

MESA COUNTY ANIMAL SERVICES RESOLUTION

A RESOLUTION RENEWING THE ESTABLISHMENT OF A DIVISION OF ANIMAL SERVICES WITHIN THE COUNTY OF MESA AND DEFINING CERTAIN TERMS IN CONNECTION THEREWITH

AND

A RESOLUTION PROVIDING FOR RABIES CONTROL LICENSING OF DOGS; RESTRAINT OF ANIMALS RUNNING AT LARGE; RESTRAINT OF DANGEROUS DOGS; RESTRAINT OF BARKING DOGS; IMPOUNDMENT AND DISPOSITION OF ANIMALS; AND ESTABLISHING PENALTIES FOR VIOLATION OF SUCH PROVISIONS; AND REPEALING CERTAIN RESOLUTIONS AND CORDINANCE IN CONFLICT HEREWITH.

(Resolution 2004-176, Resolution 2004-176A, 4-25-05)

ARTICLE I

DIVISION OF ANIMAL SERVICES

Section 1 – Creation/Re-establishment

There has been created within the County of Mesa, a Division of Animal Control which shall hereafter be referred to as the Division of Animal Services, which has had, and shall continue to have, as its responsibilities the protection of the public health and welfare in matters concerning animals; the enforcement of State and local laws regulating animals and animal ownership, and the education and informing of the public concerning responsible animal ownership and humane treatment of animals. The Division shall function through its employees under the direction of the County Administrator.

Section 2 – Definitions for Article I

For the purpose of this Article 1, the following words and phrases shall mean and include:

- 2.1 **Animal Services Center:** The facility or facilities designated as an animal control center by the Commissioner or the County Administrator.
- 2.2 **Board:** The Advisory Board of Animal Services of Mesa County.
- 2.3 **Commissioners:** The Board of County Commissioners of the County of Mesa, Colorado.
- 2.4 **County:** The County of Mesa, State of Colorado.
- 2.5 **Director:** The Director of Animal Services for Mesa County.

- 2.6 Health Department: The Mesa County Department of Public Health.
- 2.7 Health Officer: The Health Officer of Mesa County or any Health Department employee or other person authorized by the Health Officer to act on his behalf.
- 2.8 Impoundment: The taking up and confining of an animal by the Animal Services Center, or duly authorized agents thereof, in accordance with the provisions of Section 3.4 of this Article.

Section 3 – Board of Animal Services

- 3.1 Advisory Board of Animal Services; Membership; Appointment; Term: There has been established an Advisory Board which has been known as the Advisory Board of Animal Control of Mesa County, Colorado. This Board shall continue on as it has been established, however it shall hereafter be referred to as the Advisory Board of Animal Services of Mesa County, Colorado (hereinafter called “Board”).

The Advisory Board of Animal Services will consist of five (5) members. One member shall be a Mesa County Veterinarian, who shall be appointed by and serve at the sufferance of the Mesa County Board of County Commissioners. One member shall be the Mesa County Director of Public Health or his designated representative. One member shall be a designated representative of the Mesa County Board of County Commissioners. One member shall be the Mesa County Sheriff or his designated representative. One member shall be the Grand Junction Police Chief or his designated representative.

The initial appointment of the Director of Public Health to the Board shall be for a term of one (1) year. Thereafter, members shall be appointed for a term of two (2) years, except that any vacancy occurring during a term shall be filled for the unexpired term. A member shall hold office until his successor has been appointed.

The Board shall elect a chairman from among its appointed members. The term of office as Chairman of the Board shall be for the calendar year or for that portion thereof remaining after each such chairman is elected. No member of the Board shall receive compensation for serving thereon.

- 3.2 Powers and Duties: The Board shall have the power and duty to act in an advisory capacity to the Mesa County Board of County Commissioners on matters of animal control and welfare. They shall:
- a. Act in an advisory capacity to the Director of the Division of Animal Services.
 - b. Study and make recommendations on the operation of the Animal Services Program.

- c. Study and make recommendations relating to Animal Services problems at the request of the Commissioners.
- d. Hold a regular, advertised board meeting at least once each calendar quarter.

3.3 Reports: The Board shall render a written report of its activities to the County Administrator and the Commissioners at least annually. Such report shall include:

- a. Recommendations to the Commissioners for the development of policies and procedures which will further the objectives of animal welfare and control.
- b. Recommendations to the Commissioners of additional legislations deemed by the Board to be necessary for animal welfare and control.
- c. Recommendations for actions to be taken by any agency, board or officer of this County for the purposes of furthering the objectives of animal welfare and control.

