Commissioner Tighe moved that the following Resolution be adopted:

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF THE COUNTY OF JEFFERSON

STATE OF COLORADO

RESOLUTION NO. CC13-190

RE: An Ordinance Adopting Policy Part 3, Chapter 5, Section 1 Regarding Animal Control Regulations - First Reading

WHEREAS as authorized by CRS Section 30-15-101(2), the Board of County Commissioners entered into an Intergovernmental Agreement (IGA) between Jefferson County (County), The City of Arvada, The City of Lakewood, The City of Wheat Ridge, The City of Golden, The City of Westminster and the City of Edgewater, to provide for the control, licensing, impounding, or disposition of pet animals, and

WHEREAS the IGA amended prior agreements on the use of revenues from the dog licensing program and shifted the administration duties from the County to the Foothills Animal Shelter, and

WHEREAS amendments to this Ordinance were necessary to reflect the agreement in the IGA, and

WHEREAS the Sheriff's Office recommended further amendments to add a definition of Pet Animal which replaces the use of "dog" in some references, to add mammals in references for reporting bites and stray animals, to allow the self-reporting of spay/neutering of dogs to obtain a license, to add a requirement that dogs that are kept or harbored in unincorporated Jefferson County for more than 30 days require a license, to change the County stray hold time from 6 days to 5 days to be consistent with all other cities and state statute, to increase the penalty from $50 to $100 for failure to obtain a license, the second offense from $100 to $200, and an increase of $100 for each subsequent offense up to a maximum of $1000, to increase the penalty for failure to clean up dog feces in public places from $30 to $50 up to a maximum of $1000, the second offense from $60 to $100, and each subsequent offense from $30 to $50, to reduce the fine for dog biting from $500 to $250 in a case where the dog is off premise and under the owner's control, and to revise and update language for clarity.

NOW THEREFORE, BE IT RESOLVED, that the Board of County Commissioners hereby introduces and reads by title the Ordinance entitled "An Ordinance Adopting Policy Part 3, Chapter 5, Section 1 Animal Control Regulations," and

FURTHER RESOLVED, that a public hearing for consideration of the adoption of this Ordinance is hereby set for June 11, 2013.

FURTHER RESOLVED, that the Clerk to the Board shall have the ordinance published in full in the Golden Transcript at least 10 days before the public hearing.

Commissioner Griffin seconded the adoption of the foregoing Resolution. The roll having been called, the vote was as follows:

Commissioner Casey Tighe	Aye
Commissioner Faye Griffin	Aye
Commissioner Donald Rosier, Chairman	Excused

The Resolution was adopted by majority vote of the Board of County Commissioners of the County of Jefferson, State of Colorado.

Dated: May 14, 2013

Ordinance

An Ordinance Adopting Amendments to the Animal Control Regulation. BE IT ORDAINED by the Board of County Commissioners of Jefferson County, Colorado that the existing Policy 3.5.1 regarding Animal Control Regulations is hereby rescinded and replaced as follows:

Title: Regulatory Policy Animal Control Regulation	**Policy No.** Part 3 Regulations, Chapter 5 Animals, Section 1
	Effective Date
Policy Custodian Sheriff	**Adoption/Revision Date**

Adopting Resolution(s): CC13-

References (Statutes /Resos/Policies): §30-15-101 et seq. and §30-15-401(1) (e) C.R.S.; CC80-310, CC83-657, CC84-228, CC85-1270, CC91-699, CC94-704, CC97-487, CC99-484, CC00-077, CC04-504, CC04-534, CC06-570, CC07-287, CC07-301

Purpose: To establish reasonable regulations and restrictions for the control of dogs and pet animals in order to preserve and protect the health, safety and welfare of the citizens and animals of Jefferson County.

Ordinance: Policy Manual, Part 3 Regulations, Chapter 5 Animals, Section 1 Animal Control Regulation

A. Definitions: As used in this ordinance, the following words shall have the following meaning:

1. "Abandon" means the leaving of an animal for more than twenty-four (24) hours by its owner or other person responsible for its care or custody without making effective provisions for its proper care.

2. "Animal" means any living dumb creature.

3. "Animal Control Officer" means any person empowered by Jefferson County to enforce the provisions of this regulation, and peace officers as defined in Section 18-1-901, C.R.S., as amended and pursuant to Section 30-15-105 and 30-15-102, C.R.S., as amended.

4. "Animal Control" means the Animal Control Section within the Jefferson County Sheriff's Office.

5. "Animal Shelter" means the authorized impoundment facility established through an intergovernmental agreement with the County.

6. "Attack" means an assault against a person by a dog whereby physical contact is made in an apparently hostile manner.

7. "Barking Dog" means any dog, whether on or off the dog owner's premises, that disturbs the peace of any person by loud, habitual and persistent barking, howling, yelping or whining.

8. "Bodily Injury" means an injury to a person caused by a dog whereby, at a minimum, the skin is broken, exterior bleeding occurs, or medical treatment by a licensed physician is reasonably necessary.

9. "Control" means physical control of a dog by means of a leash, cord or chain no longer than ten (10) feet in length except when the dog is 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 specifically enumerated pursuits.

10. "County" means the unincorporated portion of Jefferson County.

11. “County-Wide Licensing Administrator" means the entity delegated the authority by the Animal Shelter/Dog Licensing/Funding Intergovernmental Agreement to issue Licenses and collect fees for said dog licenses on behalf of all parties.

