

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF MONTROSE, STATE OF COLORADO

ORDINANCE CONCERNING THE CONTROL OF DOGS

ORDINANCE NO. 1-97

RECITALS

WHEREAS, pursuant to C.R.S. 30-15-401, et. seq., as amended, the Board of County Commissioners of Montrose County has the power to adopt ordinances for control of those matter of purely local concern; and

WHEREAS, C.R.S. 30-15-401(1)(e), as amended, empowers the Board of County Commissioners to adopt an ordinance providing for the control and licensing of dogs in the unincorporated areas of Montrose County, Colorado; and

WHEREAS, such statutory scheme empowers the Board of County Commissioners of Montrose County to regulate the noise caused by barking dogs; and

WHEREAS, control and licensing of dogs within the unincorporated area of Montrose County, Colorado serves the public health, welfare and safety of the residents of Montrose County, Colorado;

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONTROSE COUNTY, COLORADO, that the following rules and regulations shall now be enforced as of the date of the adoption of this ordinance and shall henceforth govern the control and licensing of dogs located in the unincorporated areas of Montrose County, Colorado.

1. APPLICABILITY. This ordinance shall be applicable to all persons who shall own or keep a dog within the unincorporated areas of Montrose County, Colorado.

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

(a) "Board" shall mean the Board of County Commissioners of the County of Montrose, Colorado.

(b) "Bodily Injury" shall mean an injury caused by a dog wherein at a minimum the skin is broken, exterior bleeding occurs, or medical treatment by a licensed physician is reasonably necessary.

(c) "Control" shall mean either (1) physical restraint, such as a leash or similar tether not longer than ten (10) feet in length, or a pen, a cage, or a fence or (2) conditioned and immediate response to verbal or otherwise communicable commands, providing that said dog shall not run at large.

(d) "Keeper" shall mean any person who keeps or harbors a dog for less than thirty (30) days.

(e) "Owner" shall mean any person who keeps or harbors a dog for more than thirty (30) days.

(f) "Dog Control Officer" shall mean any law enforcement officer as such is defined in C.R.S. 30-15-105, as amended, whose jurisdiction includes any area of Montrose County, Colorado or any person duly appointed by the Sheriff of Montrose County, Colorado, or any person duly appointed by the Board of County Commissioners of Montrose County, Colorado.

(g) "Running at Large" shall mean when a dog enters the property of another person without authorization of that person, or when it enters public property, and is not under control.

(h) "Vicious Dog" shall mean a dog which, without provocation, attacks or bites any person or other animal, except that no dog shall be deemed to have acted without provocation if such attack is reasonably related to defense of the dog itself, its property, its owner or keeper, or its owner's or keeper's property.

### 3. LICENSE REQUIRED.

(a) Every person who owns a dog more than six (6) months old within the area of Montrose County, Colorado, except those to whom a valid pet shop or boarding kennel license has been issued by appropriate officials of the State of Colorado, shall obtain a license therefore annually.

(b) No licenses shall be issued until the owner of the dog shall exhibit to the Board of County Commissioners or its designated agent a valid anti-rabies vaccination certificate indicating the dog has been vaccinated against rabies by a licensed veterinarian in accordance with Colorado statutory law.

(c) At any time a dog becomes six (6) months of age, or being at least six (6) months of age, moves into the area of Montrose County, Colorado, its owner shall obtain a license within the next succeeding sixty (60) days.



(d) Within thirty (30) days after a person brings a dog into the designated dog control area of Montrose County, Colorado, he shall have it inoculated with anti-rabies vaccine unless he can demonstrate that the dog was so inoculated within the preceding twenty-four (24) months in which case the previous inoculation will be accepted.

(e) Licenses shall be issued forthwith upon the adoption of this ordinance through the designated offices and agencies of Montrose County, Colorado and enforcement of all provisions herein shall begin as of the date of adoption of this ordinance.

4. APPLICATION FOR LICENSE. An application for a license shall contain the following:

- (a) A valid anti-rabies vaccination certificate as prescribed in paragraph 3 above;
- (b) Age of the dog;
- (c) Sex of the dog;
- (d) Whether the dog has been spayed or neutered;
- (e) Description of the dog including breed and color;
- (f) Name of the dog;
- (g) Identification of the dog (if the dog is a guide dog for the physically handicapped);
- (h) Name and address of the dog's owner.

