

**BOARD OF COUNTY COMMISSIONERS  
OF HINSDALE COUNTY, COLORADO**

**ORDINANCE NO. 15-\_\_\_\_\_**

**ANIMAL CONTROL & LICENSING ORDINANCE**

WHEREAS, the County has previously adopted Ordinance No. 01-2002, “Animal Control Ordinance,” for the purposes of the controlling and licensing of dogs and other animals; and

WHEREAS, the County desires to repeal Ordinance No. 01-2002, “Animal Control Ordinance,” and replace it with this Animal Control and Licensing Ordinance; and

WHEREAS, this Ordinance in the best interests of the health, safety and welfare of Hinsdale County, Colorado.

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Hinsdale County, Colorado, as follows:

Ordinance No. 01-2002, “Animal Control Ordinance,” is hereby repealed and replaced with this Animal Control and Licensing Ordinance as follows:

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**I. DEFINITIONS**

As used in this Article, the following terms are defined as provided:

- A. **Abandon.** Leaving an animal without food, water, or shelter for the animal's proper care for more than forty-eight (48) consecutive hours.

- B. **Animal.** Every non-human species of the animal kingdom, both domestic and wild.
- C. **Animal-at-Large.** Any animal off the premises of the owner and not under the direct control of the owner.
- D. **Animal Control Officer.** Any person designated by the Board of County Commissioners as a Level 1 or Level 1A law enforcement officer for the purpose of enforcing the provisions of this Ordinance.
- E. **Animal Shelter.** Any nonprofit private or publicly owned facility operated by a humane society or county agency, where stray, abandoned, lost or unwanted pet animals are held and impounded under the authority of this Ordinance or State law for care, confinement, return to owner, adoption, or euthanasia.
- F. **Animal Yard.** Every enclosure, shed, or structure used to house one or more live fowl. Included in the term "fowl" are chickens, ducks, geese, and other poultry, or one or more cattle, horses, sheep, goats, or other domestic animals.
- G. **Bite.** To be seized by an animal with the teeth or jaws so that the person or animal has been nipped, gripped, wounded, or pierced.
- H. **Bodily Injury.** Any physical injury that results in severe bruising, muscle tears, skin lacerations requiring professional medical treatment, or corrective or cosmetic surgery.
- I. **Commercial Animal Establishment.** Any pet shop, grooming shop, guard dog training facility, animal auction, riding school or stable, zoological park, circus, performing animal exhibition, boarding or breeding kennel, or other establishment which handles live animals for profit except commercial ranching operations.
- J. **Control.** When within a prescribed control area, a dog must be on a leash not more than sixteen feet (16') in length controlled by a person physically competent to control the animal, or within the property limits of its owner or custodian or upon the premises of another person with the consent of that person. When outside of prescribed control areas, any dog which is not leashed must nevertheless be under the control of its owner or custodian by verbal command, remote-controlled electronic device or other means actually sufficient to control the dog.
- K. **Custodian.** For purposes of this Section "custodian" shall mean a person possessing, harboring, keeping or exercising control over any animal.
- L. **Dog.** Any member of the animal species *Canis Familiaris*.
- M. **Domestic Animal.** Includes dogs, cats, livestock, domesticated sheep, horses, cattle, goats, swine, fowl, ducks, geese, turkeys, confined domestic hares and rabbits, pheasants, and other birds; and animals raised and/or maintained in confinement, including small,

harmless pet animals, such as species of aquarium fish, cage birds, and certain rodents, such as mice, hamsters, gerbils and guinea pigs.

