Ordinance

An Ordinance Adopting Policy Part 3, Chapter 5, Section 1 Animal Control Regulation. BE IT ORDAINED by the Board of County Commissioners of Jefferson County, Colorado as follows:

Title: Regulatory Policy
Animal Control Regulation

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<th>Part 3 Regulations, Chapter 5 Animals, Section 1</th>
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Policy Custodian
Sheriff

Adoption/Revision Date
January 30, 2024

Adopting Resolution(s): CC24-042


Purpose: To establish reasonable regulations and restrictions for the licensing of dogs and 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, as defined in C.R.S. §18-9-201(2), as amended.

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

4. "Animal Control" means the Animal Control Unit 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, severe bruising, 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" has the same meaning as defined in C.R.S. §18-9-202(1)(a).

13. “Dangerous Dog” has the same meaning as defined in C.R.S. §18-9-204.5(2)(b).

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

15. “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.

16. "Dog Owner" means any person 18 years of age or older who owns, controls, keeps, harbors, has custody of any 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.

17. "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).

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

19. "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.

20. "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.

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

22. “Improper Care” includes (A) the failure to provide adequate food, water, shelter, veterinary case, sanitation, or grooming; (B) unsafe tethering such that an animal is tethered in a manner that the animal may become entangled and unable to access shelter or water, or in such a manner that the animal may be injured, strangled, or otherwise caused to suffer; (C) allowing the accumulation of feces or urine on or inside of any premises owned, occupied, or controlled by such person, to the extent that it creates an unsanitary, offensive or unhealthy condition for an animal.

23. "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.

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

26. "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.

27. "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.

28. "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.

29. "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.

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.


32. "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.

33. "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.

34. "Quarantine" means confinement for a minimum of ten (10) days of an animal whose bite has caused bodily injury to a person or any pet animal or livestock animal that is suspected of having been exposed to a rabies-vector wildlife animal.

35. "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.

36. "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.

B. Duties of the Animal Control Officers.

1. The Animal Control Manager 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. §§30-15-101 to-105 the Animal Control Manager 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 designated Open Space park personnel to capture an animal to be impounded for violation of this regulation on Open Space lands.

4. It shall be the duty of the Animal Control Manager 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
To promote responsible pet ownership and animal welfare, a license shall be required for each dog over the age of four (4) months that resides or is kept in unincorporated Jefferson County. 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 cumulative 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. Licensing fees and exceptions from licensing shall be set by resolution by the Board of County Commissioners (BCC).

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

   e. A dog owner may request an exemption to the vaccination provision if, for medical reasons, his/her dog cannot be vaccinated. In this event, a dog owner must submit an affidavit from a licensed veterinarian stating the reason why the dog is unable to be vaccinated.

2. Failure to have a license
A dog owner commits a 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 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 pet animal 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 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 or makes a false statement regarding residency.

5. Duty to Report Animal Bite

a. 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. This report shall include:
   1) The name, address and phone number of the owner if known.
   2) The name, address and phone number of all persons treated.
   3) Specific information regarding the circumstance of the bite.

b. Any licensed medical practitioner who attends and treats a person or persons for a bite inflicted by a pet animal or other mammal shall report such treatment to the Animal Control Unit within twenty-four (24) hours of the treatment.

c. 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.

d. Any veterinary practitioner or pet animal facility who has knowledge of an animal bite that caused bodily injury shall report the bite to the Animal Control unit within 24 hours.

e. Any veterinary practitioner or pet animal facility which learns of or otherwise has knowledge of a pet animal that was bitten, attacked or had close contact with a rabies-vector species shall report the possible exposure to the Animal Control Unit within 24 hours.

6. Failure to Report Animal Bite or Rabies-Vector Exposure

A person (over 18 or guardian of a minor), a physician or veterinarian commits a Petty Offense punishable under E.5.a., if he/she fails or refuses to report to the Animal Control Unit a pet animal bite which causes bodily injury to a person within twenty-four (24) hours of occurrence or fails to report an incident of person or pet contact with a rabies-vector species. A person who fails to report an animal bite or contact with a rabies-vector species for any pet animal or other mammal in accordance with C.R.S. §25-4-603 shall be guilty of a Petty Offense in accordance with C.R.S. §25-4-614. 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

Any pet animal or other mammal that has bitten or is suspected of having bitten a person causing bodily injury and meets the criteria established by 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. A quarantine is required whether or not the animal has ever received a rabies vaccine. 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 the Animal Control Unit or Jefferson County Public Health has been obtained. The quarantine location is to be at the discretion of the Animal Control Unit. Any costs incurred as a result of any quarantine are the sole responsibility of the animal owner.

