

Ordinance No. 4 and Resolution No. 1985-8-6

An Ordinance and Resolution providing for rabies control; reporting of animal bites; licensing of dogs; restraint of animals running at large; restraint of vicious animals; impoundment of animals; licensing of kennels and pet shops; prohibition of certain species of animals; prohibition of inhumane treatment of animals; and describing penalties for violating such provisions.

Be it ordained and resolved by the Board of County commissioners of Grand County, Colorado:

Section I. Definitions

When used in this Ordinance and Resolution, the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:

1.1 Owner: Any person who has right of property in an animal or who harbors an animal or allows an animal to remain about his premises for a period of five (5) days.

1.2 Harboring: The act of keeping and caring for an animal or of providing a premise to which the animal returns for food, shelter or care for a period of five (5) days.

1.3 Domestic: Shall include all species of animals commonly and universally accepted as being domesticated.

1.4 Wild Animal: Shall include all species of animals which exist in a natural unconfined state and are usually not domesticated.

1.5 Pet Animal: Shall include dogs, cats, rabbits, rodents, birds, reptiles, and any other species of animal which is sold or retained as a household pet but shall not include skunks, nonhuman primates and any other species of wild, exotic or carnivorous

1.6 Dog: A domestic canine of either sex, including one neutered or sterilized.

1.7 Cat: A domestic feline of either sex, including one neutered or sterilized.

1.8 Vicious Animal: Any animal that commits an unprovoked attack upon a person, domestic animal, pet animal, livestock, or wild animal on public or private property; or that attacks, threatens to attack or terrorizes a person, domestic animal, pet animal, livestock, or wild animal on public property, at a public place, or private property not the property of the owner of the vicious animal.

1.9 Livestock: Cattle, sheep, horses, rabbits, or poultry.

1.10 Stray Animal: Any animal for which there is no identifiable owner or harborer.

1.11 Running at Large: Shall pertain to an animal off the premises of the owner and not under the physical or audible control of the owner or his authorized representative. An

animal intruding upon the property of another person other than the owner shall be prima facie “running at large”. An animal within an automobile or other vehicle of its owner shall not be deemed “running at large”.

1.12 Rabies Vaccination: Shall mean the vaccination of a dog, cat, or other domestic animal with an anti-rabies vaccine approved by the Colorado Department of Health and administered by a veterinarian licensed by the State of Colorado.

1.13 Bodily Injury: Any wrong, hurt, or damage done to a man or woman’s person such as a puncture, cut, bruise, broken limb or the like.

Section II. Rabies Control

2.1 Vaccinations: Every owner of a dog or cat six (6) months of age or older shall have such dog or cat vaccinated against rabies. All dogs or cats vaccinated at six (6) months of age or older, shall be revaccinated every three (3) years thereafter. Prior to any vaccination, if the dog or cat has inflicted a bite on any person or another animal within the last ten (10) days, the owner of said dog or cat shall report such fact to the veterinarian, and no rabies vaccine shall be administered until after the ten (10) day observation period.

2.2 Certificate of Vaccination: Upon vaccination, the veterinarian shall execute and furnish to the owner of the dog or cat as evidence thereof, a Certificate upon a form furnished by Grand County. The veterinarian shall retain a duplicate copy and on (1) copy thereof shall be filed with the Animal Control Officer. Such Certificate shall contain the following information:

- (1) The name, address and telephone number of the owner of the vaccinated dog or cat.
- (2) The date of vaccination.
- (3) The type of rabies vaccine used.
- (4) The year and number of the rabies tag.
- (5) The breed, age, color and sex of the vaccinated dog or cat.

2.3 Rabies Tag: Concurrent with the issuance and delivery of the Certificate of Vaccination referred to in Section 2.2, the owner of a dog, but not a cat, shall cause to be attached to the collar or harness of the vaccinated dog a metal tag, serially numbered to correspond with the Vaccination Certificate number and bearing the year of issuance and the name of the jurisdiction and State. Such tag shall be worn by the dog at all times.