12. "Cruelty to Animals" means to knowingly or with criminal negligence, overdrive, overload, overwork, torture, torment, deprive of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate, needlessly kill, carry in or upon any vehicle in a cruel manner, or otherwise mistreat or neglect any animal or cause or procure it to be done, or having the charge and custody of any animal, fail to provide it with proper food, drink or protection from the weather, or abandon it. See C.R.S. Sections 35-42-107(2) and 18-9-202.

13. "Dog" means any animal of the Canis Familiaris species, including wolves or wolf hybrids.

14. “Dog at Large" means a dog that is off the premises of the dog owner, not under control and the owner is not observed to be within sight of his/her dog.

15. "Dog Owner" means any person 18 years of age or older who owns, controls, keeps, harbors, has custody of a dog or any person who allows a dog to remain on or about his/her premises; or the parent or guardian of any child under the age of 18 years, who owns, keeps, controls, harbors, has custody of a dog or any person who allows a dog to remain on or about his/her premises.

16. "Encroachment" means a dog that harasses or threatens passersby or property owners by encroaching on public or private property while leaning on, over, or through fences, walls, or property lines or unattended dogs chained or tied in public areas or in the common ground of condominiums, town homes, apartment complexes and mobile home parks. Encroachment shall be considered a dog at large violation for the purposes of enforcing these regulations (dog at large, biting, and other violations).

17. "Female Dog in Season" means any unaltered female dog in the state of estrus (heat).

18. "Guard Dog" means any dog placed or kept upon any non-residential property, or property used in whole or in part for any business, that is there to protect persons or property, whether or not trained for these pursuits; all dogs trained for police canine work; and all dogs trained for attack and protection kept at any location within the County.

19. "Harboring" means occupying any premises on which an animal is kept, or to which an animal customarily returns for food and care. Persons harboring a dog shall be subject to the provisions of this regulation applicable to dog owners.

20. "Immediate Area" means within three (3) blocks or one-quarter (1/4) mile radius.

21. "License or Licensed" means a current License indicating that the dog has been registered with the County-Wide Licensing Administrator within 365 days prior to licensing.

22. "Licensed Facility" means a kennel, boarding or breeding facility duly registered and regulated by any state or local governmental entity with jurisdiction to so License.
23. "Licensed Facility Owners" means persons who own dogs for the purpose of adoption, breeding, boarding, grooming, handling, selling, sheltering, trading or transferring, that are licensed, inspected, or both, by the United States Department of Agriculture, the Colorado Department of Agriculture, or both.

24. "Mistreatment" means every act or omission that causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering.

25. "Neglect" means failure to provide food, water, protection from the elements, opportunity for exercise, or other care normal, usual and proper for an animal's health and well being.

26. "Neighborhood Nuisance" means any female dog in season which is not confined and that is attracting other stray dog(s) who bark, fight, roam, or loiter or otherwise cause a threat to public health, welfare or safety.

27. "Nuisance Dog" means any dog which, while off the dog owner's premises, in a dangerous, threatening, or terrorizing manner approaches a person with an apparent attitude of attack, or any dog while off the dog owner's premises which in a dangerous, threatening or terrorizing manner, pursues or harasses another animal without causing injury.

28. "Off Leash" means a dog that is off the owner’s premises and not under control, but the owner is observed to be present and within visual sight of his/her dog.

29. "Pet Animal" means an animal as defined in 30-15-101(3) C.R.S. as amended.

30. "Open Space Lands" means all public recreation lands, waters or facilities owned or operated by Jefferson County which have been purchased with Open Space funds or are managed or administrated by the Jefferson County Open Space Division, but not including lands managed, operated or administrated by an entity other than Jefferson County Open Space.

31. "Premises" means the property of the dog owner but not including public or private thoroughfares, areas over which there is an access easement, common areas of apartments, townhouses, condominiums, trailer parks, greenbelts, parks or other areas commonly used by people other than the dog owner.

32. "Property Damage" means any property damage caused by a dog at large or while violating the leash law whereby the replacement or repair of the property exceeds $50.00.

33. "Quarantine" means confinement for a minimum of ten (10) days of an animal whose bite has caused bodily injury.

34. "Registered Guard Dog" means any guard dog registered annually with Animal Control by providing the following information:

    a. Owner's name, home address, and telephone numbers;

    b. Dog's name, age, sex and physical description;

    c. A current License;

    d. A list and description of commands known by the dog;

e. A description of the training given to the dog including dates and name and telephone number of trainer; and
f. The name, address and telephone number for an alternative person to contact regarding the dog in the owner's absence.

35. "Vicious Dog" means any dog which, while off the dog owner's premises, in a dangerous, threatening or terrorizing manner attacks a person without causing bodily injury, or any dog while off the dog owner's premises which causes injury to, or kills another animal.

    Note: The owner of a dog causing injury or death to a person or domestic animal, or showing tendencies to do so or a dog trained or engaged in animal fighting may be prosecuted under Section 18-9-204.5, C.R.S., Unlawful Ownership of a Dangerous Dog.

B. Duties of the Animal Control Officers.

1. The Animal Control Director and Animal Control Officers shall have the duty and the authority to enforce all sections of this regulation which pertain to animals. Open Space personnel designated by the Director of Open Space and trained by Animal Control shall have the duty and authority to enforce all sections of this regulation on Open Space lands.

2. Pursuant to the provisions of C.R.S. 30-15-102 and 30-15-105 the Animal Control Director and Animal Control Officers, Sheriff's Deputies and Open Space personnel designated by the Open Space Director are hereby designated and authorized to issue, sign and serve summons and complaints in order to enforce the provisions of this regulation and to make all administrative determinations required by this regulation.