If a veterinarian learns that a pet animal has inflicted a bite to a person within the preceding ten (10) days or that a pet animal had physical contact with wildlife within the preceding 120 days, the veterinarian may not euthanize the animal unless he/she contacts Animal Control to arrange for rabies testing of the euthanized animal. The animal owner or veterinarian will be responsible for any costs of rabies testing, as determined by either Jefferson County Public Health, the Colorado Department of Public Health and Environment (CDPHE), or the Colorado State University (CSU) Veterinary Diagnostic Lab. Failure to abide by these provisions shall be considered violating quarantine as defined in this regulation.

8. Violating Quarantine

An owner of a pet animal commits a Petty Offense punishable under E.5.a., if his/her pet animal violates the quarantine requirements. A person who fails to comply with quarantine requirements for any pet animal or mammal shall be guilty of a Petty Offense in accordance with C.R.S §25-4-614.

9. Duty to Produce Animal – Quarantine

a. An owner of a pet animal commits a 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 or the animal is suspected of being exposed to a rabies-vector wildlife animal. Each day of such refusal shall constitute a separate violation. A person who refuses to produce any animal that has bitten or is suspected of having bitten a person causing bodily injury shall be guilty of a Petty Offense in accordance with C.R.S. §25-4-614.
b. If an animal has not been produced for quarantine within 36-hours of the owner being made aware of the quarantine requirement, an Animal Control Officer, Deputy Sheriff or Public Health Official may apply for a search warrant from the County Court, authorizing the temporary seizure of the animal for quarantine/observation at the Animal Shelter.

10. Duty to Report Pet or Livestock Exposure to Wildlife

a. 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.

b. If criteria established by Jefferson County Public Health or the Colorado Department of Public Health and Environment indicates the animal needs to be quarantined, the provisions set forth in D.7 shall apply.

11. A person (over 18 or guardian of a minor) commits a Petty Offense punishable under E.5.a., if he/she fails or refuses to report to the Animal Control Unit 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 a wildlife animal in accordance with C.R.S. §25-4-602 shall be guilty of a Petty Offense in accordance with C.R.S. §25-4-614. 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 occurrence. 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/Encroaching
A dog owner commits a 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.c or 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 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, Vicious Dogs, and Dogs At Large Causing Bodily Injury

a. Nuisance Dog
A person commits a 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 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 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 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 Petty Offense punishable under E.5.a. 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 (3) 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 identified complaining witnesses from separate households in the immediate area 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. Cruelty to Animals
A dog owner commits a Class I Misdemeanor under C.R.S. §18-9-202 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 Petty Offense punishable under E.5.a. if he/she places or maintains a guard dog(s) or dogs trained for attack or protection kept at any location within the county 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 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 Manager, 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 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 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 eighteen-month period.

f. Feces/Urine – Accumulation, Disposition
An owner of dogs, cats or other household pets commits a 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 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 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. Feces are not to be considered fully removed under this section unless and until disposed on in a designated waste receptacle.

i. Failure to Provide Proper Care of Animals
A person commits a Petty Offense punishable under E.5.a. if he or she fails to provide proper care for any animal(s) owned, harbored, kept, controlled, or in their custody or any person who allows an animal to remain on or about his/her premises. This includes failing to provide adequate food, water, shelter, veterinary care, or grooming, unsafe tethering of an animal, and inadequate sanitation related to feces and urine.

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 been exposed to rabies-vector wildlife, or any dog or cat that is sick or injured and in need of medical attention and any other domestic pet animal that has been abandoned, and any other pet animal (except cats) that are found to be at large. An Animal Control Officer may also impound any animals which have been left without proper care as a result of the death, injury, hospitalization, arrest, detention, eviction or other incapacitation or unavailability of the owner or keeper or other responsible party.

Redemption: If the owner of an impounded animal seeks to redeem the animal, the shelter may require the owner to provide proof of ownership satisfactory to the shelter; comply with the license requirements in this chapter; and pay the shelter for any applicable redemption fees and boarding fees.