2.4 Duplicate Tags: In the event of loss or destruction of the original tag provided in Section 2.3, the owner of the dog or cat shall obtain a duplicate tag.

2.5 Proof: It shall be unlawful for any person who owns or harbors a vaccinated dog or cat to fail or refuse to exhibit his copy of the Certificate of Vaccination upon demand to any person charged with the enforcement of this Ordinance and Resolution.

2.6 Harboring Unvaccinated Animals: It shall be unlawful for any person to harbor any dog or cat which has not been vaccinated against rabies, as provided herein, or which cannot be identified as having a current vaccination certificate.

Section III. Reporting Bites from Animals susceptible to Rabies; related procedures

3.1 Duty to Report: Any person having knowledge that an animal has bitten a human shall immediately report the incident to the Grand County Health Officer, Animal Control Officer, or to the Colorado Department of Health. Every physician or other medical practitioner who treats a person or persons for such bites shall, within twelve (12) hours, report such treatment to the Grand County Health Officer, Animal Control Officer, or to the Colorado Department of Health, giving the name, age sex and precise location of the bitten person or persons and such other information as the Officer or Agency may require.

3.2 Exclusions: Human bites from rodents, rabbits, birds, reptiles are excluded from the reporting requirements of this Section.

3.3 Suspected Rabies: Any veterinarian who clinically diagnoses rabies or any person who suspects rabies in a dog, cat or other domestic or wild animal shall immediately report the incident to the Grand County Health Officer or Animal Control Officer or to the Colorado Department of Health stating precisely where such animal may be found. If a known or suspected rabid animal bites or attacks a domestic animal, such incident shall also be reported as required above.

3.4 Confinement of Dogs and Cats: Any dog or cat which has bitten a person shall be observed for a period of ten (10) days from the date of the bite. The procedure and place of observation shall be designed by the investigation officer or responsible agency. Confinement shall be by impoundment in the Grand County Animal Shelter or at any veterinary hospital of the owner's choice. Such confinement shall be at the expense of the owner. Stray dogs or cats whose owners cannot be located shall be confined in the Grand County Animal Shelter. The owner of any dog or cat that has been reported to have inflicted a bite on any person shall on demand produce said dog or cat for impoundment, as prescribed in this Section. Refusal to produce said dog or cat constitutes a violation of this Section, and each day of such refusal shall constitute a separate and individual violation.

3.5 Removal of Dogs and Cats from Confinement: It shall be unlawful for any person to remove from any place of confinement any dog or cat which has been confined as authorized, without the consent of the impounding agency.

3.6 Procedures for Other Animal Bites: Procedures concerning bites from other animals shall be discussed with the Grand County Health Officer, Animal Control Officer, or the Colorado Department of Health for proper disposition. Any wild animal which has bitten a person should be caught and killed and the brain immediately submitted to a qualified laboratory for rabies examination. Rodents, rabbits, birds, and reptiles are not considered to be transmitters of the rabies virus and should not be submitted for laboratory examination for rabies.

Section IV. Licensing of Dogs

4.1 License Required: Any owner of a dog six (6) months of age or older shall procure a license. License fees shall be paid annually not later than January 1st to the County Animal Control Department, county Animal Control Officer, Grand County Sheriff's Department, County Clerk or Town Clerk in an amount determined by the County. All dog licenses issued hereunder shall expire January 1st of each year and the full amount shall be paid for any fraction of the licensing year. Upon collection of the license fee by the County Animal Control Department, County Animal Control Officer, Grand County Sheriff's Department, County Clerk or Town Clerk, a dated and numbered receipt shall be issued stating the name and address of the owner, rabies tag number, description of the dog and a County or Town license tag stamped with a corresponding serial number, year, political subdivision and State.

4.2 Rabies Vaccination Required: No dog shall be licensed without proof of rabies vaccination as provided in this Ordinance and Resolution.