5. LICENSE FEE.

(a) Upon filing and with the acceptance of the above referenced application by the designated agent of the Board of County Commissioners of Montrose County, Colorado, the applicant shall pay an annual fee of \$10.00 for each dog, except that no license fee shall be charged for guide dogs used by the blind, the partially blind, the deaf or the partially deaf.

(b) License fees shall not be prorated.

(c) Upon payment by the applicant of the requested fee, the designated agent shall issue a receipt bearing the owner's name and address and the dog's license number, together with a metallic tag bearing the year of issue, County identification, and the license number corresponding to that shown on the receipt. The tag shall be worn at all times.

6. EXPIRATION, TRANSFER OF LICENSE.

(a) All dog licenses, whether issued for a full year or less, shall expire on March 1st of each year. If the applicable fee for new license is not paid before May 1, a penalty of twenty-five percent (25%) of the license fee shall be added thereto, except in such cases as when a dog is moved into Montrose County, Colorado from a residence of owner or keeper outside of Montrose County.

(b) No dog license may be transferred from one owner to another, or from one dog to another, except in accordance with state rules and regulations concerning pet shops or boarding kennels.

7. DUPLICATE LICENSE. In the event the license tag is lost, a duplicate shall be provided by the designated agent of the Board to the owner or keeper upon payment of \$1.50 for each duplicate tag.

8. CONTROL. It shall be the duty of any owner or keeper of a dog to keep such dog under control, as hereinabove defined, so as to prevent the dog from running at large, becoming a danger to persons or property, or trespassing on the property of another or public property, except that for purposes of this paragraph, dogs actually working livestock, locating or retrieving wild game in season for a licensed hunter, or assisting law enforcement officers, or dogs being trained for any of such pursuits, shall not be deemed out of control or running at large.

9. DOGS SUBJECT TO DESTRUCTION OR RABID CONFINEMENT.

(a) Any vicious dog found running at large may be destroyed by any dog control officer as above defined or peace officer. Further, in any prosecution of an owner or keeper for violation of this ordinance, the court may, upon entry of conviction, order that such dog be destroyed.

(b) Where, in the opinion of the Montrose County, Colorado Health Officer or his designated representative or Dog Control Officer, a dog is suspected of being rabid, or where a dog has bitten a person or another animal, such officer or his designated representative may confine the dog in accordance with C.R.S. 25-4-604, as amended. The costs of such confinement shall be paid by the keeper or owner of the dog.

10. UNLAWFUL TAKING OR RELEASE.

(a) It shall be unlawful for any person to take any dog from an enclosed lot, premises or other building unless

authorized to do so by the owner or keeper of the dog or as otherwise authorized by this ordinance.

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

(c) It shall be unlawful for the keeper or owner of a female dog in the pro-estrus or estrus stage to neglect to take affirmative steps to prevent a nuisance or danger caused by the behavior of male dogs. The female must be kept indoors, or in a type of kennel which will effectively prevent male dogs from **contact**. The female shall be confined from the beginning of the pro-estrus stage, where there is odor and discharge, for a period of twenty-five (25) days, or until she is out of estrus condition.

#### 11. BARKING DOGS.

(a) It shall be unlawful for any person within the unincorporated areas of the County of Montrose to cause or permit to be made or continued noise emanating from a barking dog which either annoys, disturbs, or injures or endangers the comfort, health or safety of other persons or which interferes with the private enjoyment of surrounding environs or which could reasonably be expected to do so.

(b) It shall be prima facia evidence that this ordinance has been violated if, between the hours of 11:00 p.m. and 6:00 a.m. in any neighborhood encompassing residential occupancy the noise emanating from the barking dog exceeds the level of normal human conversation at the property line of the property from which the barking dog noise is emanating.

(c) For the purpose of this ordinance, a law enforcement officer shall consider the loudness and the constancy and\or intermittence of the barking dog noise. The officer may consider such other matters and extenuating circumstances as he or she in the exercise of reasonable judgment may observe or hear, including, without limitation, the duration of the barking dog noise, time of day or night, day of the week, distance of barking dog from complainant or person affected, and the taunting or provocation of the barking dog.

(d) Excepted from the prohibitions of this paragraph 11 shall be commercial enterprises boarding dogs, such as kennels, veterinarian clinics and the like, and dogs actually working livestock.

