

RESOLUTION No. 2022-77

MCM

RESOLUTION AMENDING ANIMAL SERVICES RESOLUTION  
MCM 2013-023(1)

WHEREAS on May 20, 2013, the Board of County Commissioners of Mesa County adopted Resolution MCM 2013-023 which was a resolution providing for rabies control; licensing of dogs; restraint of animals running at large; restraint of vicious 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 herewith; and

WHEREAS, on December 16, 2013, MCM 2013-023 was amended to be MCM 2013-023(1); and

WHEREAS, Colorado law, C.R.S. §12-315-105, has recently been changed to allow for rabies vaccinations to be given by animal shelter staff for shelter owned animals; and

WHEREAS, Section 2.24 of MCM 2013-023(1) needs to be amended to incorporate this statutory change.

NOW THEREFORE THE BOARD FINDS AND RESOLVES AS FOLLOWS:


1. It is necessary to update the Animal Services Resolution MCM 2013-023(1) to incorporate recent statutory changes.
2. Article II, Section 2.24 shall be amended as follows (change in bold):  
  
The vaccination of an animal with an anti-rabies vaccine approved by the Colorado Department of Health and administered **by any person authorized as provided by C.R.S. §12-315-105(1)(q).**
3. The attached version of the Mesa County Animal Services Resolution is incorporated herein and is adopted in its entirety.
4. The attached Resolution shall be effective upon adoption of this Resolution and replaces and repeals MCM 2013-023(1) in its entirety.
5. A copy of the Animal Services Resolution shall be maintained for public inspection and information, during regular business hours, in the offices of the Clerk and Recorder/Clerk to the Board of County Commissioners of Mesa County, and at the front desk of the Mesa County Animal Services Division and on the Mesa County website and the Mesa County Animal Services website.

Bobbie Gross, Clerk and Recorder of Mesa County certifies this to be a full, true and correct copy of the original recorded document in my custody.  
Date: 10-20-2022 By: [Signature] Deputy Clerk



PASSED AND ADOPTED THIS 20th day of December, 2022.

MESA COUNTY BOARD OF COUNTY COMMISSIONERS

  
By: Cody Davis, Chair

ATTEST:



  
Tina Peters, Mesa County Clerk and Recorder

**MESA COUNTY ANIMAL SERVICES RESOLUTION**

**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; PENALTIES FOR VIOLATION OF SUCH PROVISIONS; AND REPEALING CERTAIN RESOLUTIONS IN CONFLICT HEREWITH.**

**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 provision of information to the public concerning responsible and humane ownership and 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 six (6) members. One member shall be a Mesa County Veterinarian, who shall be appointed by and serve at the pleasure of the Mesa County Board of County Commissioners. One member shall be the Mesa County Director of Public Health or designee. One member shall be a designated representative of the Mesa County Board of County Commissioners. One member shall be the Mesa County Sheriff or designee. One member shall be the Grand Junction Police Chief or designee. One member shall be a non-voting citizen representative who shall be appointed by and serve at the pleasure of the Mesa County Board of County Commissioners. The Mesa County District Attorney or designee and the City Attorney or designee shall serve as legal advisors to the Board.

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 chair from among its appointed members. The term of office as Chair of the Board shall be for the calendar year or for that portion thereof remaining after each such chair 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. The Board 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 Division of Animal Services.
  - c. Study and make recommendations relating to Animal Services problems.
  - d. Hold a regular, advertised 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 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 Animal Services, while engaged in the execution of their duties out in the field shall wear in plain view an identification name tag displaying the person'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 Resolution: Nothing in this Resolution 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 and/or public safety risk; 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.

#### 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 the knowledge and permission of the person or agency with whom the animal is being left and/or failure to make reasonable arrangements for someone else to assume custody of the animal. This includes making adequate provisions for proper care of an animal in a person's control regardless of who owns the 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 facility or facilities designated as an animal control center by the Commissioner or the County Administrator

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. 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 organized dog training class, dog show, obedience trial or event in which the dog is participating and/or is entertainment.

