

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY
RESOLUTION NO. 92-60

A RESOLUTION CONCERNING CONTROL AND LICENSING OF DOGS

WHEREAS, Section 30-15-101, *et seq.*, C.R.S. 1973 as amended, authorizes the Board of County Commissioners to adopt a resolution providing for control and licensing of dogs in the unincorporated area of Gunnison County and to establish such other reasonable regulations and restrictions as may be deemed necessary;

WHEREAS, the Board of County Commissioners finds that within certain portions of unincorporated Gunnison County, there is a real and present danger to the public health, safety and welfare of citizens of Gunnison County caused by dogs running at large and rabies;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County that this Resolution, including the rules and regulations set forth herein shall be in full force and effect thirty (30) days following the date of the adoption of the Resolution and, except as provided hereinafter, shall thereafter govern the control and licensing of dogs located in the unincorporated areas of Gunnison County.

1. Applicability. This Resolution shall be applicable to all dogs found to be in any designated dog control area of Gunnison County and to all persons who shall own or keep a dog within any designated control area of Gunnison County, effective thirty days after adoption of this Resolution.

2. Definitions. Except as otherwise specifically indicated herein, the following definitions shall apply for purposes of this Resolution:

a. "Board" shall mean the Board of County Commissioners of the County of Gunnison, Colorado.

b. "Bodily Injury" shall mean physical pain, illness or any impairment of physical condition.

c. "Control" shall mean either (1) firm physical attachment to a secured restraint, such as a leash or similar tether not longer than ten (10) feet in length

or confinement in a pen, cage, fence or motor vehicle; or (2) verbal or other commands providing conditioned and immediate restraint to keep the dog from running at large.

d. "Designated Agent" shall mean any person authorized by the Board with responsibility to enforce this Resolution.

e. "Designated Dog Control Area" shall mean any area of the unincorporated part of Gunnison County designated by Resolution of the Board of County Commissioners as an area in which control and licensing of dogs pursuant to this Resolution shall be required.

f. "Dog" shall refer to any animal of the canine species, regardless of sex.

g. "Keeper" shall mean any person, or the agent or servant of such person, who keeps or harbors a dog for less than thirty (30) days.

h. "Owner" shall mean any person or the agent or servant of such person, who keeps or harbors a dog for thirty (30) days or more.

i. "Peace Officer" shall mean any sheriff, sheriff's deputy or other law enforcement officer whose jurisdiction includes any unincorporated area of Gunnison County.

j. "Running at Large" shall mean a dog in a designated dog control area as defined in Section 2e of this Resolution which is off of or away from the premises of its owner or keeper and not under control as more specifically set forth in Section 2c of this Resolution. A dog that is not under such control but is on private property with the prior permission of the owner of the property shall not be considered to be running at large.

3. License Required.

a. Every person who owns a dog more than four (4) months old within a designated control area in Gunnison County, except those who operate a pet shop, boarding kennel or veterinary business, shall obtain a Gunnison County license and rabies inoculation tag for each such dog annually. The rabies tag shall be firmly affixed to the collar or harness of the dog.

b. (i) No license and tag shall be issued until the owner of a dog shall exhibit to the Board or its designated agent a valid anti-rabies vaccination certificate indicating the dog has been vaccinated against rabies by a licensed veterinarian within the twelve (12) months preceding the date of application for dogs under three (3) years of age or within the twenty-four (24) months preceding the date of application for dogs three (3) years of age or older.

(ii) A valid anti-rabies vaccination certificate must contain at least the following information: (a) the name, address and telephone numbers (home and business) of the owner of the vaccinated dog; (b) the name and address of the veterinarian administering the vaccination; (c) the breed, age, color, name, sex and status as to spayed or neutered of the vaccinated animal; (d) date of vaccination and expiration thereof; (e) type of vaccine used, lot number and manufacturer; (f) the rabies vaccination tag number.

c. At any time a dog becomes four (4) months of age or, being at least four (4) months of age, is moved into a designated dog control area of Gunnison County, its owner shall obtain a license within the succeeding thirty (30) days.

d. Within thirty (30) days after a person moves a dog into a designated dog control area of Gunnison County, he shall have it inoculated with anti-rabies vaccine unless he can demonstrate that the dog was inoculated in accordance with paragraph 3b of this Resolution.

4. Application for License. An application for a license shall require the following:

a. A valid anti-rabies vaccination certificate as prescribed in paragraph 3, above;

b. Age of the dog;

c. Sex of the dog;

d. Whether the dog has been spayed or neutered;

e. Description of the dog including breed and color;

f. Name of the dog;

g. Identification number of the dog (if the dog is a guide dog for the physically handicapped);

h. Name, address and phone number of the dog's owner.

5. License Fees.

a. Upon filing with and acceptance by the Board or its designated agent of an application for a dog license, the applicant shall pay an annual fee of fifteen dollars (\$15.00) for each non-spayed female or non-neutered male dog, and five dollars (\$5.00) for each spayed female or neutered male dog, except that no license fee shall be charged for guide dogs used by the blind, the partially blind, the deaf or the partially deaf. Licenses for spayed female and neutered male dogs shall be issued only upon presentation of a certificate signed by a licensed veterinarian stating that the dog has been spayed or neutered.

b. License fees shall not be prorated.

c. Upon payment by the applicant of the requisite fee, the designated agent shall issue a receipt bearing the owner's name, address and phone number and the dog's license number, together with a metallic tag bearing the year of issue, County identification, and the license number corresponding to that shown on the receipt. Each owner or keeper shall be responsible for ensuring that the tag shall be worn by the dog at all times.