3.4 Office of Director of Animal Control Established: There has been established an Office of Director of Animal Control pursuant to Mesa County personnel regulations and policy. This Office shall continue on as it has been established, however it shall hereafter be referred to as the Office of Director of Animal Services.

- a. Qualification: The Director of Animal Services shall be an individual appointed by the County Administrator.
- b. Duties: The Director of Animal Services is responsible for the enforcement of this Article, and his/her duties shall include, but not be limited to, the following:
 - 1. Responsibility for the operation or contracting for the operation of the Animal Services Center and performance of such other duties and the keeping of such records as the County Administrator may require.
 - 2. Cooperation with the Health Officer in the enforcement of animal quarantine directives.
 - 3. Administration of animal licensing programs provided for in relevant County resolutions and state statutes.
 - 4. Shall attend meetings of the Board and serve as secretary to the Board.

3.5 Animal Services Center: The Animal Services Center shall be operated by a person appointed or designated by the County Administrator. Such person shall receive compensation in accordance with the Mesa County compensation plan.

- a. Duties: The duties of the Animal Services Center shall include, but not be limited to the following:
 - 1. To take up and impound animals which are in violation of this Article.
 - 2. To keep a record of the number, description and disposition of all animals impounded or otherwise taken into custody showing in detail for each animal the date of receipt, the date and manner of disposition, the name of

the person reclaiming, redeeming or purchasing the animal, the fees charges or proceeds received from the sale, and such additional records as the Board may prescribe. Such records shall not be removed except upon written order from a court or other duly constituted authority.

- b. Identification; Badges: The employees and Director of the Animal Services Center, while engaged in the execution of their duties out in the field shall wear in plain view an identification name tag displaying the individual's name. The Director and Officers of the Division of Animal Services, while engaged in the execution of their duties out in the field shall also wear in plain view, in accordance with Mesa County Animal Services Policies and Procedures, a badge indicating "Mesa County Animal Services."

3.6 Authority: The Director and Officers of the Animal Services Division and such employees of the Animal Services Center as are designated in writing by the Director, are hereby authorized to issue citations, summonses, and complaints, or penalty assessment notices in accordance with C.R.S. (2004) 30-15-101 et seq., and as amended.

3.7 Scope of Ordinance: Nothing in this Ordinance shall be interpreted or applied so as to create any power or duty in conflict with the pre-emptive effect of any federal or state law.

ARTICLE II

RABIES CONTROL; LICENSING OF DOGS; RESTRAINT OF ANIMALS RUNNING AT LARGE; RESTRAINT OF DANGEROUS DOGS; RESTRAINT OF BARKING DOGS; IMPOUNDMENT AND DISPOSITION OF ANIMALS; AND ESTABLISHING PENALTIES FOR VIOLATION OF SUCH PROVISIONS, AND REPEALING CERTAIN RESOLUTIONS AND ORDINANCES IN CONFLICT THEREWITH

Section 1 - Intent

The Board of County Commissioners of Mesa County, Colorado intends by adopting this Animal Services Resolution to declare as a matter of public policy that the keeping of dogs in Mesa County constitutes a potential threat to the health, safety, and welfare of the citizens of Mesa County; that dog owners must therefore assume full responsibility for the actions and condition of their animals and dogs; that dogs at large, barking dogs, rabid dogs and cats, dangerous dogs, and similar animals constitute a public nuisance; that the regulation of animals and the actions of their owners through administrative regulation and civil and criminal enforcement is necessary to protect the citizens of Mesa County and their property; and that the provisions of this Resolution should be liberally construed and are intended to implement the maximum statutory authority for control and licensing of dogs under C.R.S. 30-15-101, et seq. (Resolution 2004-176, Article II, § 1; Resolution 2004-176A, 4-25-05)

Section 2 – Definitions for Article II

When used in this Resolution, the following words and terms have the following meaning:

2.1 Abandon

The leaving of an animal without adequate provisions for the animal's proper care by its owner, the persons responsible for the animal's care or custody, or any other person having possession of such animal.

2.2 Animal

Any living vertebrate creature, domestic, or wild, including dogs but excluding stray animals as defined in C.R.S. 35-44-101, as amended.

2.3 Animal Services Center

The solely authorized facility or facilities designated by the Mesa County Board of County Commissioners for the purposes of impounding, sheltering, or disposing of animals held under the authority of this Resolution or state law.

