

Resolution No. 2024-44

RESOLUTION PROVIDING FOR RABIES CONTROL; LICENSING OF DOGS; RESTRAINT OF ANIMALS RUNNING AT LARGE; RESTRAINT OF DANGEROUS DOGS, PROHIBITION OF DISTURBING THE PEACE AND QUIET; IMPOUNDMENT AND DISPOSITION OF ANIMALS; ESTABLISHING PENALTIES FOR VIOLATIONS OF SUCH PROVISIONS, AND REPEALING RESOLUTIONS AND ORDINANCES IN CONFLICT HEREWITH

WHEREAS on May 20, 2013, the Board of County Commissioners of Mesa County adopted Resolution MCM 2013-023 which was a resolution providing for rabies control; licensing of dogs; restraint of animals running at large; restraint of vicious dogs; restraint of barking dogs; impoundment and disposition of animals; and establishing penalties for violation of such provisions, and repealing certain resolutions and ordinances in conflict herewith; and

WHEREAS, C.R.S. §30-15-102 was amended on March 1, 2022, to reclassify offenses of a county resolution that do not involve bodily injury as petty offenses; and

WHEREAS, C.R.S. §30-15-102, as amended on March 1, 2022, to reclassify offenses of a county resolution involving bodily injury as class 2 misdemeanors; and

WHEREAS, it is the intent of Mesa County to have the Mesa County Sheriff's Office take over enforcement of their animal services resolution in unincorporated Mesa County; and

WHEREAS, it is the intent of Mesa County to continue a separate position of the Animal Control Director for purposes of ensuring a facility for confinement of animals, managing the licensing of pets, and record keeping; and

WHEREAS, it is the intent of Mesa County to establish a new resolution for Animal Control that reflects the changes both in state law and the County's vision for Animal Control moving forward; and

WHEREAS, MCM 2013-023 and all resolutions or ordinances in conflict with this resolution are hereby repealed.

NOW THEREFORE THE BOARD FINDS AND RESOLVES AS FOLLOWS:

1. Animal Services Resolution MCM 2013-023 is repealed in its entirety effective January 1, 2025.
2. The attached version of the Mesa County Animal Services Resolution is hereby adopted as the new Mesa County Animal Services Resolution.
3. The attached resolution shall be effective January 1, 2025.

4. A copy of the Animal Services Resolution shall be maintained for public inspection and information, during regular business hours, in the offices of the Clerk and Recorder/Clerk to the Board of County Commissioners of Mesa County, and at the front desk of the Mesa County Animal Services Center and on the Mesa County website and the Mesa County Animal Services website.

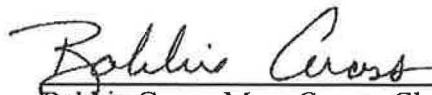
PASSED AND ADOPTED THIS 19th day of November, 2024.

MESA COUNTY BOARD OF COUNTY COMMISSIONERS



By : Bobbie Daniel, Chair

ATTEST:



Bobbie Gross, Mesa County Clerk and Recorder



MESA COUNTY ANIMAL SERVICES RESOLUTION

RESOLUTION PROVIDING FOR RABIES CONTROL; LICENSING OF DOGS; RESTRAINT OF ANIMALS RUNNING AT LARGE; RESTRAINT OF DANGEROUS DOGS, PROHIBITION OF DISTURBING THE PEACE AND QUIET; IMPOUNDMENT AND DISPOSITION OF ANIMALS; ESTABLISHING PENALTIES FOR VIOLATIONS OF SUCH PROVISIONS, AND REPEALING RESOLUTIONS AND ORDINANCES IN CONFLICT HEREWITH

ARTICLE I
ANIMAL SERVICES

Section 1 - Creation/Re-establishment

There has been created within the County of Mesa, a Division of Animal Control which shall hereafter be referred to as the Division of Animal Services, which has had, and shall continue to have in conjunction with the Mesa County Sheriff's Office, as its responsibilities, the protection of the public health and welfare in matters concerning animals; the enforcement of State and local laws regulating animals and animal ownership, and the provision of information to the public concerning responsible and humane ownership and treatment of animals. The Division shall function through its employees and contractors under the direction of the County Administrator. The Sheriff shall function through their employees.

