or by the Animal Regulation Board, as defined by subsection, a,b,c, or d of Section 2.25 of this Ordinance, shall be finally disposed of by humane euthanasia. The owner of the dog shall be assessed and shall be liable for all applicable costs and fees pursuant to Section 11.
- b. The owner of a dog which is found to be vicious as defined by subsection e, f, or g of Section 2.25 of this Ordinance shall be subject to any reasonable sentencing orders or administrative conditions prior to or after redemption of the dog. These orders and conditions may be issued by any Court, the Supervisor, or by the Animal Regulation Board, and may include but are not limited to delayed release of the dog, the posting of bond, construction of secure areas of confinement, restrictions on travel with the dog, neutering/spaying of the dog, muzzling the dog, compensation of victims, restrictions on sale or transfer of the dog, destruction, and other terms or conditions deemed necessary to protect the public or to abate a public nuisance.

These orders and conditions shall require payment of all fines and fees and expenses for seizure, impoundment, redemption, together with penalties and Court costs if any.

In the event of non-compliance with these conditions, the dog may be summarily impounded by the Supervisor and disposed of at his discretion, or in accordance with Court order. Such disposal shall be in addition to any other civil or criminal remedies, including contempt proceedings for non-compliance with any sentencing orders or with administrative conditions for release of a vicious dog.

A dog impounded as a vicious dog but later found or declared not vicious shall thereupon be returned to its owner, subject to payment of redemption fees for licensing and veterinarian care, but excluding liability for boarding expenses.

In no event shall a dog expressly or impliedly found to be vicious in any Court proceeding be released and returned to its owner without the consent of the Supervisor.

9.4 Appeal of Vicious Dog Administrative Disposition: Where no criminal proceeding for violation of Section 5 for harboring a vicious dog is pending or will be commenced, the Supervisor is authorized to dispose of the vicious dog in accordance with Section 9.3 of this Ordinance. The dog owner shall be provided with written notice of the intended disposition of the dog. A dog owner may contest the intended disposition by filing a written appeal with the Health Officer within two business days after notification of the intended disposition.

In the absence of filing such a timely appeal, the Supervisor is authorized to proceed with the intended disposition. Administrative appeal of the intended disposition shall be required before seeking judicial review of the intended disposition.

9.5 Administrative Appeal Conduct and Procedure: The administrative appeal hearing shall be conducted before the Board of Animal Regulation, sitting as the Hearing Board. At the hearing on the administrative appeal of intended disposition of a vicious dog, the issues shall be limited to whether the Supervisor's determination that a dog is vicious is erroneous, or whether the intended disposition is arbitrary, capricious or in excess of the Supervisor's jurisdiction. The burden of persuasion shall be upon the owner. Hearings shall be conducted to insure simplicity of procedure and fairness to all parties. The Colorado Rules of Evidence and the Colorado Rules of Civil or Criminal Procedure may guide but shall not govern the conduct of the hearing.

The dog owner, the Supervisor, and all complaining witnesses will be provided with written notice of the hearing on appeal, to be conducted within two weeks after filing of the appeal. All such parties may participate in the hearing and may present testimony and argument and call and cross-examine witnesses, who shall be sworn by the Hearing Board Chairman. A record shall be made of the hearing. The Hearing Board's decision shall be final for purposes of judicial review under Rule 106 of the Colorado Rules of Civil Procedure. The Hearing Board is authorized to modify any terms or conditions of redemption or disposition of a vicious dog, or to modify the intended disposition of the vicious dog, as proposed by the Supervisor.

9.6 Adoption of Dogs: No dog is eligible for adoption without being altered, unless the dog is younger than 6 months of age.