2.4 Animal Services Director

The administrative director of overall operations and the Mesa County Animal Services program; hereinafter referred to as "director".

2.5 Animal Services Officer

Any person designated by the Mesa County Board of County Commissioners or the Mesa County Health Officer; the Animal Services Director; Animal Services Center personnel; the Mesa County Sheriff, Under-Sheriffs and deputies acting under the authority of C.R.S. 30-15-105; and peace officers of any municipality which contracts with the County to enforce the provisions of this Resolution.

2.6 At Large

To be off the premises of the owner and not under direct physical control by the owner by means of a leash or other mechanism of control. This definition does not include any dog while actually working livestock, locating or retrieving wild game in season for a licensed hunter, assisting law enforcement officers, participating in an obedience dog show or an obedience class, or while being trained for any of these

pursuits. Dogs tethered to a stationary object within range of a public street, sidewalk, or right-of-way shall be deemed to be at large if the dog's owner is not immediately present.

2.7 Board of Animal Services – Advisory

A five-member advisory board consisting of the following members: One member shall be a Mesa County veterinarian, who shall be appointed by and serve at the sufferance of the Mesa County Board of County Commissioners. One member shall be the Mesa County Director of Public Health or his designated representative. One member shall be a designated representative of the Mesa County Board of County Commissioners. One member shall be the Mesa County Sheriff or his designated representative. One member shall be the Grand Junction Police Chief or his designated representative. The Board shall provide financial and budgetary input regarding operations of the Animal Services Division.

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 County

The County of Mesa, Colorado.

2.10 Cruelty

A person commits cruelty to animals if he/she knowingly or with criminal negligence overdrives, overloads, overworks, tortures, torments, deprives of necessary sustenance, unnecessarily or cruelly beats, needlessly mutilates, needlessly kills, carries or confines in or upon any vehicles in a cruel or reckless manner, or otherwise mistreats or neglects any animal, or causes or procures it to be done, or, having the charge or custody of any animal, fails to provide it with proper food, drink, or protection from the weather, or abandons it.

2.11 Dangerous Dog

A dog which:

- a. causes serious bodily injury to a person; or which
- b. causes bodily injury to a person or animal on two or more occasions; or which
- c. is infected with rabies; or which

- d. is of wild extraction that on any occasion causes bodily injury by biting a person or animal, whether or not provoked, or is known to be infected with rabies; or which
- e. causes bodily injury to a person or animal off the dog owner's premises; or which
- f. is at large and exhibits repeated or continuous aggressive behavior; or which
- g. has engaged in a dog fighting contest with the owner's knowledge; or which
- h. has been specifically found to be dangerous 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 dangerous, 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 Services Officer. Any dog which is found to be dangerous as defined by Sections 2.25.a, 2.25.b, 2.25.c, or 2.25.d may be destroyed in accordance with Section 9.3.a.

2.12 Day

For purposes of Section 8.4a, a "day" means a day during which the Animal Services shelter is open to the public, including days when the Animal Services shelter is available by telephone or dispatch.

2.13 Dog

Any member of the canine species, including dogs of wild extraction.

2.13a Dogs of Wild Extraction

A dog that is, or credibly alleged to be, any hereditary part related to wild canines such as but not limited to the wolf family (canis lupus) and/or 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 Mesa County or Colorado State Health Department.

2.16 Health Officer

The Health Officer of Mesa County, or any Health Department employee or other person authorized by the Health Officer.

2.17 Leash

A chain, cord, or tether not more than ten (10) feet in length which is securely attached to and capable of restraining the animal.

2.18 Mistreatment

Every act or omission which causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering.

2.19 Neglect

Failure to provide food, water, protection from the elements, or other care generally considered to be normal, usual, and accepted for an animal's health and well-being consistent with the species, breed, and type of animal.

2.20 Owner

Any person, or person acting as custodian, partnership, corporation, or an agent of the foregoing who owns, co-owns, possesses, keeps, harbors, or who 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.

2.21 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.

2.22 Provocation

Harassment, teasing, threatening, striking, or attacking an animal or its owner in the animal's presence, by either a person or another animal. Provocation shall not include the lawful presence of an individual or animal, in close proximity or upon property of another, where a dog is tied, kept, kenneled or harbored.

2.23 Public Nuisance

"Public nuisance" shall include any animal, whose owner, keeper or custodian has been charged with three or more violations of this Resolution concerning the same animal within a two-year period.