Section 2 - Definitions

For the purpose of this resolution, the following words and phrases shall mean and include:

Abandon means the leaving of an animal without the knowledge and permission of the person or agency with whom the animal is being left and/or failure to make reasonable arrangements for someone else to assume custody of the animal. This includes making adequate provisions for proper care of an animal in a person's control regardless of who owns the animal.

Animal means any living, vertebrate creature, domestic or wild except human beings and those animals defined in C.R.S. § 35-44-101(1).

Animal Control Officer means the Mesa County Sheriff, their Undersheriff, deputies, animal control officers, employees of the Animal Services Center, independent contractors of the Animal Services Center who are approved by the Mesa County Board of County Commissioners or Mesa County Administrator, and employees and approved independent contractors of such other persons or entities which the Mesa County Board of County Commissioners or Mesa County Administrator may contract with to enforce the resolution and ordinance concerning animal control and dog licensing.

Animal Services Center means the facility or facilities designated as an animal control center by the County Administrator. This includes a suitable place(s) in Mesa County, designated by the County, in which animals taken into custody by an animal control officer, pursuant to this resolution, are impounded.

At large means not physically controlled by a human being by means of a leash or lead held by the human being, or not at all times accompanied by a person and does not at all times immediately respond to sound, mechanical, electrical or other command of its accompanying person. Exceptions are: a dog while working livestock, locating or retrieving wild game in season for a licensed hunter, assisting law enforcement officers or while being trained for any of these specifically enumerated pursuits, participating in an organized dog training class, dog show, obedience trial, or event in which the dog is participating and/or is entertainment; and an animal that is within the confines of the real property of its owner or keeper or other real property that the owner or keeper has permission to use or is within a motor vehicle (excluding an unleashed animal in an open bed of a truck).

Bodily injury shall have the same meaning found in C.R.S. § 18-1-901(3).

Cat means any animal of the feline species.

CDPHE means the Colorado Department of Public Health and Environment.

County means the unincorporated portion of Mesa County.

Dangerous Pet Animal means any animal that:

- (1) Has inflicted serious bodily injury upon or has caused the death of a person or domestic animal; or
- (2) Has inflicted bodily injury upon a person or domestic animal on two or more occasions off the owner or keeper's premises; or
- (3) Has engaged in or been trained for animal fighting as described and prohibited in C.R.S. § 18-9-204; or
- (4) Has been adjudicated by any court of competent jurisdiction as a dangerous pet animal.

Disturbance means any act causing annoyance, disquiet, agitation, or derangement to another, or interrupting his or her peace, or interfering with him in the pursuit of a lawful and appropriate occupation.

Dog means any animal of the canine species.

Habitual Offender means any person who has pled guilty to, paid a penalty assessment as described in this resolution, or has been found guilty of violating any provision of this resolution or any municipal, county or state regulation two or more times within a two-year period and/or any dog whose owner or keeper has pled guilty to, or been found guilty of two or more violations of this resolution, or any municipal, county or state regulations concerning the same dog within a two year period.

Intact animal means an animal not spayed or neutered.

Keeper means a person who has custodial or supervisory authority or control over an animal.

Leash or lead means a thong, cord, rope, chain or similar tether which holds an animal in restraint and which is not more than ten feet in length. A leash or lead longer than ten feet in length or a retractable lead of variable length may be used when exercising or training an animal provided that the use of the leash or lead does not allow the animal to interfere with public access to or use of public areas.

Livestock means cattle, horses, mules, burros, sheep, poultry, swine, llamas, and goats, regardless of use, and any animals except dogs and cats, that are used for working purposes on a farm or ranch and any other animal designated by the state agriculture commissioner, which animal is raised for food or fiber production.

Owner means any person having control or purporting to have control over an animal, the person named in the licensing records of any animal as the owner, the occupant of the premises where the animal is usually kept if such premises are other than the premises of the owner as shown on the licensing record, or any person in possession of, harboring or allowing any animal to remain about their premises for a period of three consecutive days or more. The parent or guardian of an owner under 18 years of age shall be deemed the owner as defined herein. If an animal has more than one owner, all such persons are jointly and severally liable for the acts or omissions of an owner under this resolution, even if the animal was in the possession of or under the control of a keeper at the time of the offense.