12. PENALTIES.

(a) Except as expressly set forth below, any person who violates any provision of this ordinance commits a Class 2 Petty Offense.

(b) Except as expressly set forth below, the penalty assessment procedure provided in Section 16-2-201, C.R.S., may be followed by any law enforcement officer for any violation of this ordinance.

(c) Any violation of any provision of this ordinance which is not encompassed by paragraph 12(d), 12(e) or 12(f) shall be punishable as follows: first offense, \$75.00; second offense, \$150.00; third and subsequent offenses, a court appearance with a fine to be set by the court of no less than \$200.00 nor more than \$300.00.

(d) Any violation of any provision of this ordinance which results in injury to a **domestic pet** or any farm animal specifically included but not limited to: cattle, sheep, swine, horses, ducks, chickens, or any other animal raised for commercial purposes, shall be punishable by a fine of no less than \$250.00 nor more than \$300.00 for each separate violation.

(e) Any violation of paragraph 10(c) of this ordinance concerning estrus or pro-estrus dogs shall be punishable as follows: first offense, \$100.00; second offense, \$150.00; third and subsequent offenses, court appearance with the court to set a fine not to exceed a maximum sum of \$300.00 for each separate violation.

(f) Any violation of any provision of this ordinance which results in bodily injury caused by a dog to any person shall be a Class 2 Misdemeanor punishable pursuant to the provisions of C.R.S. 18-1-106(1), as amended.

13. ENFORCEMENT. The provisions of this ordinance shall be enforced by persons designated "peace officer" or "dog control officers" as above defined.

14. DISPOSITION OF FINES. All fines for violation of any provision of this ordinance and all monies collected by Montrose County, Colorado for dog licenses as hereinabove set forth shall be paid over to the Montrose County, Colorado Treasurer immediately upon receipt.

15. LIABILITY FOR ACCIDENT OR SUBSEQUENT DISEASE. Neither the Board of County Commissioners of Montrose County, Colorado, its employees or agents, or persons authorized herein to enforce

the provisions of this ordinance shall be held responsible for any accident or subsequent disease which may be suffered by a dog as a result of the administration or implementation of this ordinance.

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

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

18. REPEAL AND REENACTMENT. This Ordinance No. 1-97 repeals and reenacts Montrose County Ordinance No. 91-1.

ADOPTED the 2nd day of June, 1997, at Montrose, Colorado.

BOARD OF COUNTY COMMISSIONERS OF  
THE COUNTY OF MONTROSE, COLORADO

ABSENT

\_\_\_\_\_  
David L. Gann, Chairman

Leo Large  
Leo Large, Vice-Chairman

ATTEST:

Cindy K. Bowen  
Cindy K. Bowen, Commissioner

Ruth E. Heath  
County Clerk and Recorder

Connie I. Hunt  
Connie I. Hunt, Deputy Clerk

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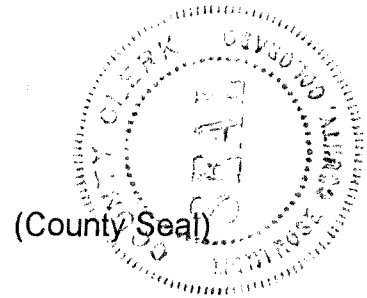
## Clerk's Certification

I, Ruth E. Heath, Clerk and Recorder of Montrose County, Colorado, do hereby attest and certify that the ordinance set forth above was introduced, read and ordered published at a regular meeting (first reading) of the Board of County Commissioners of Montrose, Colorado, on the 21st day of April, 1997. The Ordinance was then published in full, in the Montrose Daily Press on the 14th day of May, 1997, prior to the second reading which was held on the 2nd day of June, 1997; and at which time the ordinance was adopted. Upon adoption, the ordinance was again published in full, in the Montrose Daily Press, on the 6th day of June, 1997.

*Ruth E. Heath*

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Ruth E. Heath, County Clerk and Recorder

By: *Connie I. Hunt*  
\_\_\_\_\_  
Connie I. Hunt, Deputy Clerk of the Board





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(b) "Bodily Injury" shall mean an injury caused by a dog wherein at a minimum the skin is broken, exterior bleeding occurs, or medical treatment by a licensed physician is reasonably necessary.



(c) "Control" shall mean either (1) physical restraint, such as a leash or similar tether not longer than ten (10) feet in length, or a pen, a cage, or a fence or (2) conditioned and immediate response to verbal or otherwise communicable commands, providing that said dog shall not run at large.