- N. **Euthanasia.** To produce a humane death by techniques accepted by the American Veterinary Medical Association, which produces rapid loss of consciousness resulting in a painless death.
- O. **Guard Dog.** Any dog kept specifically to provide security for commercial or residential property, which may display some of the defining characteristics of a vicious animal, and is not a pet. A guard dog shall be confined so as to be completely restricted from leaving the subject property, and further restrained so as to prevent its interaction with any members of the public that may reasonably be expected to enter upon such property.
- P. **Licensing Authority.** The Board of County Commissioners of Hinsdale County or any person or governmental unit designated by the County to have authority to promulgate rules pursuant to this Ordinance and to enforce the provisions of this Ordinance.
- Q. **Neglect.** Failure to provide food, water, protection from the elements, or other care generally considered normal, usual, and accepted for an animal's health and well being consistent with the species, breed, and type of animal.
- R. **Owner.** Any person, firm, organization, partnership, or corporation owning, keeping, harboring, possessing, having a financial or property interest in, or having custody or control of one or more animals.
- S. **Person.** Any individual, firm, corporation, partnership, association, trust, estate, or other legal entity.
- T. **Prescribed Control Areas.** Areas of heavy population concentration in which dogs must be leashed when off of the property of their owner or custodian. Such areas shall be further defined when deemed appropriate by the Board of County Commissioners. The prescribed control areas shall initially include, but are not necessarily limited to, all subdivisions located in Hinsdale County.
- U. **Shade.** Any protection from the direct rays of the sun.
- V. **Shelter.** A moisture-proof structure of suitable size to accommodate an animal, which allows the retention of body heat and is made of durable material with a solid floor raised at least two inches (2") from the ground. Such structure shall be provided with a sufficient quantity of suitable bedding to provide insulation and protection against cold and dampness.
- W. **Vaccination.** An injection of antirabies vaccine or other vaccine required by the State Health Department, made subcutaneously or otherwise, as approved by the State Health Department.

- X. **Vicious Animal.** (1) Any animal with a known propensity, tendency or disposition to make unprovoked attacks or to cause injury or to otherwise endanger the safety of human beings or domestic animals, including livestock; or (2) without provocation, any animal that bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal upon public or private property; or (3) any animal owned or harbored primarily or in part for the purpose of fighting, including any animal trained for fighting; or (4) any animal having been declared a vicious animal by the Hinsdale County Court.
- Y. **Wild Animal.** Any animal not listed as a domestic animal, unless an individual animal is specifically declared to be a domestic animal by Resolution of the Board of County Commissioners.

## II. DISEASE CONTROL

- A. **Diseased Animals.** No person shall allow an animal afflicted with a contagious or infectious disease to run at-large or to be exposed in any public place whereby the health of a person or animal may be affected, or sell, ship, drive, trade, or give away such animal. A person who violates this section shall be punished by a fine of not less than twenty-five dollars (\$25) or more than three hundred dollars (\$300), or by imprisonment in the county jail for not more than ninety (90) days, or by both such fine and imprisonment.
- B. **Report of Animal Bites.** Any owner whose animal bites a person shall immediately notify the animal control officer or Hinsdale County Sheriff's Office. It shall also be the duty of every physician, medical practitioner, and veterinarian practicing in Hinsdale County to report the name and address of any person treated for bites or wounds inflicted by an animal, together with all available information necessary for rabies control.
- C. **Quarantine of Animals Suspected of Having Rabies.** Animals suspected of having rabies or having bitten any person or animal and having an uncertain vaccination status shall be impounded in solitary confinement and kept under observation for a period of ten (10) days. An attempt shall be made by the animal control officer to discover whether the animal has been vaccinated against rabies. If it is found that the animal has not been effectively vaccinated or there is any doubt whether the animal has in fact been vaccinated, then it shall be vaccinated on the last day of the observation period. The County may cause any animal which has rabies to be destroyed humanely. An autopsy may be performed at the owner's request. All expenses in connection with the provisions of this Section shall be borne by the owner of the animal.
- D. **Killing of Diseased Animals Which Cannot Be Safely Captured or Impounded.** If any animal suspected of or having rabies cannot be safely taken up and impounded, the animal may be slain by any animal control officer or Sheriff's officer.