Mesa County Public Health means the Mesa County Health Department.

Pet animal means any animal owned or kept by a person for companionship or protection or for sale to others for such purposes. Pet animal includes: dogs, cats, rabbits, guinea pigs, hamsters, mice, ferrets, birds, fish, reptiles, amphibians and invertebrates or any other species of wild or domestic or hybrid animal, except livestock, sold, transferred or retained for the purposes of being kept as a household pet. Pet animal includes dogs and cats kept for working purposes on a farm or ranch.

Provocation means threatening, teasing, or striking an animal or threatening, or striking the animal's owner either on or off the animal owner's property.

Public nuisance means behavior which unreasonably interferes with the health, safety, peace, comfort or convenience of the general community.

Serious bodily injury shall have the same meaning found in C.R.S. § 18-1-901(3).

Shelter means, in the cases of pet animals other than livestock or poultry, access to a barn, dog house or other enclosed structure sufficient to protect the animal from wind, rain, snow, or sun and which has adequate bedding to protect against cold and dampness.

Under restraint means under the physical or actual voice control of an owner or keeper.

Section 3 - Offices Established, Scope of Resolution, and Authority

3.1 Director of Animal Control Established: There has been established a Director of Animal Control pursuant to Mesa County personnel regulations and policy. This position shall continue on as it has been established, however it shall hereafter be referred to as the Director of Animal Services.

a. Qualification: The Director of Animal Services shall be appointed by the County Administrator.

b. Duties: The Director of Animal Services is jointly responsible for the enforcement of this Article, and his/her duties shall include, but not be limited to, the following:

1. The operation or contracting for the operation of the Animal Services Center and performance of such other duties and the keeping of such records as the County Administrator may require.
2. Cooperation with Mesa County Public Health in the enforcement of animal quarantine directives.
3. Administration of animal licensing programs provided for in relevant County resolutions and state statutes.

3.2 Mesa County Sheriff's Responsibility: The Sheriff is jointly responsible for the enforcement of this Article, and his/her duties shall include the following:

1. Enforcement of this resolution and state statutes within the unincorporated areas of Mesa County and keeping of such records as the Director of Animal Services or the Animal Services Center may require.
2. Cooperation with Mesa County Public Health in the enforcement of animal quarantine directives.

3.3 Animal Services Center: The Animal Services Center shall be operated by a person appointed or designated by the County Administrator. The County Administrator may elect to contract for the operation of the Animal Services Center.

a. Duties: The duties of the Animal Services Center shall include, but not be limited to the following:

1. To operate a location(s) to impound animals which are in violation of this resolution.
2. To keep a record of the number, description and disposition of all animals impounded or otherwise taken into custody showing in detail for each animal the date of receipt, the date and manner of disposition, the name of the person reclaiming, redeeming or adopting the animal, the fees received, and such additional records as the County Administrator may prescribe.

3.4 Authority: The Sheriff, Undersheriff, deputy sheriffs and animal control officers are hereby authorized to issue citations, summonses, and complaints, or penalty assessment notices in accordance with C.R.S. §§ 30-15-101 et seq., and as amended.

3.5 Scope of Resolution: Nothing in this resolution shall be interpreted or applied so as to create any power or duty in conflict with the preemptive effect of any federal or state law.

ARTICLE II

DOG LICENSING

Section 1 - Licensing Required

The owner or keeper of any dog kept within the county shall secure from the county or its designated agent or the Animal Services Center and at all times maintain a current license for such a dog. A dog license constitutes an identification tag. It is a defense to a charge of violating this section that the owner or keeper of the dog has not yet lived in Mesa County for 30 days or the dog was four months of age or younger. If ownership or possession of a dog licensed under this section changes permanently, the new owner or keeper shall, within ten days of taking possession of the dog, obtain a new license demonstrating compliance with the vaccination requirement, and shall pay the prescribed license fee.

Section 2 - License Application

- (a) The applicant for a license under this section shall apply on forms acceptable to the county and the Animal Services Center and pay the prescribed license fee.
- (b) The applicant shall provide satisfactory evidence that the dog has been vaccinated against rabies as required in this resolution.
- (c) The applicant shall apply for a renewal license prior to expiration of the license.