2.7 Board of Animal Services – Advisory

A six-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 designee. One member shall be a designated representative of the Mesa County Board of County Commissioners. One

member shall be the Mesa County Sheriff or designee. One member shall be the Grand Junction Police Chief or designee. One member shall be a non-voting citizen representative who shall be appointed by and serve at the pleasure of the Mesa County Board of County Commissioners. The Mesa County District Attorney or designee and the City Attorney or designee shall serve as legal advisors to the Board. 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.

2.9 County

The County of Mesa, Colorado.

2.10 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. causes bodily injury to a person or animal off the dog owner's premises; or which
- e. is at large and exhibits aggressive behavior on two or more occasions; or which
- f. demonstrates tendencies that would cause a reasonable person to believe that the dog would inflict bodily or serious bodily injury upon any person or domestic animal; 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 2.10.a, 2.10 b, or 2.10c may be destroyed in accordance with Section 9.3.a.



2.11 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.

2.12 Dog

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

2.13 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 Habitual Offender

Any person who has pled guilty to, or been found guilty of violating any provision of this Resolution or any municipal, county or state regulation two or more times within a two year period and/or any dog whose owner, keeper or custodian has pled guilty to, or been found guilty of two or more violations of this Resolution, or any municipal, county or state regulations concerning the same dog within a two year period.

2.15 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.

2.16 Health Department

The Mesa County or Colorado State Health Department.

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 Owner

Any person, or persons 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.

2.19 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 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.

2.21 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.

2.22 Public Safety Risk

Any action or lack of action by an owner or dog that could actively or inadvertently cause injury, death or illness to a person or animal.

2.23 Serious Bodily Injury

Bodily injury which, either at the time of the actual injury or at a later 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.

2.24 Vaccination

The vaccination of an animal with an anti-rabies vaccine approved by the Colorado Department of Health and administered by any person authorized as provided by C.R.S. §12-315-105(1)(q).

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.

### 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.

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 – Confinement

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.

Nor shall a 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. 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.

4.2 Dogs in Common and Public Areas

No dog owner, or any person who harbors, keeps or is custodian of a dog shall fail to keep the dog under their control by means of a leash while such dog is 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 areas such as county parks or fairgrounds unless permission is otherwise granted by the property owner or county or public authorities, specifically allowing dogs to be off a leash.

4.3 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.

4.4 Permit Required for Public Pet Rehoming

No person shall display any dog or cat for the purpose of selling, giving away, trading, bartering or adopting the animal without a Public Pet Rehoming Permit.

A Public Pet Rehoming Permit is not required when:

- a. An owner is selling, giving away, trading, bartering or adopting an animal from a private residence; or
- b. An owner holds a current license issued by the Colorado Pet Animal Care and Facilities Act and is displaying the animals at that location; or
- c. The owner is a governmental or tax-exempt, not for profit animal welfare organization and is involved in an organized adoption event.

The Public Pet Rehoming Permit can be obtained at Mesa County Animal Services. The permit process will require the following:

- a. The owner/applicant will complete and submit a Public Pet Rehoming Permit Application no less than five business days prior to the date needed; and
- b. The owner/applicant will provide written documentation from a licensed veterinarian that the animals have been examined within seven days, are at least eight weeks old and current on all applicable vaccinations; and
- c. The owner/applicant will provide written authority and contact information from the owner of the property on which the animals will be displayed.

#### 4.5 Threatening of Livestock or Pet Animals

It shall be unlawful to allow any dog to run after, chase, pursue, bite, attack, worry, harass or in any other way threaten livestock or another pet animal while at large.

#### 4.6 Necessary Care for Confinement

No animal owner, or any person who harbors, keeps or is custodian of an animal shall fail to provide the animal with safe confinement and/or necessary care which includes, but is not limited to food, water, veterinary care and protection from the elements or other care generally considered to be accepted for an animal's well-being.