## III. ANIMAL TREATMENT

- A. **General Provisions.**

1. **Exceptions.** Nothing in this Ordinance shall be deemed to prohibit any action by a licensed veterinarian when done in accordance with accepted standards of veterinary medicine. Nothing in this Ordinance shall be interpreted as prohibiting any act done in self-defense or to defend another person.
2. **Entry Upon Area or Building.** If any animal is found to be treated in a cruel manner, it shall be lawful for any peace officer within this jurisdiction, or a licensed veterinarian, to enter into any area or building where such animal is being so cruelly treated. Any such entry shall not be made into any building which is a person's residence, unless by search warrant or court order. Notice of the entry and care shall be given by posting such notification at an entrance to or at a conspicuous place upon such area or building where such animal is confined. Any such animal shall be delivered to an Animal Shelter.
3. **Pens and Fences.** All pens, yards, runs, or other structures wherein any animal is kept shall be of such construction so as to be easily cleaned and shall be maintained in good repair. Fences which are intended as enclosures for any animal shall be securely constructed, adequate for the purpose, and kept in good repair in compliance with all ordinances of Hinsdale County.
4. **Protective Custody.** Any animal found receiving inhumane treatment, or whose life reasonably appears to be endangered, may be removed and impounded at the expense of the owner.
5. **Injured Animals.** An injured animal may lawfully be destroyed or be caused to be destroyed when, in the judgment of a licensed veterinarian and by the written certificate of two persons, one of whom may be selected by the owner if the owner so requests, called to view the animal in the presence of the licensed veterinarian, such animal appears to be seriously injured, disabled, diseased past recovery, or unfit for any useful purpose.

**B. Cruelty to Animals.**

1. **Defined.** No person shall knowingly, intentionally, maliciously, or with criminal negligence, kill, injure, torture, torment, or inflict pain or suffering on any animal. No person shall permit, by neglect or inaction, the death or injury or infliction of pain or suffering on any animal. No person shall beat, mistreat, torment, overload, overwork, or otherwise abuse or kill an animal or cause, instigate, or permit any fight between animals or between animals and humans, or attend such fights. No person shall otherwise mistreat or neglect any animal, including failure to provide proper food, drink, protection from the weather, or abandon the animal.
2. **Treatment.** No owner of an animal shall fail to provide the animal for more than twelve (12) consecutive hours with sufficient wholesome and nutritious food and water in sufficient quantities, proper air, shade, veterinary care as needed to

maintain health and prevent suffering, and shall provide humane care and treatment.

**Exceptions.** This Section III.B.2 does not apply to the treatment of pack or draft animals by negligently overworking them, or the treatment of livestock and other animals used in farm or ranch production of food, fiber, or other agricultural products when such treatment is in accordance with accepted practices, regulations, and statutes.

3. **Abandonment.** No person shall abandon any animal which they own.
4. **Poisoning.** No person shall expose any known poisonous substance, whether mixed with food or otherwise, so that a reasonable person would know or should know that such substance would probably cause animals to be attracted to, eat, and be poisoned. However, this Section III.B.4 does not make unlawful the poisoning of rats or mice with commercial rat poison.
5. **Confinement in Vehicles.** No person shall confine an animal within a parked, closed vehicle, without allowing cross-ventilation, for more than thirty (30) minutes, or where the temperature in the vehicle exceeds ninety (90) degrees Fahrenheit. Any animal control officer or sheriff's officer observing an animal kept in violation of this section may enter the vehicle and impound the animal. In addition to all other defenses and immunities provided by law, any such officer making entry for the purpose of this section is immune from suit or liability, whether criminal or civil, unless such action shows by clear and convincing evidence that the action was an act of willful and wanton disregard for the owner or the animal.
6. **Penalty.** Cruelty to Animals is a Class I Misdemeanor. In sentencing for any second or subsequent violation of this section III, there shall be a presumption that the defendant should be ordered to undergo a psychological evaluation at the defendant's expense.

#### **IV. COMMERCIAL ANIMAL ESTABLISHMENTS;**

All commercial animal establishments shall meet any and all requirements of State law as well as the following conditions:

- A. Structurally sound, constructed of non-toxic materials, maintained in good repair, and designed so as to protect the animals from injury and restrict the entrance of other animals.
- B. Adequate floor space for all animals to allow each animal, according to species and breed, to breathe and turnabout freely and to easily eat, eliminate waste, stand, sit, and lie in a comfortable normal position and sanitary environment.