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 and/or the Animal Control Manager. In the event a pet animal is not claimed by the owner within the five-day period, the Animal Shelter may, dispose of the pet animal by
adoption, euthanasia, or transfer to another pet animal facility or rescue unless otherwise instructed by the Animal Control Unit. 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 BCC, 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 or for any injury, illness, or death resulting in the use of a chemical immobilizer or tranquilizer dart or other necessary force to capture an animal which poses a potential hazard to public health or safety.

4. Special Sanctions Upon Conviction of Animal Control Violations
In recognition of the serious nature of certain 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.

s. Restitution to an animal sheltering facility for costs incurred in caring for or boarding the animal.

5. Penalties and Enforcement

Owners of animals who commit offenses under this Ordinance shall be subject to strict liability for such offenses.

a. Petty Offenses.

All charges and proceedings relating to commission of Petty Offenses may be cited in compliance with the penalty assessment procedures pursuant to C.R.S. §16-2-201 as amended. Any person(s) who acknowledges guilt or is found guilty of a Petty Offense shall be punished by a mandatory fine of not less than the amount set forth in this section nor more than $300.00 for each separate offense, plus customary court costs when applicable. An incremental fine shall be assessed for all Petty Offenses, beginning with the minimum mandatory fine for a first offense and with increases for each recurring offense up to a maximum of $300.00. 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 by the court except as discretionarily provided by F.4. “special sanctions.” Nothing in this ordinance shall be interpreted to preclude an individual from being cited for multiple Petty Offenses. Petty Offenses include:

1. Failure to have a dog license
   $50.00 mandatory minimum fine.
   $100.00 for a second offense, increasing $50.00 for each subsequent offense with a maximum of $300.00.

2. No license tag attached to dog (and dog not meeting exception provided in C.3.)
   $50.00 mandatory minimum fine.
   $100.00 for a second offense, increasing by $50.00 for each subsequent offense with a maximum fine of $300.00.

3. Misrepresentation of licensing or false information
$100.00 mandatory minimum fine.
$150.00 for a second offense, increasing by $50.00 for each subsequent offense with a maximum fine of $300.00.

(4) Violating quarantine for pet animals
$100.00 mandatory minimum fine.
$150.00 for a second offense, increasing by $50.00 for each subsequent offense with a maximum fine of $300.00.

(5) Failure or refusal to produce a pet animal for quarantine
$100.00 mandatory minimum fine.
$150.00 for a second offense, increasing by $50.00 for each subsequent offense with a maximum fine of $300.00.

(6) Dog at large
$100.00 mandatory minimum fine.
$150.00 for a second offense, increasing by $50.00 for each subsequent offense with a maximum fine of $300.00.

(7) Dog at large or off-leash causing bodily injury
$200.00 mandatory minimum fine.
$300.00 for a second offense and subsequent offenses.

(8) Habitual/persistent barking dog
$100.00 mandatory minimum fine.
$150.00 for a second offense, increasing by $50.00 for each subsequent offense with a maximum fine of $300.00.

(9) Unlawfully harboring a guard dog
$50.00 mandatory minimum fine.
$100.00 for a second offense, increasing by $50.00 for each subsequent offense with a maximum fine of $300.00.

(10) Unlawfully harboring a female dog in season
$50.00 mandatory minimum fine.
$100.00 for a second offense, increasing by $50.00 for each subsequent offense with a maximum fine of $300.00.

(11) Failure to dispose of feces/urine as provided in D.4.f.
$50.00 mandatory minimum fine.
$100.00 for a second offense, increasing by $50.00 for each subsequent offense with a maximum fine of $300.00.

(12) Nuisance dog
$100.00 mandatory minimum fine.
$150.00 for a second offense, increasing by $50.00 for each
subsequent offense with a maximum fine of $300.00.

(13) Habitual offender
$300.00 mandatory minimum fine.

(14) Interference with an Animal Control Officer, no bodily injury
$200.00 mandatory minimum fine.
$300.00 for a second offense and each subsequent offense.

(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 increasing by $50.00 for each
subsequent offense with a maximum fine of $300.00.

(16) Dog off leash
$50.00 mandatory minimum fine.
$100.00 for second offense, increasing by $50.00 for each
subsequent offense with a maximum fine of $300.00.

(17) Failure to redeem or relinquish animal from the designated animal
impound facility
$150.00 mandatory minimum fine.
$200.00 for a second offense, increasing by $50.00 for each
subsequent offense with a maximum fine of $300.00.