4.3 License Displayed: The license tag shall be attached to a collar, harness or other device and shall be worn with the rabies tag by the licensed dog at all times. The original license receipt and rabies Vaccination Certificate shall be retained by the owner for inspection by any person charged with the enforcement of this Ordinance and Resolution.

4.4 Duplicate Tags: In the event of loss or destruction of the original license tag, the owner shall obtain a duplicate tag from the County or Town at a cost of fifty cents (\$.50) for each tag.

4.5 False and Stolen License Documents: It shall be unlawful for any person to make use of stolen, counterfeit or forged license receipt, license tag, rabies Vaccination Certificate, rabies vaccination tag, or other form.

4.6 Transferability: Dog licenses are not transferable and it shall be unlawful for any person to use any license or rabies tag for any dog other than the dog for which such tag was originally issued.

4.7 Tattoo: If for some reason a dog cannot wear a collar or harness, the owner of said dog shall have the dog tattooed and that tattoo shall be registered with the Grand County Animal Control Department or Town Clerk of the respective Town.

Section V. Animals Running at Large

5.1 Restraining: It shall be unlawful for any person owning a dog or other pet animal to permit such animal to run at large. It shall be unlawful for any person in possession of someone else's dog or other pet animal to permit said animal to run at large.

5.2 Nuisance: It shall be unlawful for any owner to harbor any dog or other pet animal which, by any sound or cry or other activity, shall disturb the peace, comfort or property of the inhabitants of the neighborhood, and such disturbance is hereby declared to be a public nuisance.

5.3 Confinement During Estrus: Any unspayed female dog in the state of estrus (heat) shall be confined during such period of time in a house, building or secure enclosure and said area of enclosure shall be so constructed that no other dog may gain access to the confined animal. Owners who do not comply shall be ordered to remove the animal in heat to a boarding kennel, veterinary hospital or animal shelter. All expenses incurred as a result of the confinement shall be paid by the owner. Failure to comply with the removal order of the Animal Control Officer shall be a violation of this Ordinance and Resolution and the dog will then be impounded as prescribed in this Ordinance and Resolution.

5.4 Injured Animals: Animals injured on public property may be impounded and given adequate veterinary medical treatment pending notification of the owner. If the injured animal is treated and/or impounded, the owner of such animal shall be liable for all expenses of treatment and/or impoundment.

Section VI. Vicious Animals

6.1 Vicious Animals: No person shall own or harbor a vicious animal within Grand County. Such an animal shall be impounded as a public nuisance. If impoundment of said animal running at large cannot be made with safety to the Animal Control Officer, any peace officer, or other persons, the animal may be destroyed without notice to the owner or harborer.

6.2 Guard Dogs: It shall be unlawful to place or maintain any dog which has been specifically trained to attack, in any area for the protection of persons or property unless the dog is physically confined to a specific area, or is under complete and absolute control. The area or premises in which a guard dog is confined must be conspicuously posted with warning signs bearing letters not less than two inches (2") high.

Section VII. Impounded Animals

7.1 Impoundment: Animal owned or harbored in violation of this Ordinance and Resolution or any other Ordinance or Resolution or law of the State of Colorado shall be taken into custody by the Animal Control Officer or other designated official and impounded. Stray animals shall be similarly impounded.

7.2 Animal Shelter: A suitable animal shelter shall be provided for the purpose of boarding and caring for any animal impounded under the provisions of this Ordinance and Resolution. Such shelter shall be constructed in accordance with recommendations from the Colorado Department of Health.

7.3 Removal of Animals from Animal Shelter: It shall be unlawful for any person to remove any impounded animal from the animal shelter without the consent of the Animal Control Officer or designated official or agency.

7.4 Removal of Biting Dogs and Cats From Confinement: The impoundment of dogs and cats that have inflicted human bites shall be for a period of ten (10) days for observation and shall not be terminated until consent from the proper officer or agency is secured.