- C. Water shall be supplied at sufficient pressure and quantity to clean facilities and enclosures of debris and excreta.
- D. Adequate food and bedding shall be provided and stored in facilities, which provide protection against infestation or contamination by insects or rodents.
- E. Refrigeration shall be provided for the protection of perishable foods.
- F. Animal wastes, food wastes, bedding, dead animals, and debris shall be removed to an appropriate disposal facility.
- G. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors and disease.
- H. Each animal shall be observed daily. Sick, diseased, or injured animals shall be separated from those appearing healthy and normal, removed from display and sale, and kept in isolation quarters. Ventilation of quarters for sick or diseased animals shall be arranged to avoid contamination of healthy animals.
- I. Provision shall be made to feed, water, and provide any other necessary care for animals on days the establishment is closed.
- J. No person shall knowingly misrepresent an animal to a customer in any way. No person shall knowingly sell a sick or injured animal. Adequate care and feeding instructions shall be given, in writing, to each animal purchaser.
- K. Animals which are caged, closely confined, or restrained shall be permitted to exercise daily, for an appropriate length of time as determined by their size, age, and species, in an area suitable for that purpose.

#### **V. POULTRY AND ANIMAL YARDS**

It shall be unlawful to maintain any dog house, poultry yard, or other animal yard in derogation of Colorado law and within twenty-five feet (25') of any building used for residential purposes by anyone other than the one maintaining such dog house, poultry yard, or animal yard, or his or her immediate family, or within twenty-five feet (25') of any public way other than an alley, or within one hundred feet (100') of any church or school building. Every person maintaining a poultry or animal yard shall keep the same clean and sanitary and free from refuse.

#### **VI. PERFORMING ANIMAL EXHIBITS**

No person is permitted to exhibit any animal performance in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause or probably cause physical injury, pain, suffering, or irritation to any such animal. All equipment used on any performing animal shall fit properly and be in good working condition.

## **VII. WILD ANIMALS**

No person shall keep or permit to be kept any wild animal for display or exhibition purposes, whether done gratuitously or for a fee. This section does not apply to zoological parks, performing animal exhibitions, or circuses elsewhere regulated by the provisions of this Ordinance and by State law. The animal control officer has the authority to order any person or owner to release appropriately any wild animal kept or permitted to be kept in violation of this Ordinance or to order the appropriate release of any infant wild animal under temporary care and deemed by such officer as capable of survival in the wild. Any person or owner refusing or neglecting to obey such order immediately is in violation of this Ordinance.

## **VIII. ANIMAL CONTROL AND RESTRAINT**

- A. **Running-At-Large.** No owner shall permit his or her animal to run at-large within Hinsdale County. Any such animal shall be deemed to be running at-large when it is off the premises of the owner and not under the control of the owner. Any such animal may be impounded by the County. This shall not apply to dogs while actually working livestock, locating or retrieving wild game in season for a licensed hunter, assisting law enforcement officers, or while actually being trained for any of these pursuits.
- B. **Public Places.** Subject to Section VIII.A above, no owner shall permit any domestic or wild animal in any public place, unless under the control of its owner. Public places include, but are not limited to, any public property, public roads, common areas of private property, parking lots, churches, cemeteries, parks, schools, and swimming areas.
- C. **Escaped Animals.** An owner should report the escape of an animal to the Sheriff's Office or the animal control officer as soon as reasonably possible after discovery of the animal's escape.
- D. **Penalty.** Any person found guilty of permitting an animal to run at-large, as defined in this Ordinance, shall be fined:
- (a) Not less than Twenty-Five Dollars (\$25.00) or more than Three Hundred Dollars (\$300.00) for the first offense;
  - (b) Not less than Seventy-Five Dollars (\$75.00) or more than Three Hundred Dollars (\$300.00) for the second offense within a twelve (12) consecutive month period;
  - (c) Not less than One Hundred Dollars (\$100.00) or more than One Thousand Dollars (\$1,000.00) for all offenses subsequent to the second offense within a twelve (12) consecutive month period. In addition to, or in lieu of, any of the foregoing, the defendant may be sentenced to up to ninety (90) days in jail and/or forty (40) hours of community service.

