

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

ORDINANCE CONCERNING
CONTROL OF UNLEASHED OR UNCLAIMED DOGS

ORDINANCE NO. 91- 1

WHEREAS, C.R.S. 30-15-401(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, 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 and in effect 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 Montrose County, Colorado, other than those dogs belonging to residents of a municipality within the dog control area which has enacted and is enforcing a dog registration, licensing or restraining leash ordinance and which has not enacted or become a part of this ordinance by inter-governmental cooperative agreement.

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 March 1, 1991, but any dog licensed between the date of the effective date of this Ordinance and March 1, 1991, will not be required to re-license until March 1, 1992 and all licenses shall be issued effective from March 1st of the year of issuance until March 1st of the next succeeding year.

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, Colorado.

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

(c) The County of Montrose, Colorado shall issue a kennel or keeper's license to any person applying for the same, upon payment of a fee of \$25.00 and such keeper of such license may obtain fifteen (15) license tags which may be applied to any dogs within that keeper's ownership, but such tags may not be transferred to any other owner of said animal and such kennel operator shall maintain a record of all information required in paragraph 4 herein, as to each dog so licensed by said kennel operator.

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, 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, 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.

(c) Dogs in heat. 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 effec-

tively prevent male dogs from becoming a problem. 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.

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.

11. VIOLATIONS, PENALTIES.

(a) Any violation of any provision of this ordinance which does not result in bodily injury to any person or injury to livestock described herein or does not deal with paragraph 9(c) concerning female dogs in estrus condition or pro-estrus condition shall be a Class 2 Petty Offense punishable as follows: first offense, \$50.00; second offense, \$75.00; third and subsequent offenses, a court appearance with a fine to be set by the court not to exceed the maximum sum of three-hundred dollars (\$300.00) each separate violation. For first and second offenses, the penalty assessment procedures contained in C.R.S. 16-2-201 shall be followed by any peace officer or dog control officer enforcing the provisions of this ordinance.

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

(c) Any violation of any provision of this ordinance which results in injury to cattle, sheep, swine or horses shall be a Class 2 Petty Offense punishable by a fine of no more than three-hundred dollars (\$300.00) or no less than \$295.00 for each separate violation.

(d) Any female dog in the pro-estrus or estrus state not properly confined as set forth in paragraph 9(c) of this ordinance and upon such violation of any provision 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 of three-hundred dollars (\$300.00) for each separate violation.

12. ENFORCEMENT. The provisions of this ordinance shall be

enforced by persons designated "peace officer" or "dog control officers" as above defined.

13. DISPOSITION OF FORFEITURES. All fines and forfeitures 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.

14. 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.

15. 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.

16. 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.

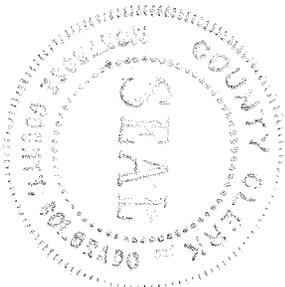
ADOPTED EFFECTIVE THE FIRST DAY OF MARCH, 1991, at Montrose, Colorado.

BOARD OF COUNTY COMMISSIONERS OF
THE COUNTY OF MONTROSE, COLORADO

Cindy K. Bowen
Cindy K. Bowen, Chairperson

Walter J. Burke
Walter J. Burke, Vice-Chairman

Melvin W. Staats
Melvin W. Staats, Commissioner



ATTEST:

Ruth E. Heath
County Clerk and Recorder

Patricia Vernon
Deputy Clerk

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