3. It shall be lawful for the Animal Control Director, an Animal Control Officer or a Sheriff's Deputy (hereinafter "officer") to go upon private property to capture an animal to be impounded for violation of this regulation if:

    a. The officer has obtained a search warrant, or

    b. The officer has obtained consent of the owner or authorized agent of the property, or

    c. The officer is in pursuit of an animal, which is or has been at large. (Nothing in this sub-paragraph three shall authorize entry into any enclosed building on private property.)

    d. Nothing in this regulation shall be construed to prevent an Animal Control Officer from taking whatever action is reasonably necessary to protect his person, members of the public, or another animal from injury from any dog.

4. It shall be lawful for designated Open Space park personnel to capture an animal to be impounded for violation of this regulation on Open Space lands.

5. It shall be the duty of the Animal Control Director to keep or cause to be kept, accurate, detailed, and complete records of all complaints, warnings and violations of this regulation.

C. Licensing, Rabies Control and Biting.

1. Dog Licensing
   A License shall be required for each dog over the age of four (4) months, residing in unincorporated Jefferson County to promote responsible pet ownership and animal

welfare. Even if the dog does not reside in Jefferson County full time, any dog that is kept or harbored in unincorporated Jefferson County for 30 days or more within the prior 365 day period shall be required to have a current License.

a. The County-Wide Licensing Administrator shall administer the dog-licensing program, distribute the dog licenses and maintain all records relating to the dog-licensing program.

b. To obtain a License, a dog owner must submit proof of a rabies vaccination administered by a licensed veterinarian within 365 days prior to licensing, or, if a booster vaccination, within the time period recommended by the annual compendium of animal rabies control.

c. The dog owner shall pay a Licensing fee of $15.00 for a spayed/neutered dog, and $30.00 for an unaltered dog. Owners of service dogs (as defined in State and Federal Statutes) will be exempt from the annual License fee as to the extent provided by State and Federal legislation.

d. A dog owner must renew this License once every 365 days.

e. Proof of spay/neuter from a licensed veterinarian or a certification by the dog owner that the dog has been spayed or neutered is required to be eligible for a reduced License fee. A false certification by the dog owner shall be a petty offense for providing false information on a license application as provided in this regulation.

f. A dog owner may request an exemption to these provisions and request a reduced License fee if, for medical reasons, his/her dog cannot be vaccinated or spayed/neutered. In this event, a dog owner must submit an affidavit from a licensed veterinarian stating the reasons why the dog is unable to be vaccinated or spayed/neutered.

g. Licensed facility owners as defined in this regulation shall be exempt from the License fee provided they submit proof of licensing by the United States Department of Agriculture or the Colorado Department of Agriculture. Licensed facility owners shall be subject to all other licensing provisions, as set forth in this regulation.

2. Failure to have a License
A dog owner commits a Class II Petty Offense punishable under E.5.a. if he/she fails to obtain a License from the County-Wide Licensing Administrator for any dog that is four months old or older as provided in this ordinance.

3. No License Tag Attached To Dog
A dog owner commits a Class II Petty Offense punishable under E.5.a. if he/she fails to attach the License tag to his/her dog by means of a collar or harness. The License does not need to be attached by means of a collar or harness when the dog is on the dog owner's premises, at a local or national dog association competitive event or at a Licensed facility. Dogs that do not have the License tag attached to the collar (when on the dog owner's premises or at the local or national dog association competitive event or at a licensed facility) must have an implanted microchip that identifies the dog owner.

4. Misrepresentation of Licensing or False Information
A dog owner commits a Class II Petty Offense punishable under E.5.a., if a tag evidencing licensing for another dog is affixed to the collar of his/her dog or if a dog owner provides false information on a license application.

5. Duty to Report Animal Bite

Any person having knowledge of a Pet Animal or other mammal bite causing bodily injury to a person shall report the incident to Animal Control as set forth below. Every physician or other medical practitioner who attends and treats a person or persons for a bite inflicted by Pet Animal or other mammal shall report such treatment to Animal Control within twenty-four (24) hours of the treatment. This report shall include the name, address and phone number of all persons treated. When no physician attends, the parent or guardian of any child bitten, when the bite caused bodily injury, shall, within twenty-four (24) hours after first having the knowledge that the child was bitten make a complete report. When no physician attends a bitten adult, when the bite causes bodily injury, the adult or person caring for him/her shall make the report.

6. Failure to Report Animal Bite
   A person (over 18 or guardian of a minor) commits a Class II Petty Offense punishable under E.5.a., if he/she fails or refuses to report to the Animal Control Officer a Pet Animal bite which causes bodily injury to a person within twenty-four (24) hours of occurrence. A person who fails to report an animal bite for any pet animal or other mammal in accordance with Part 6 of Title 4 of Article 25 of the Colorado Revised Statutes shall be guilty of a misdemeanor in accordance with Section 25-4-614 C.R.S. A complete report must include the Pet Animal or other mammal's owner name, address, and phone number and specific information regarding the bite. Each day of such failure or refusal shall constitute a separate violation.

7. Biting Animals – Quarantine
   AnyPet Animal or other mammal that has bitten or is suspected of having bitten a person causing bodily injury and has been determined by either Jefferson County Public Health or the Colorado Department of Public Health and Environment to need to be quarantined, shall be immediately confined for a minimum of ten (10) days from the date of the bite to be observed for symptoms of rabies. During the quarantine period, the animal may not be taken for a walk, taken on vacation, sold, given away, euthanized, killed, relocated or allowed contact with people or animals other than those with whom it resides unless written authorization from Animal Control or Jefferson County Public Health has been obtained. The quarantine location is to be at the discretion of the Animal Control . Any costs incurred as a result of any quarantine are the sole responsibility of the animal owner.