2.24 Serious Bodily Injury

Bodily injury which, either at the time of the actual injury or at a latter time, involves a substantial risk of death, serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body or breaks or fractures.

(Resolution 2004-276, Article II, §2; Resolution 2004-176A, 4-25-05)

2.25 Vaccination

The vaccination of an animal with an anti-rabies vaccine approved by the Colorado Department of Health and administered by a licensed veterinarian.

Section 3 – Licensing and Vaccination

3.1 Vaccination Required

No person shall own, keep or harbor in the County any dog or cat over four months of age unless such dog or cat is vaccinated against rabies. All dogs and cats vaccinated at four months of age or older shall be revaccinated thereafter in accordance with the recommendation of the "Compendium of Animal Rabies Control" as promulgated by the National Association of State Public Health Veterinarians. After vaccinating a cat or dog for rabies, the veterinarian shall give the owner written certification of such vaccination. Any dog or cat owner who moves into the County and acquires ownership of any dog or cat four months of age or older, including for the purposes of this section both incorporated and unincorporated areas of the County, shall comply with this Resolution within thirty days afterwards. If any dog or cat has bitten any person or animal within the last ten days, the owner of said dog or cat shall report that fact to the vaccinating veterinarian and to the Animal Services facility, and no rabies vaccine shall be administered to that dog or cat until after a ten-day observation period.

3.2 Licensing

Dogs must have a current license. After vaccinating a dog for rabies, the veterinarian may take the dog owner's payment for a county license and give the dog owner a county license certificate and dog tag. Any license issued cannot exceed the date the rabies vaccination expires. A citizen may choose to license annually, with the license expiring one year from date of issuance but not to exceed the date the rabies vaccination expires. A dog owner may choose to buy a county dog license certificate and tag from the Animal Services Center or their designee, rather than a veterinarian. If a county dog license certificate and tag is not purchased from a veterinarian, the owner shall show written certification from a veterinarian of the dog's current rabies vaccination at the time

of purchase. Fees for licenses are set forth at Section 11 below. The county dog license certificate 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, address, telephone number, rabies tag number and expiration date.
- c. The breed, age, color and sex of the dog.
- d. The county license number, license year, date of issue, term of license, license fee, and licensing agent.

(Resolution 2004-176, Article II, § 3.2; Resolution 2004-176A, 4-25-05)

3.3 License Tags

Concurrent with the issuance and delivery of the license referred to in Section 3.2 of Article II this Resolution, the dog owner shall cause to be attached to the collar or harness of the vaccinated dog a metal tag serial numbered and bearing the year of issuance, the name of Mesa County, and the telephone number of the Animal Services Center. 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 ensure that the dog at all times wears the collar or harness displaying the license tag, unless the dog is participating in a sanctioned dog show, 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.

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 within 30 days a duplicate from the Animal Services Center for the fee of \$5.00 and comply with the requirement set forth above.

(Resolution 2004-176, Article II, § 3.4; Resolution 2004-176A, 4-25-05)

3.5 Proof of Licensing

No person shall own or harbor any dog and fail or refuse to exhibit a license certificate or license tag within a reasonable time upon demand by any Animal Services Officer.

3.6 Harboring Unvaccinated Dogs or Cats

No person shall own or harbor any dog or cat which has not been vaccinated against rabies within the last year as provided in this Resolution. This Section shall apply to dogs of wild extraction.

3.7 False and Stolen License Documents

No person shall possess or make use of a stolen, counterfeit or forged license certificate or license 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.

3.9 Records

The Animal Services Center and any veterinarian practicing in Mesa County shall create a record of the contents and date of issuance of each certificate of dog or cat vaccination, dog license certificate and dog license tag. Such records shall be deemed to be public records for purposes of admissibility in any proceeding for violation of this Resolution. Such records and the absence of entries in such record shall constitute prima facie evidence of dog or cat ownership and compliance or noncompliance with the licensing and vaccination provisions of this Resolution.

Section 4 – Dogs Running At Large

4.1 Confinement Required

No dog owner, or any person who harbors, keeps or is a custodian of a dog, shall fail to physically, mechanically or electronically confine the dog. Such physical confinement shall ensure that the dog cannot leave the premises or be at large.

4.2 Dogs At Large

No dog owner, or any person who harbors, keeps or is custodian of a dog shall fail to prevent the dog from being or running at large, as defined in Section 2.6 of Article II of this Resolution. Any dog off its owner's premises shall be under leash control by its owner.