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(c) At any time a dog becomes six (6) months of age, or being at least six (6) months of age, moves into the area of Montrose County, Colorado, its owner shall obtain a license within the next succeeding sixty (60) days.

(d) Within thirty (30) days after a person brings a dog into the designated dog control area of Montrose County, Colorado, he shall have it inoculated with anti-rabies vaccine unless he can demonstrate that the dog was so inoculated within the preceding twenty-four (24) months in which case the previous inoculation will be accepted.

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- (c) Sex of the dog;
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(c) It shall be unlawful for the keeper or owner of a female dog in the pro-estrus or estrus stage to neglect to take affirmative steps to prevent a nuisance or danger caused by the behavior of male dogs. The female must be kept indoors, or in a type of kennel which will effectively prevent male dogs from **contact**. The female shall be confined from the beginning of the pro-estrus stage, where there is odor and discharge, for a period of twenty-five (25) days, or until she is out of estrus condition.

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(b) It shall be prima facie evidence that this ordinance has been violated if, between the hours of 11:00 p.m. and 6:00 a.m. in any neighborhood encompassing residential occupancy the noise emanating from the barking dog exceeds the level of normal human conversation at the property line of the property from which the barking dog noise is emanating.

(c) For the purpose of this ordinance, a law enforcement officer shall consider the loudness and the constancy and\or intermittence of the barking dog noise. The officer may consider such other matters and extenuating circumstances as he or she in the exercise of reasonable judgment may observe or hear, including, without limitation, the duration of the barking dog noise, time of day or night, day of the week, distance of barking dog from complainant or person affected, and **the taunting or provocation of the barking dog.**

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(c) Any violation of any provision of this ordinance which is not encompassed by paragraph 12(d), 12(e) or 12(f) shall be punishable as follows: first offense, \$75.00; second offense, \$150.00; third and subsequent offenses, a court appearance with a fine to be set by the court of no less than \$200.00 nor more than \$300.00.

(d) Any violation of any provision of this ordinance which results in injury to a **domestic pet** or any farm animal specifically included but not limited to: cattle, sheep, swine, horses, ducks, chickens, or any other animal raised for commercial purposes, shall be punishable by a fine of no less than \$250.00 nor more than \$300.00 for each separate violation.

(e) Any violation of paragraph 10(c) of this ordinance concerning estrus or pro-estrus dogs shall be punishable as follows: first offense, \$100.00; second offense, \$150.00; third and subsequent offenses, court appearance with the court to set a fine not to exceed a maximum sum of \$300.00 for each separate violation.

(f) Any violation of any provision of this ordinance which results in bodily injury caused by a dog to any person shall be a Class 2 Misdemeanor punishable pursuant to the provisions of C.R.S. 18-1-106(1), as amended.

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18. REPEAL AND REENACTMENT. This Ordinance No. 1-97 repeals and reenacts Montrose County Ordinance No. 91-1.

ADOPTED the 2nd day of June, 1997, at Montrose, Colorado.

BOARD OF COUNTY COMMISSIONERS OF  
THE COUNTY OF MONTROSE, COLORADO

ABSENT

\_\_\_\_\_  
David L. Gann, Chairman

Leo Large  
Leo Large, Vice-Chairman

ATTEST:

Cindy K. Bowen  
Cindy K. Bowen, Commissioner

Ruth E. Heath  
County Clerk and Recorder

Connie I. Hunt  
Connie I. Hunt, Deputy Clerk

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### Clerk's Certification

I, Ruth E. Heath, Clerk and Recorder of Montrose County, Colorado, do hereby attest and certify that the ordinance set forth above was introduced, read and ordered published at a regular meeting (first reading) of the Board of County Commissioners of Montrose, Colorado, on the 21st day of April, 1997. The Ordinance was then published in full, in the Montrose Daily Press on the 14th day of May, 1997, prior to the second reading which was held on the 2nd day of June, 1997; and at which time the ordinance was adopted. Upon adoption, the ordinance was again published in full, in the Montrose Daily Press, on the 6th day of June, 1997.

*Ruth E. Heath*

\_\_\_\_\_  
Ruth E. Heath, County Clerk and Recorder

By: *Connie I. Hunt*  
\_\_\_\_\_  
Connie I. Hunt, Deputy Clerk of the Board

(County Seal)