#### 4.7 Abandonment

No person or animal owner shall abandon an animal.

#### 4.8 Owner's Duty to Redeem Animal and Pay Fees

No animal owner, or any person who harbors, keeps or is a custodian of an animal, shall fail to make arrangements for the redemption or surrender of any animal impounded pursuant to the provisions of this Resolution, or to fail to pay any fees associated with the redemption or surrender of such animal.

4.9 Habitual Offender

It shall be unlawful for any person and/or animal to become a Habitual Offender as defined in this Resolution. Any animal meeting the definition of Habitual Offender shall be impounded pursuant to the procedures set forth in Section 8, and may be subject to disposition as provided by Section 9.3.

4.95 Confinement of Dangerous Dogs

It shall be unlawful for any dog that has been found to be a Dangerous Dog by any Court to be confined in a manner that does not include the following:

- a. When outside the owner's primary residence, the dog must be confined to an escape proof kennel approved by Mesa County Animal Services; or
- b. When outside of the owner's primary residence, the dog must be on a leash and under direct control of a responsible adult; and
- c. When outside of the owner's primary residence, the dog must be confined in such a manner that complies with any additional safety or confinement restrictions ordered by the Court that found the dog Dangerous unless amended by a Court in our jurisdiction.

Such dog shall be impounded pursuant to the procedures set forth in Section 8, and may be subject to disposition as provided by Section 9.3.

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 pursuant to the procedures set forth in Section 8, and may be subject to disposition as provided by Section 9.3.

5.2 Failure to Control Dogs

- a. 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.
- b. No owner of a dog shall fail to prevent it from causing damage to the person or property of another.

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.

#### 5.4 Dangerous Dog - Special Permit Required

The owner of any dog that has been found to be a Dangerous Dog by any Court and is residing in Mesa County must obtain an annual special permit and identification tag for such animal. The permit shall expire on December 31 of the year for which the permit is issued. An application for the special permit and identification tag shall be made to Mesa County Animal Services thirty days prior to the expiration date of the existing permit. The Dangerous Dog Special Permit tag shall be worn by the dog at all times.

### 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 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 – Deleted

### 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 or a dog that has been found to be a Dangerous Dog by any Court and is found to be confined in violation of the Court order or in violation of section 4.95, the dog 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.

#### 8.3 Impoundment of Habitual Offender Dogs

An Animal Services Officer shall forthwith investigate any credible complaint that a dog is an Habitual Offender. In the event that the officer reasonably believes the dog is a public safety risk, it shall be immediately seized and impounded.

#### 8.4 Impoundment of Animals for Violation of Public Pet Rehoming Permit

An Animal Services Officer shall forthwith investigate any credible complaint that a person is in violation of the Permit Required for Public Rehoming. In the event that the officer reasonably believes that this is the second offense or more of section 4.4, the animals shall be immediately seized and impounded.

#### 8.5 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.

#### 8.6 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 manager 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 manager 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. Habitual Offender - A dog that meets the definition of Habitual Offender and is a public safety risk, shall not be released from impoundment during the pendency of any criminal proceeding for violation of Section 4.9 of Article II of this Resolution.
- e. Public Pet Rehoming Permit - Animals being impounded for a second offense or more of this section shall not be released from impoundment

during the pendency of any criminal proceeding for violation of Section 4.4 of Article II of this Resolution.

- f. 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.
- g. 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.
- h. 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 8.6(f). 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.

#### 8.7 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.

8.8 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.

8.9 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, transfer, 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 or Habitual Offender

- a. A dog found to be dangerous by any Court, as defined by sub-sections a, b, or c, of Section 2.10 of Article II of this Resolution, may be finally disposed of by humane euthanasia and the owner of the dog shall be assessed and shall be liable for all applicable costs and fees pursuant to Section 11. If the dog is not disposed of by humane euthanasia, the owner will be subject to 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, neutering the dog, muzzling the dog, compensation of victims, restrictions on sale or transfer of the dog, and any other terms or conditions deemed necessary to protect the public or the abate a public safety risk. 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.