## **IX. VICIOUS ANIMALS**

A. **Generally.** No person shall own, possess, harbor, keep, have a financial or property interest in or custody or control over a vicious animal. The animal control officer or any sheriff's officer may impound any animal which is reasonably believed to be vicious. At the request of the owner, within five (5) days of the date the animal is impounded, either the animal shall be released to the owner or the owner shall be charged with a violation of this Ordinance, in which case the impoundment of the animal shall continue until further order of the Hinsdale County Court.

B. **Exceptions.**

1. The term "vicious animal" shall not include any animal used by a peace officer while the officer is engaged in the performance of peace officer duties; any animal that inflicts bodily or serious bodily injury to any veterinary health care worker, dog groomer, humane agency personnel, professional dog handler, trainer, or dog show judge each acting in the performance of his or her respective duties; or any animal that inflicts injury upon or causes the death of a domestic animal while the animal was working as a hunting dog, herding dog, or predator control dog on the property of or under the control of the dog's owner and the injury or death was to a domestic animal naturally associated with the work of such animal.

2. No animal may be considered vicious if any injury or damage is sustained by a person, who at the time such injury or damage was sustained, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the animal, or was teasing, tormenting, abusing or assaulting the animal, or was committing or attempting to commit a crime. No animal may be considered vicious if an injury or damage was sustained by a domestic animal, which at the time such injury or damage was sustained, was teasing, tormenting, abusing or assaulting the animal. No animal may be declared vicious if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault. The provisions of this section shall not be applicable to any bona fide zoological park, wildlife sanctuary, or any circus licensed by the County.

3. A person may own or possess a guard dog provided such animal and such owner or custodian have never together been convicted of any violation of this Ordinance. Any such owner or custodian will be strictly liable for any injuries or damages caused by such guard dog off of the subject premises or on the subject premises but not in response to a trespass, tort, teasing, taunting or other type of abuse of the guard dog.

C. **Costs.** Any reasonable costs incurred by Hinsdale County in seizing, impounding, boarding, caring, and confining, until final disposition, of any vicious animal shall be charged against the owner of such animal. Such charges shall be in addition to any other fine or penalty provided for in violating this Ordinance.

D. **Destruction of Vicious Animals.** Any dangerous animal subject to impoundment under the provisions of this section, or any other animal which because of its disposition or diseased condition is subject to impoundment and is deemed too dangerous to apprehend, may be destroyed by a Sheriff's Department officer or animal control officer.

E. **Penalties.**

1. Any person found guilty of keeping or maintaining a vicious animal, as defined by this Ordinance, that does not cause bodily injury to a person shall be guilty of a Class 2 petty offense punishable as follows:
  - a. Fined not less than Two Hundred Fifty Dollars (\$250.00) or more than One Thousand Dollars (\$1,000.00); and
  - b. Ordered to have such animal destroyed within twenty-four (24) hours or within twenty-four (24) hours after the end of any required rabies observation period.
  - c. In addition to, or in lieu of the foregoing, the defendant may be sentenced up to ninety (90) days in jail and/or eighty (80) hours of community service.
2. Any person found guilty of keeping or maintaining a vicious animal that causes bodily injury to a person shall be guilty of a Class 2 misdemeanor and shall be punished as provided by § 18-1.3-501, C.R.S., for each individual offense.

**X. ANIMAL NUISANCE ABATEMENT**

- A. **Generally.** No owner shall fail to exercise proper care and control of his or her animal to prevent the animal from becoming a public nuisance.
- B. **Definition.** A public nuisance includes any of the occurrences listed in this section, as well as any other occurrence determined to be a nuisance by the Board of County Commissioners or a court of competent jurisdiction.
- C. **Noise.** No owner shall permit his or her animal to cause annoyance, alarm, or noise disturbance for an excessive or continuous period of time at any time of the day or night, by repeated barking, whining, screeching, howling, baying, or other like sounds, which can be heard beyond the boundary of the owner's property.
- D. **Property Damage.** It shall be unlawful for an owner to allow an animal to injure or destroy any real or personal property of any description belonging to another, without that person's permission. A judge may, in addition to any other penalty, order the owner to make restitution to the party injured.