8. Violating Quarantine
   An owner of a Pet Animal commits a Class II Petty Offense punishable under E.5.a., if his/her Pet Animal violates the quarantine requirements. A person who fails to comply with quarantine requirement for any pet animal or mammal in accordance with Part 6 of Title 4 of Article 25 of the Colorado Revised Statutes shall be guilty of a misdemeanor in accordance with Section 25-4-614 C.R.S.

9. Duty to Produce Animal – Quarantine
   An owner of a Pet Animal commits a Class II Petty Offense punishable under E.5.a., if he/she refuses to produce the Pet Animal that has bitten, or is suspected of having bitten a person causing bodily injury. Each day of such refusal shall constitute a separate violation. A person who refuses to produce any mammal that has bitten, or suspected of having bitten a person causing bodily injury shall be guilty of a misdemeanor in accordance with Part 6 of Title 4 of Article 25 of the Colorado Revised Statutes.

10. Duty to Report Pet or Livestock Exposure to Wildlife
    A person, (over 18 or guardian of a minor), or any veterinarian treating an injured Pet Animal or livestock animal, must report any bites, altercations, or contact between Pet Animals or livestock and wildlife within twenty-four (24) hours of occurrence.

11. A person (over 18 or guardian of a minor) commits a Class II Petty Offense punishable

under E.5.a., if he/she fails or refuses to report to the Animal Control Officer any bites, altercations, or contact between a Pet Animal and wildlife within twenty-four (24) hours of occurrence. A person who fails or refuses to report any bites, altercations, or contact between livestock and wildlife animal in accordance with Part 6 of Title 4 of Article 25 of the Colorado Revised Statutes shall be guilty of a misdemeanor in accordance with Section 25-4-614 C.R.S. A complete report must include the Pet Animal or other mammal's owner name, address, and phone number and specific information regarding the bite, altercation or occurence. Each day of such failure or refusal shall constitute a separate violation.

D. Offenses

1. Dogs at Large, Dogs Off Leash and Biting Dogs

a. Dog at Large
A dog owner commits a Class II Petty Offense punishable under E.5.a.if his/her dog is at large in the County or commits an encroachment as defined by this regulation.

b. Dog at Large or Encroachment and Biting
A dog owner commits a Class II Misdemeanor punishable under E.5.b.if his/her dog is at large in the County and bites a person causing bodily injury, or commits an encroachment and bites a person causing bodily injury.

c. Unlicensed Dog and Biting
A dog owner commits a Class II Misdemeanor punishable under E.5.b.if his/her dog bites a person causing bodily injury, and said dog has not been licensed.

d. Dog Biting Off Premises and Under Owner's Control
A dog owner commits a Class II Misdemeanor punishable under E.5.b.if his/her dog bites a person causing bodily injury while off the dog owner's premises and under the control of the dog owner.

e. An affirmative defense to a violation of D.1.cor D.1.d. shall be:

(1) at the time of the bite, the victim was committing or attempting to commit a criminal offense against the dog's owner; or

(2) at the time of the bite, the victim tormented, provoked, abused, or inflicted injury upon the dog in an extreme manner, which resulted in the bite.

f. Dog Off Leash
Except as permitted in designated locations, a dog owner commits a Class II Petty Offense punishable under E.5.a.if his/her dog is off leash.

g. Dog Off Leash and Biting
A dog owner commits a Class II Misdemeanor punishable under E.5.b. if his/her dog bites a person causing bodily injury while the dog is off leash.

2. Nuisance Dogs and Dogs At Large Causing Bodily Injury

a. Nuisance Dog
A person commits a Class II Petty Offense punishable under E.5.a.if he/she owns, harbors, keeps, controls or has custody of a nuisance dog as defined in this regulation.

b. Dog Off Leash or Dog At Large and Dog Causes Bodily Injury
A dog owner commits a Class II Petty Offense punishable under E.5.a.if his/her dog

is off leash or is at large in the County or commits encroachment and, as a result of either of the foregoing, a person sustains bodily injury other than a dog bite (i.e., an injury sustained in the process of avoiding, retreating from, or impounding a loose dog).

c. Vicious Dog
A person commits a Class II Petty Offense punishable under E.5.a.if he/she owns, harbors, keeps, controls or has custody of a vicious dog as defined in this regulation.

d. Dog at Large or Off Leash or Encroachment Causing Property Damage
A dog owner commits a Class II Petty Offense punishable under E.5.a. if his/her dog is at large or off leash or commits encroachment and, as a result of any one of the foregoing, causes property damage as defined in this regulation.