4.3 Dogs in Common and Public Areas

No dog owner, or any person who harbors a dog, 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 sub-section may be ordered by an Animal Services Officer to remove the dog to a boarding kennel, veterinary hospital or the Animal Services Center, or be served with a Penalty Assessment notice. 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 Services Officer shall be a violation of this Resolution, and any unspayed female dog in estrus may be summarily impounded in the event of noncompliance with such 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 its owner's sight, or if the dog goes upon public or private property without the property owner's, manager's or tenant's consent.

Section 5 - Dangerous Dogs

5.1 Dangerous Dogs Prohibited

No person shall own or harbor a dangerous dog within the County, except as provided in this Resolution. Such dog shall be impounded as a public nuisance pursuant to the procedures set forth in Section 8, and may be subject to disposition as provided by Section 9.3.

(Resolution 2004-176, Article II, § 5.1; Resolution 2004-176A, 4-25-05)

5.2 Failure to Control Dogs

No owner of a dog shall fail to prevent it from causing bodily injury to, or biting without provocation, any person or animal, including pets, domestic livestock, fowl, or wildlife.

(Resolution 2004-176, Article II, § 5.2; Resolution 2004-176A, 4-25-05)

5.3 Guard Dogs

The owner of any dog which has been specifically trained to attack people shall:

- a. Keep the dog confined to an area from which it cannot escape; and
- b. Keep the dog under complete Services of the handler at all times; and
- c. Post warning signs bearing letters not less than ten (10) inches high 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.

[Sections 6.3, 6.4, and 6.5 purposely omitted.]

6.6 Complainant Rights and Responsibilities

- a. If a violation of this Section 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 its service upon the owner.
- b. No person or owner shall be convicted at trial for violation of this Section unless oral testimony or other means of reliable evidence proving the elements of Section 6.1 is admitted in court. Other reliable means includes but is not limited to videotape and digital video recordings.

Section 7 – Cruelty to Animals – Neglect of Animals

7.1 Cruelty

A person commits cruelty to animals if he knowingly or with criminal negligence engages in conduct defined in Section 2.10 of Article II of this Resolution.

7.2 Warning not required

A warning process substantially similar to that set forth in Section 6.4 may be, in the discretion of the Animal Services Officer, utilized prior to a violation of this Section. Otherwise, penalties as set forth in C.R.S. 18-9-202 shall be assessed.

Section 8 – Seizure and Impoundment

8.1 Impoundment of Dogs Authorized

- a. An Animal Services Officer may, in his discretion, seize and impound any dog which is:
 1. at large; or
 2. off the owner's premises not wearing a current license tag; or
 3. is an unconfined, unspayed female dog in estrus.

- b. An Animal Services Officer may, in his/her discretion, seize and impound any animal which:
 1. is required to be observed for rabies symptoms; or
 2. is, or appears to be abandoned, abused or neglected; or
 3. is a domestic animal, appears to be or is sick or injured, and whose owner cannot be identified or located; or
 4. is being kept or maintained contrary to the provisions of this Resolution.

If a dog found running at large is properly licensed, the Animal Services 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 Dangerous Dogs

An Animal Services Officer shall forthwith investigate any credible complaint that a dog is dangerous. In the event that the officer reasonably believes the dog is dangerous, it shall be immediately seized and impounded. If impoundment of a dangerous dog cannot be made with safety to the Animal Services Officer or other persons, the dangerous dog may be summarily destroyed without notice to its owner. The Animal Services Officer shall not be held liable for such action.

(Resolution 2004-176, Article II, § 8.2; Resolution 2004-176A, 4-25-05)

8.3 Notice of Impoundment and Disposition Alternatives

When any animal has been impounded, Animal Services personnel shall as soon as feasible give notice in person, by letter, telephone, or service of a citation upon the owner of the animal's impoundment and dispositional alternatives. If the animal's owner is unknown, at the time of the impoundment, Animal Services personnel shall take all reasonable steps to identify the owner and provide such notification. If the animal's owner still cannot be established, Animal Services personnel may proceed with any disposition authorized by this Resolution. Animal Services personnel 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 - Any animal impounded at Animal Services which is not reclaimed by the owner shall be held by Animal Services for a minimum of five (5) days after acquisition by Animal Services, before it may become available for adoption or otherwise disposed of at the discretion of Animal Services; except that a shelter supervisor may determine that a pet animal without identification, including but not limited to a microchip or collar, may be disposed of in three (3) days if such shelter supervisor determines the shelter has no additional resources

for such pet animal or determines that such pet animal is dangerous. For the purposes of this section, “days” means days during which the shelter is open to the public. If the owner does not properly claim and redeem the animal within this period of impoundment, the animal may be subject to disposition under Section 9 of this Article II.