(18) Failure to clean up dog feces in public places
$150.00 mandatory minimum fine.
$200.00 for a second offense, increasing by $50.00 for each
subsequent offense with a maximum fine of $300.00.

(19) Vicious Dog
$200.00 mandatory minimum fine.
$300.00 for a second offense and each subsequent offense.

(20) Dog at large causing property damage
$200.00 mandatory minimum fine.
$300.00 for a second offense and each subsequent offense.

(21) Failure to provide proper care
$100 mandatory minimum fine.
$150 for a second offense and each subsequent offense with a
maximum fine of $300.00.

b. Class I Misdemeanor
All persons who acknowledge guilt or who are found guilty of a Class I Misdemeanor shall be punished by a $500.00 minimum fine with a maximum fine of $5,000.00 and/or imprisonment in the county jail for up to eighteen months for each offense. Committing cruelty to animals as defined in this regulation and by state law is a Class I Misdemeanor.

c. 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 months to 364 days for each offense. Nothing in this ordinance shall preclude a person from being charged with multiple violations. 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.

d. 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 a penalty assessment citation to the violator stating the nature of the violation with sufficient particularity to give notice of said charge to the violator. Nothing in the Ordinance shall be interpreted to preclude an individual from being cited for multiple violations. 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/her designee as Animal Protection Agents.

(1) Upon being informed that an Animal Control Officer intends to issue a summons, any person suspected of a violation described herein (whether not he or she is eventually adjudicated as a “dog owner”) shall identify him/herself by means of providing his/her true name, date of birth and current address, or presenting government-issued identification if available. Failure to comply shall constitute interference as defined in 4.D.
(2) Within the 20-day penalty assessment period, the Animal Control Manager shall have the discretion to suspend or reduce fines for any violation of C.2 if the dog owner purchases a dog license and has presented proof of purchase to the Manager or his/her designee.

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 BCC 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 BCC.

2. Penalty Assessment Surcharges. Pursuant to C.R.S. §24-4.2-109, the Animal Control Manager shall be authorized to establish a schedule of nominal surcharges on Penalty Assessments, including but not limited to: credit card processing surcharges, convenience fees for online payment, or other reasonable fees or charges. In no case may total surcharges exceed 7.5% of the original fine, unless otherwise authorized by the BCC. Any surcharges generated shall be credited to the Animal Control Unit and deposited to the General Fund.

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/or manages common property may designate a common area or parkland that it owns or manages as an Off Leash Area if it obtains an exemption from the BCC. Dogs shall be permitted to be off leash in such areas so long as the owners are observed to be present and within visual sight 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 Unit 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 Unit 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 Unit 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 BCC. 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 BCC 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 Unit.

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 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 will 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 BCC 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 BCC.

H. Dog Off Leash Areas within Apartment/Multi Family Communities and HOA’s
   (Areas under 4,000 Square Feet)
   1. Apartment multi-family communities, or others with an established HOA or
      Metropolitan District, may request an Off-Leash Exemption Permit from
      the Animal Control Manager for a small dog-off-leash area available for
      the exclusive use and enjoyment of the complex/community’s residents.
      All applications shall be made using the approved Animal Control Dog Off
      Leash Application form and the site will be inspected prior to the issuance
      of the permit.
   2. The permittee shall be subject to the sanitary provisions under E.1.d.
      Feces Accumulation and is ultimately responsible for upkeep of the
      grounds. Excessive accumulation of feces may result in issuance of a
      warning penalty to the permittee. Multiple violations of any kind shall be
cause for the Animal Control Manager to discretionarily suspend, revoke or deny that exception permit. An Animal Control Officer may also issue a suspension order to the permittee requiring the permittee to clean the off-leash area or rectify other violations before re-opening it to residents.

I. Special Event Permit for Off-Leash Dog Activities In Unincorporated Jefferson County

1. Jefferson County Animal Control Manager or his/her designee may issue a Special Event Permit allowing for temporary off-leash dog activities upon receipt of an application under this section by an established and organized club or group. Activities may include dog agility trials, fly ball, rally, dog obedience, conformation, and field trials. All applications shall be made using the approved Animal Control Dog Off-Leash Special Event Permit Application form and the site will be inspected prior to the issuance of the permit.

2. Within two weeks of receipt of a completed application, Animal Control will send one copy of the application with its approval or denial to the applicant group’s organizer/liaison and one copy to the event venue. If 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 Unit.

3. 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 requirements.

J. 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.