3. Habitual and Persistent Barking Dog

a. Harboring a Habitual and Persistent Barking Dog
A dog owner commits a Class II Petty Offense punishable under E.5.a.(8) if he/she fails to prevent his/her dog from disturbing the peace of any person by loud, habitual and persistent barking, howling, yelping, or whining, whether the dog is on or off the dog owner's property.

b. Warning Notices
An Animal Control Officer will issue a warning notice to the dog owner after receiving a complaint of a barking dog. The complainant must provide the dog owner’s address, dog description, and the date and duration of the violation. The dog owner will be allowed three days from issuance of the warning notice to correct the problem before being charged under the summons and complaint process.

c. Citations/Summons and Complaints
After the three-day grace period and within 180 days after issuance of the warning notice, a citation, or summons and complaint may be issued if two persons from separate households have signed complaints and are willing to testify at trial. The complainants must provide the dog owners' address, dog description, date and duration of violation, but need not be reporting the same date and time of a violation. In the event there is only one occupied residence in the immediate area of the location of the barking dog, only one complaining witness shall be required to sign the complaint prior to the issuance of a summons and complaint if the complaining witness is willing to testify at trial.

d. Service of Warning Notices
A dog owner shall be deemed to have received and been issued a warning under this subsection if the warning was personally served on the dog owner, posted on the residence of the dog owner, or placed in the U.S. Mail, postage prepaid and addressed to the dog owner. Warning notices so served shall constitute notice to all members of that residence.

e. Second Offense
If a second complaint of a barking dog is received within 180 days of issuance of the first citation or summons and complaint, a citation or summons and complaint for a second offense may be issued without issuing a warning notice.

f. Proof Required for Conviction
No person shall be convicted at trial of violating this section unless a person in the immediate area has signed a complaint and testified to the persistent, habitual, and offensive noise generated by a barking dog.

g. Exceptions
Section D.3.a. shall not apply to dogs working livestock, dogs locating or retrieving wild game in season for a licensed hunter, dogs assisting law enforcement officers, or dogs being trained for any of these pursuits. Further it shall not apply to licensed kennels, breeding, boarding and/or training facilities, or veterinary offices and hospitals, provided these facilities comply with all applicable zoning, commercial, and business regulations, laws and statutes.

4. Miscellaneous Offenses.

a. Committing Cruelty to Animals
A dog owner commits a Class I Misdemeanor under §18-9-202, C.R.S., if he/she commits Cruelty to Animals as defined in this regulation and by State law.

b. Unlawfully Harboring a Guard Dog
A dog owner commits a Class II Petty Offense punishable under E.5.a.if he/she places or maintains a guard dog(s) on non-residential property or on property used in whole or in part for any business unless the following conditions are met:

(1) The guard dog is registered with Animal Control;

(2) Warning signs are conspicuously posted around the premises indicating the presence of a guard dog and such signs plainly show a telephone number where a person responsible for controlling the guard dog can be reached at all times; and the guard dog is either:

(a) confined to an enclosed area adequate to ensure that it will not escape; or

(b) under the complete control of the handler at all times.

c. Unlawfully Harboring a Female Dog in Season

(1) A dog owner commits a Class II Petty Offense punishable under E.5.a.if he/she keeps, harbors, controls or has custody of any unaltered female dog in season unless the female dog in heat is confined during such period of time in a house, building or secure enclosure so that said dog shall not create a neighborhood nuisance.

(2) Confinement
The Animal Control Officer shall impound any unaltered female dog in season that is not adequately confined as provided for in D.4.c.(1), or any such dog that is creating a neighborhood nuisance. If necessary in the judgment of the Animal Control Director, the dog shall be removed to a boarding kennel, to a veterinary hospital, or the Animal Shelter. All expenses and or fees incurred as a result of the confinement shall be the sole responsibility of the dog owner.

d. Interference with an Animal Control Officer - No Bodily Injury
A person commits a Class II Petty Offense punishable under E.5.a. if he/she interferes with, hinders, or obstructs an Animal Control Officer (not involving bodily injury) and knowing him/her to be an Animal Control Officer discharging his/her duties under this regulation.

e. Habitual Offender
A dog owner commits a Class II Petty Offense punishable under E.5.a. if he/she is

convicted, pleads guilty to, enters a no contest plea, receives a deferred judgment, or arranges any plea bargain for violating any section of this regulation three or more times in any twelve month period.

f. Feces/Urine - Accumulation; Disposition
An owner of dogs, cats or other household pets commits a Class II Petty Offense punishable under E.5.a. if the pet's owner allows excessive animal feces or urine to accumulate. The accumulation of animal excrement shall be deemed to be excessive if there is sufficient quantity to generate odors off the premises of the dog owner or, if in the judgment of the Animal Control Officer, the accumulation is detrimental to the health and well being of neighbors or the animals.

g. Failure to Redeem or Relinquish Animal from the Animal Impound Facility
After notice by phone, mail or in person, an owner of a Pet Animal commits a Class II Petty Offense punishable under E.5.a. if he/she fails or refuses to redeem or legally relinquish his/her pet animal that is/are impounded at the designated animal impound facility.

h. Failure to Clean Up Dog Feces in Public Places
A dog owner commits a Class II Petty Offense punishable under E.5.a. if the dog owner or custodian of any dog fails to clean up and remove excrement or feces on public or private property other than on the Premises of the dog owner.

E. Disposition

1. Impoundment
An Animal Control Officer may take into custody and impound at the Animal Shelter any dog found without a microchip or License tag when in violation of section C.3., any dog found at large, any dog or cat that has allegedly bitten a person or any dog or cat that is sick or injured and in need of medical attention and any other Pet Animals (except cats) that are found to be at large.

2. Disposition After Impoundment
No Pet Animal shall be disposed of prior to five animal shelter business days after the date of impoundment unless it is critically injured or ill, the owner cannot be located, and it is deemed in the best interest of the animal that the Pet Animal be disposed of as determined by the Manager of the Animal Shelter or his/her designee. In the event a Pet Animal is not claimed by the owner within the five day period, the Animal Shelter may at its sole discretion, dispose of the Pet Animal by adoption, euthanasia, or transfer to another state licensed animal shelter or rescue. In the event the Animal Shelter disposes of the animal as set forth in this section, the owner of such Pet Animal shall be obligated to pay any and all fees required by the Animal Shelter.