7.5 Disposition of Impounded Licensed Dogs: As soon as practicable after impoundment, notice of impoundment shall be posted in a conspicuous place at the Grand County Courthouse on the public bulletin board for three (3) days: or, if the animal is impounded within the city limit of any town which has adopted the provisions of this Ordinance and Resolution, notice shall be posted in a conspicuous place in the Town Hall of said Town for three (3) days. If the owner of the impounded dog is known, immediate notice shall be given to him. Any impounded dog which is licensed may be redeemed by the owner upon payment of the impoundment fee, care and feeding charges and such other costs as set by the Animal Control Officer. If such animal is not redeemed within five (5) days, it shall be considered abandoned and may be placed for adoption subject to payment of the impoundment fee, care and feeding charges, veterinary charges, and such other costs as set by the Animal Control Officer; or the Animal Control Officer may euthanize (kill) the animal under the supervision of a licensed veterinarian; or the Animal Control Officer may release such dog to a bona fide Humane Society. The Animal Control Officer may require the dog to be neutered or spayed prior to adoption.

7.6 Disposition of Impounded Unlicensed Animals: As soon as practicable after impoundment, notice of impoundment shall be posted in a conspicuous place at the Grand County Courthouse on the public bulletin board for three (3) days: or if the animal is impounded within the city limit of any town which has adopted the provisions of this Ordinance and Resolution, notice shall be posted in a conspicuous place in the Town Hall of said Town for three (3) days. If the owner of the impounded animal is known, immediate notice shall be given to him. Any impounded animal may be redeemed upon payment of the license fee, care and feeding charges, veterinary charges, rabies vaccination charges and such other costs as set by the Animal Control Officer. If such animal is not redeemed within five (5) days, and if said notice has been posted at least three (3) days, it shall be deemed abandoned and may be placed for adoption subject to payment of the license fee, impoundment fee, care and feeding charges, veterinary charges, rabies vaccination charges and such other costs as set by the Animal Control Officer; or Animal Control Officer may euthanize said animal under the supervision of a licensed veterinarian; or the Animal Control Officer may release such dog to a bona fide Humane Society. The Animal Control Officer may require the dog to be neutered or spayed prior to adoption.

7.7 Disposition of Impounded Animal Being Held on Complaint: If a complaint has been filed in the County Court of Grand County against the owner of an impounded animal for a violation of Section VI, sub-section 6.1 of this Ordinance and Resolution, the animal shall not be released except on the order of the Court which may also direct the owner to pay any penalties for violation of this Ordinance and Resolution in addition to all impoundment fees. The Court may, upon making a finding that such animal is vicious or that it represents a clear and present danger to the citizens or other animals in the community, order said animal to be euthanized in a humane manner. Surrender of an animal by the owner thereof to the Animal Control Officer does not relieve or render the owner immune from the decision of the Court, nor to the fees and fines which may result from a violation or violations of this Ordinance and Resolution.

Section VIII. Kennels

8.1 Operation of Kennels – Requirements: A kennel, within the meaning of this Ordinance and Resolution, is any establishment designed for the permanent or temporary

boarding of animals. No person, group of person or business entity shall own, keep or harbor more than three (3) dogs of more than six (6) months of age or more than one (1) litter of pups or engage in the commercial business of breeding, buying, selling, trading, training, or boarding dogs or other pet animals without having obtained a valid kennel license from the County Animal Control Department.

8.2 Licenses – Issuance – Renewal: Kennel licenses shall expire on the 31st day of December of each year. No kennel license shall be issued until an Inspection Certificate shall have been issued by the Animal Control Officer. The yearly license fees for kennels shall be determined by the Board of County Commissioners. The license issued shall specify the maximum number of animals permitted to be kept, handled or exhibited by the licensee. It shall be unlawful for the licensee to keep, handle or exhibit any number of animals in excess of the maximum specified on the license. All applicants for a kennel license within the County of Grand, if required by State Statute to be licensed by the Colorado Department of Health, must have a valid license issued by said Department to qualify for licensure by the County of Grand. The possession of a State license, however, does not in itself insure that a County license will be granted. Standards and regulations affecting kennels may be adopted by the County of Grand which are as restrictive or more restrictive than applicable State standards. Holders of County kennel licenses may purchase a multi-dog license, the cost of which shall be determined by the Board of County Commissioners.