- b. Sick or Injured Animal - An impounded animal 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**, (1) in the opinion of a veterinarian or shelter supervisor the animal is experiencing extreme pain or suffering; **and** (2) Animal Services has exhausted reasonable efforts to contact the owner. For animals with identification, Animal Services shall exhaust reasonable efforts to contact the owner for up to twenty-four hours.
- c. Dangerous Dog - A dangerous dog shall not be released from impoundment during the pendency of any criminal proceeding for violation of Section 5.1 of Article II of this Resolution. 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 or cat 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 Director. During the observation period, the dog or cat shall not have any physical contact with any other person or animal outside the immediate family, nor shall it be removed from the location of quarantine unless authorized by Animal Services personnel. Additionally, the dog or cat shall not be vaccinated against rabies, ownership transferred, destroyed or euthanized unless authorized by Animal Services personnel.
- e. Dogs of Wild Extraction - Any dog of wild extraction, which is known or credibly alleged to have bitten any person shall be immediately impounded. Unless otherwise ordered, dogs of wild extraction shall at the discretion of the Director, be quarantined according to the direction of the Colorado State Health Department, or killed by humane euthanasia, avoiding damage to the brain, and the remains tested for rabies as provided by state law.
- f. Failure to Comply with Order or Conditions - Any owner of an animal, or person harboring or keeping an animals, who has been ordered by an Animal Services Officer to quarantine such animal, shall release said animal only to the Animal Services Officer ordering the quarantine. The Animal Services Officer may allow the owner of the animal to board the animal at a licensed and approved animal hospital, kennel, or veterinarian facility, approved by the Animal Services Officer. The Animal Services Officer may allow the owner to quarantine the animal at the owner's residence providing the owner can establish or maintain conditions of the

ten day quarantine period to satisfaction of Animal Services. No person or owner shall fail to meet established conditions pursuant to Section 8.4(d). Failure to comply with a quarantine order or comply with the conditions of quarantine shall result in the animal being seized by Animal Services Officers and shall be a violation of this Resolution. (Resolution 2004-176, Article II, § 8.4; Resolution 2004-176A, 4-25-05)

8.5 Liability for Seizure and Impoundment Expenses

An owner shall be obligated to reimburse the Animal Services 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 Services Center at no cost to the owner.

8.6 Removal of Impounded Animals

No person shall remove any impounded animal from the Animal Services Center or from the official custody of an Animal Services Officer without the consent of an Animal Services employee.

8.7 Impoundment Alternatives

Nothing in this Section 8 shall be construed to prevent an Animal Services 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 the owner and released from the Animal Services Center only upon timely demand at the Animal Services Center by a properly identified owner and upon payment of all seizure fees, impoundment fees, license fees, veterinary charges, charges for unusual care and feeding, redemption fees, and such other costs or fees as may be reasonably set by Animal Services personnel or as set forth in Section 11, Animal Services 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 Mesa County. The animal may then be disposed of by Animal Services personnel by sale, donation, adoption to a suitable owner,

or by humane euthanasia. No animal shall be released from the center for the purpose of medical research or experimentation.

9.3 Disposition of Dangerous Dogs

- a. A dog found to be dangerous by any Court, as defined by sub-sections a, b, c or d of Section 2.25 of Article II of this Resolution, may 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 dangerous as defined by sub-sections e, f, g or h of Section 2.25 of Article II of this Resolution shall be subject to any reasonable sentencing orders set by the court prior to or after redemption of the dog. These orders and conditions 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 the dog, muzzling the dog, compensation of victims, restrictions on sale or transfer of the dog, destruction, and any 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.
- c. In the event of non-compliance with these conditions, the dog may be summarily impounded by Animal Services personnel and disposed of at their discretion, or according to 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 dangerous dog.
- d. A dog found or declared not dangerous shall thereupon be returned to its owner, subject to payment for redemption fees for licensing and veterinarian care, but excluding liability for boarding expenses.

(Resolution 2004-176, Article II, § 9.3; Resolution 2004-176A, 4-25-05)

9.4 Conditions of Adoption of Dogs and Cats

No person may adopt a dog or cat from the Animal Services Center until such person has guaranteed sterilization of the dog or cat. A deposit shall be required to ensure the sterilization. Failure of the person adopting a dog or cat to sterilize it shall be a violation of this Resolution and shall be punishable as any offense hereunder. Additionally, Animal Services personnel may seize and impound an animal which has been adopted by a person who fails to sterilize the animal within the time specified. Animals may be adopted at the discretion of Animal Services personnel and subject to reasonably prescribed conditions.