- E. **Excrement.** No animal owner or custodian shall fail to remove any excrement deposited by such animal upon the public ways, within public places, or upon the property of another, absent that person's consent. This section shall not apply to a blind or disabled person while walking a guide dog.
  
- F. **Procedures.** Any person owning an animal constituting a nuisance in violation of this section may be summoned before a court of competent jurisdiction to show cause why such animal should not be confined, disposed of, removed, or the nuisance otherwise abated. Upon a hearing and a finding that the animal constitutes a public nuisance in violation of this Section X, the court shall order the animal in question either to be confined, disposed of, removed, or such other relief as the court deems appropriate. The owner shall be responsible for the costs of disposal, removal, or impoundment of the animal, as well as any court fees.
  
- G. **Penalties.**
  - 1. Any person found guilty of permitting an animal to be a nuisance, as defined in this Ordinance, that does not cause bodily injury to a person shall be guilty of a Class 2 petty offense punishable as follows:
    - (a) Fined not less than Twenty-Five Dollars (\$25.00) or more than Three Hundred Dollars (\$300.00) for the first offense;
    - (b) Fined not less than Fifty Dollars (\$50.00) or more than Three Hundred Dollars (\$300.00) for the second offense within a twelve (12) consecutive month period;
    - (c) Fined not less than One Hundred Dollars (\$100.00) or more than One Thousand Dollars (\$1,000.00) for all offenses subsequent to the second offense within a twelve (12) consecutive month period. In addition to, or in lieu of, any of the foregoing, the defendant may be sentenced to up to ninety (90) days in jail and/or forty (40) hours of community service.
  
  - 2. Any person found guilty of permitting an animal to be a nuisance, as defined in this Ordinance, that causes bodily injury to a person shall be guilty of a Class 2 misdemeanor and shall be punished as provided by § 18-1.3-501, C.R.S., for each individual offense.

## **XI. ANIMAL FIGHTING**

- A. **Generally.** No person shall cause, sponsor, arrange, hold, or encourage a fight between animals for the purpose of monetary gain or entertainment. For the purposes of this section, a person encourages a fight between animals for the purpose of monetary gain or entertainment if he or she:
  - 1. Is knowingly present at or wagers on such a fight;

2. Owns, trains, transports, possesses, breeds, sells, transfers, or equips an animal with the intent that such animal will be engaged in such a fight;
3. Knowingly allows any such fight to occur on any property owned or controlled by him;
4. Knowingly allows any animal used for such a fight to be kept, boarded, housed, or trained on, or transported in, any property owned or controlled by him;
5. Knowingly uses any means of communication for the purpose of promoting such a fight; or
6. Knowingly possesses any animal used for such a fight or any device intended to enhance the animal's fighting ability.

- B. **Penalties.** Any person who violates the provisions of this section commits a class 5 felony and, in addition to the punishment provided in § 18-1.3-401, C.R.S., may be punished by a fine of up to one thousand dollars (\$1,000.00). Any person committing a second or subsequent violation of this section commits a class 4 felony and, in addition to the punishment provided in § 18-1.3-401, C.R.S., may be punished by a fine of up to five thousand dollars (\$5,000.00).
- C. **Exceptions.** Nothing in this section shall prohibit normal hunting practices as approved by the Division of Wildlife or the training of animals for any purpose not prohibited by law.

## **XII. UNAUTHORIZED RELEASE OF AN ANIMAL**

- A. **Generally.** No person shall intentionally release any animal which is lawfully confined for scientific research, legal commercial purposes, legal sporting, educational purposes, public safety purposes, has an infectious disease, or any other lawful purpose, without the consent of the owner.
- B. **Penalties.** Any person who violates this section commits a Class 2 Misdemeanor, and shall be liable for any and all restitution involving damages as a result of the release.

## **XIII. ENFORCEMENT AND PENALTIES**

- A. **Enforcement Procedures.** Whenever there is believed to be a violation of any provision of this Ordinance, the animal control officer, any Sheriff's Department officer, or authorized licensing authority agent finding such violation may, except as otherwise provided herein, issue a summons and complaint or citation to the owner or custodian of the animal to appear in Hinsdale County Court. Any hearing on the summons and complaint or citation shall be held no sooner than five (5) days after the notice.