Section 3 - Term of License

The initial license issued under this section shall be valid for one year from the day of issuance. A renewal license shall validate the license for one or three year(s) from the previous date of expiration.

Section 4 - Dog Tags

- (a) Each owner or keeper of a dog within the county shall ensure that such dog, at all times, wears a collar or harness made of a durable material to which is attached, at all times, the dog license tag, required by this section.
- (b) No person shall use any dog license for any dog other than the dog for which the license was issued.
- (c) If a dog license is lost or destroyed, the license holder shall obtain a replacement license within ten days from the county, its designated agent or the Animal Services Center upon payment of the prescribed replacement license fee.
- (d) Every dog that is not required by this section to be licensed because of its age or the length of residence of its owner or keeper shall bear an identification tag setting forth the name and address of its owner or keeper.

Section 5 - Dangerous Pet Animal Permit

The owner or keeper of any animal that has been found to be a Dangerous Pet Animal by any Court and is residing in Mesa County must obtain an annual special permit and identification tag for such animal. The permit shall expire on December 31, of the year for which the permit is issued. An application for the special permit and identification tag shall be made to the Animal Services Center thirty days prior to the expiration of the existing permit. The Dangerous Pet Animal identification tag shall be worn by the animal at all times.

Section 6 - Licensing Records

The Animal Services Center shall maintain a record of all dog licenses issued and may also designate a place at which duplicate originals of those records shall be maintained.

Section 7 - Pet Animal Facility Exemption

The licensing requirements of this article shall not apply to pet animal facilities as defined in C.R.S. § 35-80-102(11) which are licensed in accordance with the Pet Animal Care and Facilities Act, C.R.S. §§ 35-80-101, et seq.

ARTICLE III

RABIES CONTROL

Section 1 - Rabies Vaccination Required

(a) The owner of each dog or cat which is four months of age or older shall cause said dog or cat to be vaccinated against rabies. Such vaccination shall be repeated thereafter as required by the CDPHE. Dogs or cats shall be vaccinated by any person as authorized by C.R.S. § 12-315-105(1)(q). A vaccination certificate shall be given to the animal's owner after vaccination is administered. In the case of a dog or cat whose health would be adversely affected as a result of a vaccination, the veterinarian shall give to the dog or cats' owner a signed and dated statement indicating such.

(b) Each owner or keeper of a dog within the county shall ensure that such dog, at all times, wears a collar or harness made of a durable material to which is attached the rabies vaccination tag required by this section. If any dog is found in the county without a current rabies vaccination tag affixed to its collar or harness, the owner or keeper of such dog shall be presumed to have violated this section.

(c) Each owner or keeper of a dog or cat within the county shall produce, upon request of an animal control officer, a certificate of vaccination for such dog or cat. If an owner or keeper fails to produce the certificate of vaccination, he shall be presumed to have violated this section.

Section 2 - Reporting Animal Bites; Confinement

(a) Any person having knowledge that an animal, other than a rodent, rabbit, bird or reptile, has bitten a human, shall immediately report the incident to an animal control officer.

(b) Any dog or cat which has bitten a human shall be confined and observed for a period of ten days at the Animal Services Center, or if authorized by an animal control officer, the confinement may be at a hospital or kennel under the supervision of a veterinarian of the owner's choice or at the owner's residence. The confinement, wherever located, shall be at the owner's expense. The ten-day confinement period may be extended by an animal control officer and no animal shall be released until approved by an animal control officer.

(c) Any dog or cat which has bitten a human and is suspected of having rabies shall be confined and observed for a period of ten days at the Animal Services Center. The confinement shall be at the owner's expense. The ten-day confinement period may be extended by an animal control officer and no animal shall be released until approved by an animal control officer. Any animal suspected of having rabies shall not be subject to a transfer of ownership. During the confinement period, no rabies vaccination shall be administered.

(d) If the animal is confined at the Animal Services Center and legal action is initiated by the Animal Services Center to collect monies due to it, the court shall award reasonable attorney fees and costs incurred to the Animal Services Center.

(e) If any animal has been bitten by another animal suspected to have rabies, the owner of such animal so exposed to rabies shall immediately report such fact to an animal control officer. The animal control officer shall have the power, in his/her discretion, to remove the animal suspected of having rabies and the animal suspected of being exposed to rabies and place such animals at Animal Services Center for a period to be determined by an animal control officer in accordance with CDPHE requirements, at the expense of the owner, provided that the owner may elect in lieu thereof to have the animal destroyed and be tested for rabies.