3. Liability for Accident or Subsequent Disease from Impoundment
The Board of County Commissioners, any assistants or employees, or any other person authorized to enforce the provisions of this animal control and licensing regulation shall not be held responsible for any accident, non-deliberate injury, or subsequent disease that may occur in connection with the administration of this regulation.

4. Special Sanctions Upon Conviction of Biting Dog, Nuisance Dog, Vicious Dog and Habitual Offender Violations

In recognition of the serious nature of biting dog, nuisance dog, vicious dog and habitual offender violations and in the interest of protecting and promoting public safety, Animal Control and/or the District Attorney's Office has the authority to recommend that a Special Sanction be levied against the dog owner convicted of one or more of the above

enumerated offenses. This recommendation will be presented to the Jefferson County Court by a motion of the District Attorney as a proposed condition of sentencing upon conviction of one of the offenses enumerated above. Animal Control and/or the District Attorney will present the prior history and documentation on a dog owner that has been so convicted and will propose the imposition of further restrictions or sanctions against a dog owner. This special sanction may be in lieu of or in addition to the specified fine at the discretion of the Court. The Court shall be asked to take into consideration the severity of the incident, the prior history of the dog owner and the recommendation of Animal Control and the District Attorney's Office when ruling on a disposition. The Court shall be asked to consider each case as unique, and to adapt a special sanction or limitation to the particular facts and circumstances of the given case. Animal Control will be responsible for conducting the follow up visits with the dog owner to ensure compliance with the court-ordered sanction, and will report back to the court in a timely manner. The following is a list of available, but not all inclusive, sanctions and limitations to be completed within a time specified by the court.

a. Construction of a secure dog kennel (built to the specifications of Animal Control).

b. Spaying or neutering of the dog.

c. Dog obedience training.

d. Community Service work at an animal sheltering facility.

e. Euthanasia of the dog.

f. Pet Management Class.

g. Restitution.

h. Micro-chipping of the animal.

i. When outdoors in a private yard, the animal must be in an escape proof enclosure or with a responsible adult, who is a minimum of 21 years of age, in the yard with the animal, and a secure six-foot fence must enclose the yard.

j. When walked, animal must be muzzled and walked on a leash no longer than 4 feet in length by a responsible adult, who is a minimum of 21 years of age, and is capable of effectively controlling the animal.

k. When the animal is away from the property of the owner, the owner shall keep the animal either in a secure temporary enclosure or securely leashed with a leash no longer than four (4) feet in length held by a responsible adult, who is minimum of 21 years of age, and is capable of effectively controlling the animal and animal must be muzzled.

l. Extension style leashes may not be used.

m. The leash may not be attached to inanimate objects.

n. Owner must post, at each entrance to the owner’s property where the animal is kept, a conspicuous and clearly legible sign of at least eight (8) by ten (10) inches, which shall contain the words, “BEWARE OF DOG” in lettering at least two (2) inches in height.

o. The owner shall not sell or otherwise transfer the animal to any person except to an

immediate family member who will then be subject to all the same restrictions imposed on the owner. This transfer of ownership information must be provided to Animal Control.

p. The owner shall be responsible for the payment of all impoundment fees, boarding fees, and any reasonable and necessary medical expenses incurred during the impoundment of the animal regardless of whether or not the animal is redeemed by the owner from the Animal Shelter.

q. Prohibition of ownership of other animals during the period of court ordered supervision.

r. Owner must obtain a homeowners or renters insurance policy showing at least $100,000.00 in liability coverage for any damage or injury caused by the animal. The policy must be for a 12-month period with the requirement that the policy be maintained during the life of the animal.

5. Penalties and Enforcement

a. Class II Petty Offenses.
All charges and proceedings relating to commission of Class II Petty Offenses may be cited in compliance with the penalty assessment procedures pursuant to Section 16-2-201, C.R.S., as amended. Any person(s) who acknowledges guilt or is found guilty of a Class II Petty Offense shall be punished by a mandatory fine of not less than the amount set forth in this section nor more than $1,000.00 for each separate offense, plus customary court costs when applicable. An incremental fine shall be assessed for all Class II Petty Offenses, beginning with the minimum mandatory fine for a first offense and with increases for each recurring offense up to a maximum of $1,000.00. The minimum fine as well as the assessed incremental increases for second and subsequent offenses shall be mandatory and shall not be suspended in whole or in part. Class II Petty Offenses include:

(1) Failure to have a dog License, $100.00 mandatory minimum fine, $200.00 for a second offense, and increased $100.00for each subsequent offense with a maximum of $1,000.00.

(2) No License tag attached to dog (and dog not meeting exception provided in C.3.), $30.00 mandatory minimum fine, $60.00 for a second offense, and an increase of $30.00 for each subsequent offense with a maximum fine of $1,000.00.

(3) Misrepresentation of licensing or false information, $30.00 mandatory minimum fine, $60.00 for a second offense, and an increase of $30.00 for each subsequent offense with a maximum fine of $1,000.00.

(4) Violating quarantine for Pet Animals, $100.00 mandatory minimum fine, $200.00 for a second offense, and an increase of $100.00 for each subsequent offense with a maximum fine of $1,000.00.

(5) Failure or refusal to produce a Pet Animal for quarantine, $100.00 mandatory minimum fine, $200.00 for a second offense, and an increase of $100.00 for each subsequent offense with a maximum fine of $1,000.00.