6. Expiration, Transfer of License.

a. All dog licenses, whether issued for a full year or less, shall expire on December 31 of each year. If the applicable fee for a new license is not paid before March 1, a penalty of five dollars (\$5.00) shall be added thereto.

b. No dog license may be transferred from one owner to another or from one dog to another dog.

7. Duplicate License. In the event the license tag is lost, a duplicate shall be provided by the designated agent of the Board to the owner or keeper upon payment of one dollar (\$1.00).

8. Dog Running At Large. It shall be unlawful for any owner or keeper of a dog to fail to prevent the dog from running at large within any designated dog control area in Gunnison County except that for purposes of this paragraph, dogs actually working livestock, locating or retrieving wild game in season for a licensed hunter, or assisting peace officers shall not be deemed out of control or running at large.

9. Seizure and Impoundment.

a. It shall be the duty of any peace officer or designated agent of the County, as defined herein, to apprehend any dog found running at large, any dog in a designated dog control area required to be vaccinated against rabies which is not vaccinated and/or is not wearing a current rabies inoculation tag, or any dog being owned or kept contrary to the provisions of this Resolution.

b. When any dog has been apprehended as provided for herein, the designated agent, as defined herein, may take any appropriate action, including but not limited to: returning the dog to its owner, impounding the dog, and/or issuing a Summons and Complaint. If the dog is impounded, the designated agent shall make a reasonable effort to give notice of such impoundment to the owner or keeper if known.

10. Impoundment Facility. A facility maintained by the Board, a licensed veterinarian, a municipality, a licensed boarding kennel or a designated agent shall serve as an impoundment facility for the purposes of this Resolution.

11. Redemption of Impounded Dog.

a. Any impounded dog may be redeemed by its owner or keeper upon payment of an impounding fee of twenty-five dollars (\$25.00), plus an additional fee which shall be equal to the actual costs incurred as a result of the impoundment and boarding.

b. Payment of impounding or boarding fees shall not be construed as payment of such fines as may be applicable for violation of the provisions of this Resolution, nor shall such payment be considered as being in lieu of license fees.

c. No impounded dog which is required to be licensed or inoculated under the provisions of this Resolution may be redeemed until such licensing and inoculation is accomplished or ensured.

12. Sale or Other Disposal of Unredeemed Dogs. The owner or keeper of an impounded dog shall be responsible for paying all impounding and boarding fees and redeeming such dog within five (5) days of impounding. Any owner or keeper of an impounded dog who does not claim or redeem the dog within (5) days of impounding shall forfeit all right, title and interest to such impounded dog. Any impounded dog which is not claimed or redeemed during the five (5) day impounding period may be put up for adoption or humanely destroyed and buried or cremated, except that no dog, whose owner or keeper can reasonably be located from a license tag or other identification worn by the dog, shall be destroyed until a reasonable effort has been made to notify its owner or keeper.

13. Unlawful Taking or Release.

a. It shall be unlawful for any person to take any dog from an enclosed lot, premises or building and deliver the dog to the impounding facility unless authorized to do so by the owner or keeper of the dog or as otherwise authorized by this Resolution.

b. It shall be unlawful for any person to open or cause to be opened any closed lot, premises or building for the purpose of allowing a dog to run at large.

14. Violations, Penalties.

a. Any violation of any provision of this Resolution which does not result in bodily injury to any person shall be a Class 2 petty offense and, notwithstanding the provisions of Section 18-1-107, C.R.S. 1973, punishable, upon conviction, by a fine of not more than three hundred dollars, or by imprisonment in the County jail for not more than ninety days, or by both fine and imprisonment for each separate offense.

b. Any violation of any provision of this Resolution which results in bodily injury to any person by a dog shall be a Class 2 misdemeanor, and any violator shall be punished as provided in Section 18-1-106, C.R.S. for each separate offense.

c. Nothing herein shall be construed to prevent impoundment of any dog under paragraph 10.

15. Barking Dogs. It shall be unlawful for any person owning or keeping a dog in a designated dog control to permit such dog to disturb the peace of any other person by repeated barking, howling, yelping or other noise which can be heard beyond the boundary of the property of such owner or keeper for more than ten (10) minutes at any time of the day or night whether the dog is on or off the premises of the owner or keeper.

16. Enforcement. The provisions of this Resolution may be enforced by a peace officer as hereinabove defined or by a designated agent as hereinbefore defined.

17. Disposition of Fines and Forfeitures. All fines and forfeitures for violation of any provision of this Resolution shall be paid over to the County Treasurer immediately upon their receipt.

18. Liability for Accident or Subsequent Disease from Impoundment. Neither the Board of County Commissioners, its employees or agents, or persons authorized herein to administer or enforce the provisions of this Resolution shall be held responsible for any accident, harm or subsequent disease which may be suffered by a dog in connection with the administration or enforcement of this Resolution.

19. Contracts for Services. The Board of County Commissioners may enter into such arrangements and contracts as are appropriate, necessary and permitted by law to provide for personnel, equipment and services required by this Resolution.

20. Captions. The captions and paragraph headings used throughout this Resolution are for the convenience of reference only, and the words contained therein shall in no way be held or deemed to define, limit, describe, explain, modify, amplify or add to the interpretation, construction or meaning of any provision to or the scope or intent of this Resolution.

21. Severability. If any provision of this Resolution or the application thereof to any party or circumstance shall to any extent be invalid or unenforceable, the remainder of the Resolution, or the application of such provision to parties or circumstances other than those to which it is invalid or unenforceable, shall not be affected thereby, and each provision of this Resolution shall be valid and be enforced to the fullest extent permitted by law.

INTRODUCED by Commissioner Petri, seconded by Commissioner
Santarelli and adopted this 18th day of February, 1992.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

By Paul R. Frost
Chairman

Attest:

James M. Rutziger
Clerk