- B. **Non-specific Penalties.** Any violation of any provision of this Ordinance that does not specifically describe the sentence, and which does not cause bodily injury to a person, shall be a Class 2 petty offense and have a minimum fine of Twenty-five Dollars (\$25.00) for a first offense and a minimum fine of Fifty Dollars (\$50.00) for any subsequent violation of the same provision. The maximum fine in these circumstances shall be Three Hundred Dollars (\$300.00). Any violation of any provisions of this Ordinance that does not specifically describe the sentence and which causes bodily injury to a person, shall be a Class 2 misdemeanor and have a maximum fine of One thousand dollars (\$1,000.00) per offense. The Court may also sentence a person convicted for a second or subsequent violation under this section for up to ninety (90) days in County Jail.
- C. **Non-exclusive enforcement.** The District Attorney for the Seventh Judicial District or other prosecutor with jurisdiction shall not be limited to the penalties listed within this Ordinance if other criminal violations are also applicable.
- D. **Minors excluded from incarceration in jail.** No person under the age of eighteen (18) years of age shall be sentenced to jail under the provisions of this Ordinance.

#### **XIV. DOGS**

- A. **Licensing.**
  - 1. **Requirement.** Any person owning, keeping, harboring, or having custody in Hinsdale County of any dog six (6) months of age or older, or any dog that becomes six (6) months of age or older while in that person's possession, shall apply for a license within thirty (30) days. This requirement does not apply to a non-resident keeping a dog within the County for thirty (30) days or less. For residents of Lake City, possession of a Lake City dog license shall suffice in lieu of a Hinsdale County dog license.
  - 2. **Application.** Written application for licenses shall be submitted to the Hinsdale County Sheriff's Office and shall include the name of the applicant, address of the applicant, description of the dog, including breed, color and sex, the appropriate fee, inoculation certificate issued by a licensed veterinarian or antirabies clinic, and shall be made to the licensing authority.
  - 3. **License Period.** If not revoked, licenses for the keeping of dogs shall be valid for a period of one (1) year, which shall not include any period in which the dog is not covered by a valid inoculation. Such a license may be renewed annually. All licenses shall expire on the last day of February of each year.
  - 4. **Exceptions.** License fees shall not be required for certified governmental police dogs, seeing eye dogs, hearing dogs, or other certified dogs that are trained to assist the physically handicapped.

5. **Fee Schedule.** A license shall be issued after payment of one of the following application fees:

Unneutered male dog	\$15.00	Neutered male dog	\$5.00
Unspayed female dog	\$15.00	Spayed female dog	\$5.00

6. **Duplicate Licenses.** A duplicate license may be obtained upon payment of a Two Dollar (\$2.00) replacement fee.

7. **License Limitation.** No person may use any license for any dog other than the dog for which it was issued.

8. **Tags.** Upon acceptance of the license application, fee, and agreement to follow all applicable regulations, the licensing authority shall issue a durable tag, stamped with an identifying number, and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the animal's collar or harness. Dogs must wear the identification tags issued them, and not that of any other, at all times when off their owner's premises. The licensing authority shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public at all times.

9. **Additional Regulations.** The licensing authority may promulgate other regulations governing the issuance of licenses. Such regulations may include requirements for humane care of animals and other requirements consistent with this Ordinance and other applicable law. The licensing authority may amend such regulations from time to time as is deemed desirable for the preservation of the public health and welfare and to prevent animal cruelty.

10. **Guard dogs.** Any dog employed as a guard dog shall receive a guard dog license, in addition to the general Hinsdale County or Lake City dog license. Such license shall be issued after payment of a Twenty-five Dollar (\$25.00) fee.

- B. **Vaccinations.** It shall be the duty of every owner of a dog over six (6) months of age to have the dog vaccinated by a licensed veterinarian or animal health clinic. The owner of such dog shall present a copy of the vaccination certificate with the dog license application verifying a current vaccination administered as authorized by the Department of Health. If a veterinarian licensed by the State issues a certificate that inoculation would be harmful to a specific dog, and that failure to inoculate such animal shall not create a danger for humans or other animals, that dog shall be exempt from the inoculation prescribed by this Ordinance.