(6) Dog at large, $50.00 mandatory minimum fine, $100.00 for a second offense, and an increase of $50.00 for each subsequent offense with a maximum fine of $1,000.00.

(7) Dog at large causing bodily injury, or dog off leash causing bodily injury, $100.00 mandatory minimum fine, $200.00 for a second offense, and an increase of $100.00 for each subsequent offense with a maximum fine of $1,000.00.

(8) Habitual/persistent barking dog, $50.00 mandatory minimum fine, $100.00 for a second offense, and an increase of $50.00 for each subsequent offense with a maximum fine of $1,000.00.

(9) Unlawfully harboring a guard dog, $50.00 mandatory minimum fine, $100.00 for a second offense, and an increase of $50.00 for each subsequent offense with a maximum fine of $1,000.00.

(10) Unlawfully harboring a female dog in season, $50.00 mandatory minimum fine, $100.00 for a second offense, and an increase of $50.00 for each subsequent offense with a maximum fine of $1,000.00.

(11) Failure to dispose of feces/urine as provided in D.4.f., $50.00 mandatory minimum fine, $100.00 for a second offense, and an increase of $50.00 for each subsequent offense with a maximum fine of $1,000.00.

(12) Nuisance dog, $100.00 mandatory minimum fine, $200.00 for a second offense, and an increase of $100.00 for each subsequent offense with a maximum fine of $1,000.00.

(13) Habitual offender, $300.00 mandatory minimum fine, $600.00 for a second offense, and $1,000.00 for each subsequent offense.

(14) Interference with an Animal Control Officer, no bodily injury, $200.00 mandatory minimum fine, $400.00 for a second offense, and an increase of $200.00 for each subsequent offense with a maximum fine of $1,000.00.

(15) Failure to report a Pet Animal bite by another Pet Animal, wildlife or livestock or an exposure of a Pet Animal as described in this regulation to wildlife , $50.00 mandatory minimum fine, $100.00 for a second offense, and an increase of $50.00 for each subsequent offense with a maximum fine of $1,000.00.

(16) Off leash, $30.00 mandatory minimum fine, $60.00 for second offense and an increase of $30.00 for each subsequent offense with a maximum fine of $1,000.00.

(17) Failure to redeem or relinquish animal from the designated animal impound facility, mandatory minimum fine of $150.00, $300.00 for a second offense, and an increase of $150.00 for each subsequent offense with a maximum fine of $1,000.00.

(18) Failure to clean up dog feces in public places, mandatory minimum fine of $50.00, $100.00 for a second offense, and an increase of $50.00 for each subsequent offense with a maximum fine of $1,000.00.

(19) Vicious Dog, $200.00 mandatory minimum fine, $400.00 for a second offense, and an increase of $200.00 for each subsequent offense with a maximum fine of $1,000.00.

(20) Dog at large causing property damage, $100.00 mandatory minimum fine, $200.00 for a second offense, and a $100.00 increase for each subsequent offense with a maximum fine of $1,000.00.

b. Class II Misdemeanors
All persons who acknowledge guilt or who are found guilty of a Class II Misdemeanor shall be punished by a fine as set forth in this section with a maximum fine of $1,000.00 and/or imprisonment in the county jail for three to twelve months. The minimum Class II Misdemeanor fine shall be as set forth below unless it is suspended as a condition of probation.

(1) Unlicensed dog and biting, $250.00 fine.

(2) Dog is at large or Encroachment and biting, $500.00 fine.

(3) Dog biting off premises and under owner's control $250.00 fine.

(4) Dog Off Leash and Biting $500.00 fine.

c. Enforcement
Except as set forth in Section D.3., whenever an Animal Control Officer has personal knowledge or probable cause to believe that any violation described herein has occurred, he/she may issue a summons and complaint, or citation to the violator stating the nature of the violation with sufficient particularity to give notice of said charge to the violator. NOTE: Summons and complaints for violation of cruelty to animals (D.4.a.) may only be issued by those Animal Control Officers that have been appointed by the Colorado Commissioner of Agriculture or his designee as Animal Protection Agents.

d. Mediation
Animal Control may, at its discretion, recommend and refer individuals to the Jefferson County mediation program prior to issuance of a summons and complaint.

F. Fines

1. Disposition of Fines and Forfeitures
All fines, monies and forfeitures for the violation of this regulation shall be paid into the general fund of the County except as otherwise provided herein. The Board of County Commissioners may authorize by Intergovernmental Agreement or separate resolution the payment of all or a portion of license fees to the Foothills Animal Shelter or designate the fees to be used for any other purpose authorized by the Board of County Commissioners.

G. Off Leash Area/Exception to Dog Off Leash Offense
A governmental agency with the power to own or operate a park or a homeowner's association that owns and manages common property may designate an area or parkland that it owns or manages as an Off Leash Area if it obtains an exemption from the Board of County Commissioners. Dogs shall be permitted to be off leash in such areas so long as the owners are observed to be present and within visual site of his or her dog. This shall be an area where there is an exemption to the Off Leash offense.

1. Application Notice
The governmental entity seeking an exemption shall submit a request for an exemption to Animal Control. The governmental entity must submit proof that at a minimum it has notified all property owners within a one quarter mile radius of the boundary of the proposed Off Leash Area. It is recommended that special districts notify all district constituents. If the Off Leash Area is a trail on Forest Service land or Open Space, the Forest Service or Open Space, at a minimum, shall notify all property owners adjacent to the trail and all property owners whose property is within 100 yards of the parking area

designated for the Off Leash Area. The notification must direct people to submit written comments, whether pro or con, to the Animal Control Section within 30 days after the postmark date of the Notice. A list of addresses of all persons notified must be submitted to the Animal Control Section with a copy of the notification. The application must include a map depicting the boundary of the proposed Off Leash Area.