Section 10 - Enforcement

10.1 Enforcement Responsibility

The provisions of this Resolution shall be enforced within the County by the Director of Animal Services, Animal Services Officers, and any other person however administratively assigned or titled, as authorized by the Mesa 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 Commissioners may designate by Contract or Resolution pursuant to C.R.S. 30-15-101(2). Animal Services Officers shall be deemed "peace officers" without regard to certification requirements, as authorized by C.R.S. 30-15-105. The District Attorney shall prosecute at his discretion any violation of this Resolution.

10.2 Enforcement Procedure

Whenever an Animal Services Officer has personal knowledge or probable cause to believe that a violation of this Resolution has occurred, he may arrest the alleged violator, and either issue a penalty assessment notice pursuant to C.R.S. 16-2-201, et seq., or issue a Summons and Complaint pursuant to C.R.S. 16-2-101, et seq. and C.R.S. 30-15-101, et seq..

10.3 Penalty Assessment Procedure

- a. Penalty Assessment - The penalty assessment procedure consists of personal service of written notice upon a person charged with violating this Resolution. Personal service may be waived by the recipient. The alleged violator may be released upon conditions of the notice, may choose to appear before a County Court judge or may be required to appear before a County Court judge if conditions for release are not met. Conditions for release shall include payment of the applicable fine.
- b. Summons and Complaint - This procedure consists of personal service, or waiver by the recipient, of a summons and complaint. The summons requires the recipient to appear before the County Court judge at a specified time and place to answer to charges of violating this Resolution as set forth in the complaint.
- c. Mandatory Court - A summons and complaint shall be issued to anyone who is:
 - (1) charged under Section 5 involving a dangerous dog; or
 - (2) charged under Section 7 involving cruelty to an animal; or
 - (3) charged under Section 9 involving failure to comply with impoundment/quarantine requirements; or
 - (4) known to have been issued three or more penalty assessment notices for violation of this Resolution within the last two years; or
 - (5) charged with a violation of this Resolution involving serious bodily injury to or death of any person or animal.

- d. Optional Court - Except for the mandatory requirement for court set forth above, an Animal Services Officer may, in his discretion, issue either a penalty assessment notice or a summons and complaint.
- e. Content - A penalty assessment notice as well as a summons and complaint shall contain the following: document sworn to by the arresting officer; verification by the complaining party, if any; name of the alleged offender; specific offense; applicable fine; the amount of pending fines for prior offenses; identity of any victim(s), and a brief summary of the circumstances of offense, including the alleged offender's attitude.

(Resolution 2004-176, Article II, § 10.3; Resolution 2004-176A, 4-25-05)

10.4 Interference With Animal Regulation Officers

No person shall interfere with, molest, hinder, or prevent the Director, or any Animal Services Officer from discharging their duties as prescribed by this Resolution or other law.

10.5 Compliance with Impoundment Requests

No person shall refuse to immediately deliver up or release any animal to an Animal Services Officer upon lawful demand by the Officer to seize and impound the animal.

10.6 Search and Seizure of Dogs

An Animal Services Officer shall have the right to enter upon private property when necessary to seize a dangerous 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 2.22 of this Article II, a Court may issue an ex parte order requiring the owner to immediately deliver up or release the dog to an Animal Services 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 Services Officer seizing a public nuisance animal may impound the animal, release the animal in lieu of impoundment, and/or issue a penalty assessment notice or a Summons and Complaint to the animal owner, unless otherwise required by Court order or this Resolution.

Section 11 – Animal Services 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 may be a condition of release, redemption or adoption of any animal. These fees shall be assessed to defray the administrative expenses incurred in impounding, boarding, adoption of, licensing, and euthanizing animals. The deposits imposed in sub-section 11.7 are to ensure vaccination and spaying or neutering of animals adopted in an effort to help control pet overpopulation.