Section 10 - ENFORCEMENT

- 10.1 Enforcement Responsibility: The provisions of this Ordinance shall be enforced within the County by the Animal Control Supervisor, Animal Control Officers, and any other person however administratively assigned or titled designated by the Teller County Board of County Commissioners. Enforcement by the County employees shall be limited to unincorporated areas of the county and such additional areas as the Board of County Commissioners may designate by Contract or Resolution pursuant to C.R.S. 30-15-101(2). Animal Control Officers and other persons engaged in animal control pursuant to this Ordinance shall be deemed "peace officers" without regard to certification requirements, as authorized by C.R.S. 30-15-105. The District Attorney shall prosecute in his discretion any violation of this Ordinance.
- 10.2 Enforcement Procedure: Whenever an Animal Control Officer or other authorized enforcement personnel has personal knowledge or probable cause to believe that a violation of this Ordinance has occurred, he may arrest the alleged violator, and/or issue a penalty assessment notice pursuant to C.R.S.16-2-201 et seq., and/or issue a Citation or Summons and Complaint pursuant to C.R.S. 16-2-104. and C.R.S. 30-15-102.
- 10.3 Penalty Assessment Procedure:
- a. Upon arrest of a violator of this Ordinance or with his consent, a penalty assessment notice shall be personally served upon the violator, who may be released upon terms of the notice or taken before a County Court Judge. The penalty assessment procedure may be followed when a violation of this Ordinance is punishable pursuant to section 3,4,6,7,10.4,10.5, and 12 of this Ordinance. In no event shall this procedure be used when a person is known to have been issued three or more penalty assessment notices of violations of this Ordinance within the last two (2) years, or in cases involving bodily injury to any person or serious bodily injury to any animal.
 - b. Penalty assessment notice shall consist of a Summons and Complaint on the same document sworn to by the arresting officer and verified by a complaining party, if any. The notice shall identify the offender, specify the offense and applicable fine, the amount of pending fines on the alleged violator's prior offenses, identify any victim(s), briefly summarize the circumstances of the event, characterize the alleged violator attitude. The notice shall also require that the alleged violator pay the fine or appear to answer the charge at a specified time and place.

- 10.4 Interference With Animal Control Officer: No person shall interfere with, molest, hinder, or prevent the Supervisor, any other person engaged in animal control pursuant to this Ordinance, or any Animal Control Officer from discharging their duties as prescribed by this Ordinance or other law.
- 10.5 Search and Seizure of Dogs: An Animal Control Officer shall have the right to enter upon private property when necessary to seize a vicious dog, or a dog that has been running at large, when in reasonable pursuit of such dogs. Authorized entry upon such property shall not include entry into a domicile or any enclosure that confines the dog except upon invitation by the property owner. In the event of an owner's refusal or failure to deliver up or release the dog, and upon presentation of a motion and an affidavit establishing probable cause that the dog is a public nuisance as defined at Section 2.21, a Court may issue an ex parte order requiring the owner to immediately deliver up or release the dog to an Animal Control Officer. Non-compliance with such order shall be grounds for proceedings to establish contempt of Court.
- The Court is also authorized to issue an ex parte warrant for search and seizure of a public nuisance dog or abandoned, abused, or neglected animals, in order to preserve evidence or to protect the public safety and welfare. An Animal Control Officer seizing a public nuisance dog may impound the dog, release the dog in lieu of impoundment, and/or issue a penalty assessment notice or a Summons and Complaint to the dog owner, unless otherwise required by Court order or this Ordinance.
- 10.6 A judge issuing any arrest warrant concerning this Ordinance may, in his or her discretion, provided that such warrants not be executed between 6 p.m. and 6 a.m., nor between 2 p.m. on Friday and 6 a.m. of Monday. It is the recommendation of Teller County that the judge include such restrictions on each warrant issued concerning this Ordinance, subject to the judge's discretion.

Section 11 - ANIMAL CONTROL CENTER CHARGES AND FEES

- 11.1 Charges and Fees Authorized and Required: Charges and fees for seizure, impoundment, boarding, licensing, veterinarian care, and adoption of an animal shall be cumulatively assessed to any animal owner 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, adoption of, licensing, and disposal of animals. The deposits imposed in subsection 11.6 are to ensure vaccination and spaying or neutering of animal adopted.

The words “deposits”, “deposit” and “prepay” in this Section 11.1 and in Section 11.6 shall be deemed to be reimbursement and payment in those cases where such matters have been accomplished prior to the adoption.

- 11.2 Impound Fees:
 - a. Dog \$30.00
 - b. Other Animals ... \$10.00
- 11.3 Boarding Fees:
 - a. Dogs \$ 2.50 per/day
 - b. Others, Actual Cost with (Minimum) \$ 3.50 per/day
 - c. Quarantine Animals \$ 7.50 per/day
- 11.4 Adoption Fees:
 - a. Flat Fee of \$75.00 for all adoptions.
 These fees will cover the adoption fee, the spay/neuter fee and a rabies vaccination only. The animals that are adopted that have already been altered will be charged the same fee and those revenues will mitigate the administrative expenses of the operation.
- 11.5 License Fees:
 - a. Dog (altered) \$8.00
 - b. Dog (unaltered) \$50.00 with a refund of \$42.00 if dog is altered within 30 days
 - c. Altered dogs belonging to Seniors 65 and over must be licensed but are exempt from the license fee.
- 11.6 Deposits:
 - a. Deposit of both a spay/neuter fee and a rabies vaccination fee shall be required for adoption of an animal.
 - b. Deposit of a rabies vaccination shall be required for redemption of an unvaccinated animal. Owners prepay to shelter and County will pay veterinarian; fees to be set by contract with veterinarian.
 - c. Adopters prepay to shelter and County will pay veterinarian (or if veterinarian has been paid by another entity or agency, County will pay such entity or agency) ; fees to be set by contract with veterinarian.
- 11.7 Release of Ownership Fee ----- \$15.00 per dog