2. Site Evaluation
   Within 60 days after receipt of a complete application, the Animal Control Section shall conduct a site evaluation to determine if the site meets the criteria of this section. Animal Control will submit a written report to the Board of County Commissioners. The report will summarize the public comment, confirm that the area meets or will meet the specified criteria, and will make a recommendation to either approve or deny the application. The Board of County Commissioners' decision will be final. The report will contain a signature page for the approval/denial and a copy of the document will be maintained at the Animal Control Office.

3. Park Off Leash Area
   All park areas designated as Off Leash Areas, except trail areas, must comply with the following criteria:

   a. Have a minimum of one acre of land surrounded by a 4 foot to 6 foot secure, chain link fence (or other similar material). The fenced area must have a double-gated entrance to prevent escape.

   b. The area must be accessible to people with disabilities.

   c. The area must have covered garbage cans and pooper-scooper stations provided, stocked and maintained.
   d. The area must have shade and water available.

   e. Signs must be posted that specify park hours and rules, including a "participate at your own risk" statement.

   f. Adequate parking must be close to the site.

4. U.S. Forest Service Trail Area or Jefferson County Open Space Trail Area
   All U.S. Forest Service Trail Areas and Jefferson County Open Space Trail Areas designated as Off Leash Areas shall comply with the following criteria:

   a. Adequate parking close to the trailhead or area.

   b. Covered garbage cans and trash removal service.

   c. Signs that specify trail rules and clearly designate the area as off-leash to warn/notify other hikers or patrons. Also, signs shall include a "participate at your own risk" statement.

5. Enforcement of Off Leash Areas
   All complaints, except complaints concerning dog bites, will be handled by the entity having jurisdiction over the park (the "park jurisdiction"). All bites must be reported within 24 hours to Animal Control.

6. Revocation of Off Leash Exemption

   a. The Off-Leash designation can be revoked at any time by the park jurisdiction or County Open Space Division. The park jurisdiction or County Open Space Division

must notify Animal Control, immediately, in writing of the decision to un-designate the Off Leash Area. The park jurisdiction would have to wait 6 months to re-apply if they wish to reinstate the Off Leash designation.

b. If Animal Control receives repeated complaints that are not being adequately addressed by the park jurisdiction, Animal Control can petition the Board of County Commissioners to revoke the Off Leash exemption. If the revocation is approved, the park jurisdiction or Forest Service will be notified in writing to close the area to Off Leash activity and that leash law enforcement will resume in the area.

7. Nuisance/Vicious Dogs
No vicious or nuisance dogs as defined in Section A.32. are permitted off leash within areas designated as Off Leash Parks.

8. Existing Open Space Areas Designated as Off Leash
Open Space areas already designated by the Open Space Division as areas permitting dogs to be Off Leash shall be deemed already granted an exemption from the Board of County Commissioners.

H. Special Event Permit For Off-Leash Dog Activities In Unincorporated Jefferson County

1. Jefferson County Animal Control Director or his/her designee may issue a Special Event Permit allowing for temporary off-leash dog activities when the applicant has complied with the requirements of this section. Activities may include, but are not limited to, dog agility trials, fly ball, rally, dog obedience, conformation, and field trials.

2. In order to be granted a special event permit, an applicant must be an established and organized club or group, submit an application to Animal Control and comply with the criteria and guidelines set forth in this section.

3. The applicant must submit an application to Animal Control, which includes the following information:

- Documentation to confirm reservation and authorization from the park district or other venue;
- Documentation acceptable to the Animal Control Director to establish that the applicant is an existing legal entity (such documentation may include, but is not limited to, articles of incorporation, bylaws, or group, pamphlet, mission statement, event calendar, meeting minutes, etc. To illustrate the existence of the organization);
- A business address and complete contact information (name, address, phone, cell phone) for the event organizer/liaison;
- Must have adequate liability insurance as determined by Jefferson County Risk and provide a certificate of liability insurance naming the County as an additional insured;
- Specify a specific date or dates and start and end times for the proposed event; and
- A diagram showing the location of the event and the area or areas that will be fenced.

4. Once a complete application is submitted, Animal Control will within two weeks send one copy of the application with its approval or denial to the group organizer/liaison and one copy to the event venue. In the event that the permit is denied, the application will include an explanation of why the event was not approved. Re-application for the same event may be made one time. A copy of the permit will be kept at the Animal Control Office.

5. The Applicant shall ensure that the event is conducted in a safe and orderly manner and that the event is conducted in compliance with the following requirements.

- The area to be used for the event will, to the extent possible, be demarcated by temporary fencing or staked in a manner acceptable to the Animal Control Manager and as represented in the diagram approved by the Animal Control Manager;
- Dogs will only be allowed off leash during the time the dogs are competing, performing, or practicing for an event;
- Participants will be supervised by the applicant to assure that good order is maintained and that rules are being followed;
- Applicant will assure that all dog waste is picked up and properly disposed;
- All animals shall be provided with adequate water and protection from the elements;
- All other Jefferson County animal regulations are followed; and
- Applicant will report all dog bites (to humans) within 24 hours to Animal Control.
- Applicant will assure that all park district or other venue rules and regulations are followed.

I. Severability

Should any section, clause, sentence or part of this regulation be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair or invalidate the regulation as a whole or any part thereof, other than the part so declared to be invalid.