8.3 Revocation or Suspension of Licenses: Any kennel licensed under this Ordinance and Resolution found to be in violation of any zoning law, health law or any other applicable law of the County of Grand or the State of Colorado or that is maintained in such a manner as to be detrimental to the health, safety or peace of mind of persons residing in the immediate vicinity may have its kennel license suspended or revoked.

8.4 Section Does Not Apply: This Section shall not apply to and will not be construed to require a kennel license for:

- (1) A veterinary hospital operated by a licensed veterinarian which retains animals for veterinary medical care.
- (2) A bona fide publically or private owned zoological park.
- (3) A bona fide research institution using animals for scientific study.
- (4) A publically owned animal pound.
- (5) A bona fide animal shelter operated by an organized humane society.

Section IX. Animals Prohibited

9.1 Animals Prohibited: It is hereby prohibited and it shall be unlawful for any person to import, offer for sale, keep, maintain, harbor or permit in the County of Grand any monkey, or other nonhuman primate, skunk, raccoon, jaguar, leopard, lynx, tiger, lion, ocelot, bobcat,

cheetah, mountain lion, wildcat, panther, bear, wolf, coyote, fox, other carnivorous animal or poisonous reptile.

9.2 Endangered species: It is hereby prohibited and it shall be unlawful for any person to import, offer for sale, keep, maintain, harbor or permit in the County of Grand any endangered species of animal as defined by the United States Department of the Interior or the Colorado Department of Natural Resources.

9.3 Section Does Not Apply: This Section shall not apply to:

- (1) A bona fide publicly or privately owned zoological park.
- (2) A bona fide research institution using animals for scientific research.
- (3) A circus or rodeo duly authorized to do business in the County of Grand.
- (4) Animals raised for the commercial sale of their fur.

Section X. Inhumane Treatment

10.1 Cruelty to Animals: It is hereby prohibited and it shall be unlawful for any person to commit or cause to be committed any act of cruelty, harassment, or torture to any animal or intentionally cause such animal to be mutilated or inhumanely killed. Ownership, or the commission of such acts of cruelty on private property shall not be a justifiable defense for violation of this Section.

10.2 Poisoning: It is hereby prohibited and it shall be unlawful for any person to poison any domestic animal or to distribute poison or toxicants on public or private property in any manner whatsoever with the intent of poisoning any domestic animal.

10.3 Abandoning Animals: It is hereby prohibited and shall be unlawful for any person to willfully abandon any animal; or to withhold food or water from any animal such that its health is endangered, or it is caused to suffer unduly.

10.4 Display or Sale of Dyed or Immature Animals: It is hereby prohibited and it shall be unlawful for any person to possess, display, sell, barter or give away any dyed, colored or artificially treated baby chicks, ducklings, fowl, rabbits or any animals as pets, playthings, novelties, gifts or for any other purpose. This Section shall not be construed to prohibit their display by hatcheries, stores, owners, dealers or persons engaged in the business of selling such immature animals to be raised for food; but no such hatcheries, stores, owners, dealers or person shall sell or give away baby chicks, ducklings, or any other immature domestic fowl as pets, playthings, novelties or gifts.

10.5 Fighting Animals: It is hereby prohibited and it shall be unlawful for any person to cause, instigate or encourage any dog or other animal to fight with another of its own species

or with another of a different species. It shall be unlawful for any person to train or keep any dog or other animal for the purpose of fighting. It shall be unlawful for any person to maintain a place where any dog or other animal is permitted to fight for exhibition or for wage or for sport.