11.8 Receiving Fees:

DOG EUTHANASIA	
XT/Cremation	\$25.00
XT/Burial.	\$16.00
XT Only...	\$10.00
Cremation Only	\$15.00
Burial Only	\$ 6.00
Cremation Save Ashes	\$75.00
Euthanasia & Cremation ...	\$25.00
Fines for Dog at large	\$30.00
Fine for no License	\$15.00
Fine for no vaccination	\$25.00
Rabies vaccination	\$ 8.00

Section 12 - VIOLATION UNLAWFUL; PENALTIES:

12.1 Violations Unlawful: No persons, partnership or entity shall violate any provision of this ordinance as amended. Any such violation is unlawful, and upon conviction of any violation, the offender shall be punished as hereinafter set forth.

12.2 Penalties: Any violation of Sections 3,4,5,6,7,8,9, or 10 of this Ordinance and any subsections thereof which do not involve bodily injury to any person shall be a Class 2 Petty Offense, as provided in C.R.S. 30-15-102, punishable upon conviction by a fine of not more than three-hundred dollars (\$300.00), or by imprisonment in the county jail for not more than 90 days, or by both such fine and imprisonment . The Court may order destruction of the dog when its owner has been convicted of three or more violations of this Ordinance within any twelve (12) month period.

12.3 Penalty Assessment - Fine Schedule: If the penalty assessment procedure is used by the Animal Control Officer or any arresting law enforcement officer, the following graduated fine schedule shall be applied for violations of this Ordinance which are committed by the same person within one (1) year from the date of the first offense:

First Offense	\$ 30.00
Second Offense	\$ 50.00
Third Offense	\$100.00
Fourth Offense	\$300.00

12.4 Probationary Conditions and Other Costs:

- a. In addition to payment of any fine or other punishment, a violator shall be required to pay to the Animal Control Center all applicable fees and charges pursuant to Section 11, as may be requested by the District Attorney or Supervisor.
- b. Suspension of any penalty or punishment may be conditioned upon compliance with any reasonable order or condition designed to protect the public or abate a public nuisance caused by an owner's animal. Such conditions may include but are not limited to those set forth in Section 9.3.

Section 13 - SEVERABILITY CLAUSE

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of this ordinance which can be given effect without the invalid provisions or applications, and to this end, the provisions of this ordinance are declared to be severable.

Section 14 - LIABILITY CLAUSE

The Teller County Board of County Commissioners, the Health Officer, Supervisor, Animal Control Officer(s), the Board of Animal Regulation, or any other employee(s), persons, or agents authorized to enforce the provisions of the Ordinance shall not be held responsible for any accident or subsequent disease or for any loss or damages resulting from administration of this Ordinance.

Section 15 - EFFECTIVE DATE AND SAFETY CLAUSE

This Ordinance shall take effect thirty (30) days after publication in a local newspaper of general circulation after final approval by the Board of County Commissioners. The Board hereby finds and declares that adoption of this Ordinance is necessary for the preservation of the public health, safety and welfare.

Section 16 - REPEALER

By adoption of this Ordinance and upon its taking effect, all prior Ordinances and Resolutions or parts thereof in conflict with this ordinance, including Teller County Resolution 8-4-88(31) adopted on August 4, 1988 are hereby revoked and repealed in their entirety.

This Ordinance Number 9 is intended to repeal and replace existing Teller County Ordinance Numbers 4, 5, 6 and 7 in their entirety upon this Ordinance taking effect.

CERTIFICATION: THE FOREGOING ORDINANCE WAS INTRODUCED AND READ ON April 27, 2000, BY THE BOARD OF COUNTY COMMISSIONERS OF TELLER COUNTY, COLORADO, AND APPROVED FOR PUBLICATION.

DATE OF PUBLICATION: June 8, 2000

THE FOREGOING ORDINANCE WAS CONSIDERED ON JUNE 22, 2000, AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS EFFECTIVE 30 DAYS AFTER THE SECOND PUBLICATION.

DATE OF SECOND PUBLICATION: June 28, 2000

Constance R. Joiner
Teller County Clerk and Recorder

BY: THE TELLER COUNTY BOARD OF COUNTY COMMISSIONERS

Clarke D. Becker
Chairman, Board of County Commissioners
Teller County, Colorado

Attest:

Constance R. Joiner
Teller County Clerk and Recorder