- The owner of the dog shall be required to purchase a Dangerous Dog Special Permit on an annual basis as long as the dog resides in Mesa County.
- b. The owner of a dog which is found to be dangerous as defined by subsections d, e, f, g or h of Section 2.10 of Article II of this Resolution shall be subject to any 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, 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 the abate a public safety risk. 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. The owner of the dog shall be required to purchase a Dangerous Dog Special Permit on an annual basis as long as the dog resides in Mesa County.
  - 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.
  - e. The owner or dog which is found to be a habitual offender 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, construction of secure areas of confinement, neutering the dog, and any other terms or conditions deemed necessary to protect the public or the abate a public safety risk. 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.

#### 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 or adoption fee 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 may 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.

9.5 Disposition of Animals Impounded for the Permit Required for Public Pet Rehoming

Animal owners found guilty of a second violation or more of this section may have ownership of the animals transferred by the Courts to become the property of Mesa County Animal Services. The owner of the animals shall be liable for all applicable costs and fees pursuant to Section 11.

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 9 involving failure to comply with impoundment/quarantine requirements; or
  - (3) known to have been issued three or more penalty assessment notices for violation of this Resolution within the last two years; or
  - (4) 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.

#### 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 safety risk 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 safety risk 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 safety risk 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
d.	Out of County Animals.....	\$75.00

11.3 Boarding Fees

a.	Dogs.....	\$8.00/day
b.	Cats.....	\$8.00/day
c.	Others.....	\$8.00/day
d.	Quarantine Animals and dogs being held for Dangerous Dog charges .....	\$12.00/day

11.4 Adoption Fees

a.	Dogs.....	\$95.00
b.	Cats.....	\$65.00
c.	Dogs – out of county ..... (Additional deposits may be required)	\$40.00
d.	Cats – out of county ..... (Additional deposits may be required)	\$40.00
e.	Other animal adoption fee..... (Additional deposits may be required)	\$10.00

11.5 License Fees



- a. One year .....\$10.00
  - b. Three year .....\$25.00
  - c. Lost Tag Replacement .....\$5.00
  - d. Dangerous Dog Special Permit.....\$100.00
- 11.6 Euthanasia Fee.....\$40.00

11.7 Deposits

- a. Spay/Neuter.....\$100.00
- b. Rabies Vaccination .....\$10.00
- c. License .....\$10.00
- d. 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.
- e. Deposit of a rabies vaccination shall be required for redemption of an unvaccinated animal.
- f. 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.

11.8 Veterinary Care

Actual, reasonable costs of necessary veterinarian treatment.

- 11.9 Trip or Transportation fee.....\$40.00

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, 7, 8, 9, or 10 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 than 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, 7, 8, 9 or 10 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. 18-1.3-501 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 may 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

Penalties for violation of Section 4, Confinement shall include a surcharge of \$50.00 payable to Mesa County Animal Services Canine Spay/Neuter Voucher Program if the dog owner cannot provide proof that the dog has been spayed or neutered. The surcharge cannot be waived unless the dog owner provides documentation from Mesa County Animal Services proving that the dog was neutered within 30 days of the issuance of the citation or as otherwise ordered by the Court.

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 safety risk 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.

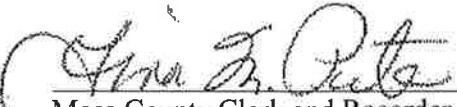
Duly moved, seconded and adopted this 20th day of December, 2022, by the Board of County Commissioners of Mesa County, Colorado and to be effective immediately upon adoption.



MESA COUNTY BOARD OF COUNTY  
COMMISSIONERS

  
Cody Davis, Chair

Attest:

  
Mesa County Clerk and Recorder