Section XI. Enforcement

11.1 The provisions of this Ordinance and Resolution shall be enforced by the County Sheriff and his deputies, the County Animal Control Officer and any peace officer employed by any Town located within the County of Grand.

XII. Dog Control Officers – Peace Officer Designation

12.1 Personnel engaged in dog control, however titled or administratively assigned, may issue citations or summons and complaints enforcing the County Dog Control Ordinance and Resolution or municipal ordinance without regard to certification requirements of Part 3 or Article 33.5 or Title 24, Colorado Revised Statutes. Personnel so engaged shall be included within the definition of “peace officer engaged in the performance of his duties” in C. R. S. 18-3-201 (2). Nothing in this Section XII is intended to vest authority in any person so engaged to enforce any resolution, ordinance, or statute other than the County Dog Control Resolution or municipal ordinance.

Section XIII. Safety Provisions

13.1 Interference With Animal Control Officer or His Authorized Representatives: It shall be unlawful for any person to interfere with, molest, hinder, or prevent the Animal Control Officer or his authorized representatives in the discharge of their duties as herein prescribed, or to violate any of the provisions of this Ordinance and Resolution.

13.2 Responsibility for Accidents and Disease: The Board of County Commissioners of Grand County, the Animal Control Officer, or any other person authorized to enforce the provisions of this Ordinance and Resolution shall not be held responsible for any accident or subsequent disease that may occur to the animal in connection with the administration of this Ordinance and Resolution.

13.3 Penalty for Violation: Any person who violates any of the provisions of this Ordinance and Resolution where the violation does not involve bodily injury to any person, shall be guilty of a Class 2 petty offense and shall be punished by a fine not more than Three Hundred Dollars (\$300.00) or by imprisonment in the County jail for not more than ninety (90) days, or by both such fine and imprisonment for each separate offense.

Any person who violates any of the provisions of this Ordinance and Resolution where said violation involves bodily injury to any person by a dog shall be guilty of a Class 2 misdemeanor and shall be punished as provided in Colorado Revised Statutes, Section 18-1-106, for each separate offense.

The penalty assessment procedures provided in Colorado Revised Statutes, Section 16-2-201, may be followed by the Animal Control Officer or any arresting law enforcement officer for any violation of this Ordinance and Resolution not involving bodily injury. The penalty assessment fine shall be Twenty Five Dollars (\$25.00) for the first offense by an individual; Fifty Dollars (\$50.00) for the second same offense by the same individual; and One Hundred Dollars (\$100.00) for the third same offense by the same individual.

13.4 Paragraph 5.1 of this Ordinance and Resolution shall not apply to dogs while actually working livestock, locating or retrieving wild game in season for a licensed hunter, or assisting law enforcement officers or while actually being trained for any of these pursuits.

13.5 Severance Clause: If any Section, Subsection, sentence, clause or phrase of this Ordinance and Resolution is for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this Ordinance and Resolution.

13.6 Safety Clause: The County Health Officer of Grand County hereby finds, determines and declares that this Ordinance and Resolution is necessary for the immediate preservation of the public peace, health and safety of the residents of the County of Grand, State of Colorado.

13.7 Repealer: Ordinance No. 2 and Resolution No. 1981-1-4, Ordinance No. 3 and Resolution No. 1985-4-10 and all other Ordinances and Resolutions and parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

13.8 Effective Date: This Ordinance and Resolution shall take and be in effect on and after the 4th day of November, 1985.

The foregoing text is the authentic text of Grand County Ordinance No. 4 and Resolution No. 1985-8-6.

The first reading of said Ordinance and Resolution took place on August 6, 1985. It was published in full in the Winter Park Manifest, Sky Hi News, and Middle Park Times on August 22, 1985.

It was adopted, with amendment, on September 3, 1985, and was ordered republished by title and amendment only in the Winter Park Manifest, Sky-Hi News, and Middle Park Times on October 3, 1985.