C. **Vicious Dog.**

1. **Defined.** A person commits ownership of a vicious dog if such person owns, possesses, harbors, keeps, has a financial or property interest in, or has custody or control over a vicious dog as defined in this Ordinance.

2. **Penalty.** Any person found guilty of owning a vicious or dangerous dog may face criminal charges and/or punishment, including, but not limited to, the following:
  - a. Class 5 Felony if the vicious or dangerous dog causes the death of any person.
  - b. Class 1 Misdemeanor if the vicious or dangerous dog inflicts serious bodily injury upon any person. Class 6 Felony for a second or subsequent violation of this subsection.
  - c. Class 2 Misdemeanor if the vicious or dangerous dog inflicts bodily injury upon any person or destroys any domestic animal.
3. Any owner who enters a guilty plea, is found guilty by a judge or jury, enters into a deferred judgment, or whose animal causes damage to person or property, shall make restitution pursuant to statutory authority.
4. The owner of a vicious dog shall confine the dog in a building or enclosure designed to be escape-proof and, whenever such dog is outside of such building or enclosure, keep the dog under such owner's control by the use of a leash. If the conviction is for a second or subsequent violation, the vicious or dangerous dog shall also be muzzled whenever it is outside of the building or enclosure.
5. In addition to the above penalties, in the event a violation results in serious bodily injury or death to a person or domestic animal, the Court may order that the vicious dog be immediately confiscated and placed in an animal shelter and shall order that, upon exhaustion of any right an owner has to appeal, the vicious dog be destroyed by lethal injection administered by a licensed veterinarian.
7. Affirmative defenses to this section include:
  - a. At the time of the attack by the vicious dog which causes injury to or the death of a domestic animal, the domestic animal was at-large or a stray, and entered upon the property of the owner and the attack began, but did not necessarily end, upon such property, or the domestic animal was biting or otherwise attacking the vicious dog or its owner;
  - b. At the time of the attack by the vicious dog which causes injury to or the death of a person, the victim of the attack was committing or attempting to commit a criminal offense, other than a petty offense, against the dog's owner, against a person on the owner's property, or the owner's property itself;

- c. At the time of the attack by the vicious or dangerous dog, the victim of the attack was tormenting, provoking, abusing, or inflicting injury upon the dog in such an extreme manner which resulted in the attack.
8. Exceptions. The provisions of this Section XV.C shall not apply to the following:
- a. Any dog that is used by a peace officer while the officer is engaged in the performance of peace officer duties;
  - b. Any dog that inflicts bodily injury or serious bodily injury to any veterinary health care worker, dog groomer, humane agency personnel, professional dog handler, trainer, or dog show judge, each acting in the performance of his or her respective duties.
  - c. Any dog that inflicts injury upon or causes the death of a domestic animal while the dog was working as a hunting dog, herding dog, or predator control dog on the property of or under the control of the dog's owner and the injury or death was to a domestic animal naturally associated with the work of such dog.
  - d. Any dog that inflicts injury upon or causes the death of a person while the dog was working as a guard dog on the property of or under control of the dog's owner.

INTRODUCED, READ AND ADOPTED ON FIRST READING, this \_\_\_\_\_ day of \_\_\_\_\_, 2015, and ordered published in full in the *Lake City Silver World* on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

BOARD OF COUNTY COMMISSIONERS OF  
HINSDALE COUNTY, COLORADO

By: \_\_\_\_\_  
Susan Thompson, Chair

ATTEST:

\_\_\_\_\_  
Clerk

ADOPTED ON SECOND AND FINAL READING, this \_\_\_\_ day of \_\_\_\_\_, 2015.

BOARD OF COUNTY COMMISSIONERS OF  
HINSDALE COUNTY, COLORADO

By: \_\_\_\_\_  
Susan Thompson, Chair

ATTEST:

\_\_\_\_\_  
Clerk