11.2 Impound Fees

- a. Dog.....\$35.00
- b. Cat.....\$35.00
- c. Other Animals.....\$35.00

11.3 Boarding Fees

- a. Dogs\$6.00/day
- b. Cats\$6.00/day
- c. Others.....\$6.00/day
- d. Quarantine Animals and dogs being held for Dangerous Dog charges
.....\$10.00/day

11.4 Adoption Fees

- a. Dogs and Cats - unaltered.....\$65.00
- b. Dogs and Cats – altered.....\$40.00
- c. Dogs and Cats – out of county\$25.00
(Additional deposits may be required)
- d. Other animal adoption fee.....\$10.00
(Additional deposits may be required)

11.5 License Fees

- a. One year\$10.00
- b. Three year\$25.00
- c. Lost Tag Replacement\$5.00

11.6 Euthanasia Fee\$20.00

11.7 Deposits

- a. Spay/Neuter.....\$25.00
- b. Rabies Vaccination\$10.00
- c. Deposit of both a spay/neuter deposit and a rabies vaccination

deposit may be required for adoption of an animal who will be adopted by an out-of-county resident.

- d. Deposit of a rabies vaccination shall be required for redemption of an unvaccinated animal.
- e. Deposits shall be returned upon proof of spay/neuter and vaccination as applicable. If no proof of the required action is presented to Animal Services by the date prescribed on the sterilization contract and/or vaccination contract, the deposit shall be forfeited.

(Resolution 2004-176, Article II, § 11.2; Resolution 2004-176A, 4-25-05)

11.8 Veterinary Care

Actual, reasonable costs of necessary veterinarian treatment.

Section 12 – Violations Unlawful; Penalties

12.1 Violations Unlawful

No person, partnership or entity shall violate any provision of this Resolution as amended. Any such violation is unlawful, and upon conviction of any violation, the offender shall be punished as hereinafter set forth.

12.2 Violations Without Bodily Injury

Any violation of Sections 3, 4, 5, 6, 8.6, 9.4, 10.4, 10.5 or 10.6 of Article II of this Resolution and any sub-sections thereof which do not involve bodily injury to any person or animal 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 five-hundred dollars (\$500.00). If the dog owner has been convicted of three or more violation of any section of this Resolution not involving bodily injury within a two-year period, the court may impose a sentence of imprisonment in the county jail for not more then ninety (90) days in addition to any fine and may order the destruction of the animal.

12.3 Violations With Bodily Injury

Any violation of Sections 3, 4, 5, 6, 8.6, 9.4, 10.4, 10.5 or 10.6 of this Resolution and any sub-sections thereof which involve bodily injury to any person or bodily injury or death to an animal by a dog or other pet animal shall be a Class 2 misdemeanor punishable as provided in C.R.S. 18-1-106 upon conviction by a fine of not less than two-hundred and fifty dollars (\$250.00) nor more than one-thousand dollars (\$1,000.00), or by imprisonment of not less than three (3) months nor more than twelve (12) months, or by both such fine and imprisonment for each separate offense. In addition, the Court may order the destruction of the dog upon conviction of the owner of any violation with bodily injury.

12.4 Penalty Assessment - Fine Schedule

If the penalty assessment procedure is used by the Animal Services Officer or any arresting law enforcement officer, the following fine schedule shall be applied for violations of any section of this Resolution which are committed or repeated by the same person within two (2) years from the date of the first offense:

First Offense.....	\$50.00
Second Offense.....	\$100.00
Third Offense.....	\$250.00
Fourth and subsequent Offense.....	\$500.00

12.5 Probationary Conditions and Other Costs

- a. In addition to payment of any fine or other punishment, a violator shall be required as a condition of probation or sentencing to pay to the Animal Services Center all applicable fees and charges pursuant to Section 11, and cost of prosecution as may be required by the Court.
- 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 Resolution or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of this Resolution which can be given effect without the invalid provisions or applications, and to this end, the provisions of this Resolution are declared to be severable.

Section 14 – Liability Clause

The Mesa County Board of County Commissioners, the Health Officer, Animal Services Officers, or any other employees, persons, or agents authorized to enforce the provisions of this Resolution shall not be held responsible for any accident or subsequent disease or for any loss or damages resulting from administration of this Resolution.

Section 15 – Effective Date and Safety Clause

This Resolution shall take effect immediately upon approval by the Mesa County Board of County Commissioners. The Board hereby finds and declares that adoption of this Resolution is necessary for the immediate preservation of the public health safety and welfare.

Duly moved, seconded and adopted this ____ day of _____, 2004, by the Board of County Commissioners of Mesa County, Colorado.

MESA COUNTY BOARD OF COUNTY
COMMISSIONERS

Doralyn B. Genova, Chair

Attest:

Janice Ward, Clerk and Recorder