(f) If an animal is continuing to exhibit symptoms of rabies, such animal shall be summarily destroyed.

(g) If an animal is released into quarantine at the owner's residence, the owner shall not permit such animal to leave the owner's residence. If such animal is found outside the owner's residence or if the following subsection (h) is violated, the animal shall be taken and confined at the Animal Services Center or at a hospital or kennel under the supervision of a veterinarian of the owner's choice, all at the expense of the owner, for the remainder of the confinement period.

(h) For the purpose of this section, confinement at the owner residence shall mean that the animal is kept inside a secure building where no contact with any animals or persons outside the owner's family can occur for the confinement period. During such period of confinement, the animal must not be let out to relieve itself without being on a leash or lead and handled by a person capable of physically restraining the animal.

(i) Notwithstanding the above, if a standard incubation period has not been established by CDPHE for the particular species of animal which has bitten another animal or human, it shall be summarily destroyed and a necropsy shall be performed by a certified laboratory to determine rabies contamination.

ARTICLE IV

CONTROL OF ANIMALS

Section 1 - Dogs at Large Prohibited

(a) All dogs shall be kept under restraint. It shall be unlawful for the owner or keeper of any dog to permit such dog to be at large in the county. If a dog is found to be at large in the county, the owner or keeper shall be presumed to have violated this section, except that this section shall not apply during the controlled environment of a professionally conducted dog obedience school.

(b) All female dogs in heat shall be kept inside a building or within a fence or enclosure which limits the dog to a particular confined area so that the dog cannot come into contact with a male dog except for planned breeding. If allowed outside confinement, the dog shall be under the restraint of its owner or keeper.

Section 2 - Disturbance of the Peace and Quiet Prohibited

Each owner or keeper of a pet animal in the county shall not permit such pet animal to disturb the peace and quiet of any person by barking, whining, howling, yowling or making any other noise in an excessive, on-going or untimely fashion. If any pet animal does so disturb the peace and quiet, its owner or keeper shall be deemed guilty of a violation of this section and may be prosecuted as provided in the Mesa County Noise Ordinance provided that such owner or keeper shall not be so charged with a violation of this section unless they or a member of their household over the age of 18 years has received a written warning from an animal control officer of a previous animal noise complaint at least once within the preceding 12 months.

Section 3 - Failure to Control

(a) No owner or keeper of a pet animal shall fail to prevent it from causing bodily injury, without provocation, to any person or animal; unless the pet animal is engaged in a lawful hunting or livestock herding activity.

(b) No owner or keeper of a pet animal shall fail to prevent it from causing damage to the property of another.

Section 4 - Dangerous pet animals prohibited

(a) It shall be unlawful to own or keep any dangerous pet animal as defined by this resolution without a specialized dangerous animal permit.

(b) It is a defense to the charge of owning or keeping a dangerous pet animal that the party injured by the dangerous pet animal was:

(1) Attacking the pet animal or engaging in conduct to provoke the pet animal, other than in self-defense or defense of its young.

(2) Unlawfully engaging in entry into or upon a fenced or enclosed portion of the premises upon which the pet animal was lawfully kept or upon a portion of the premises where the pet animal was lawfully restrained by leash or lead.

(3) Unlawfully engaging in entry into or in or upon a vehicle in which the pet animal was confined.

(4) Attempting to assault another person.

(5) Attempting to stop a fight between the pet animal and any other animal.

(6) Attempting to aid the pet animal when it was injured.

(7) Attempting to capture the pet animal in the absence of the owner or keeper. This defense does not apply if the person attempting to capture the animal is an animal control officer or firefighter in the performance of their duty.

(c) For the purposes of this section, a person is lawfully upon the premises of an owner or keeper when such person is physically present on said premises in the performance of any duty imposed by law or by the express or implied invitation of the owner of such premises or the owner's agent.

(d) An animal control officer may impound the dangerous pet animal for the pendency of any criminal proceedings brought under this resolution. The animal control officer may choose to not impound the dangerous pet animal if the animal control officer believes that the dangerous pet animal can be safely monitored in the community and the owner or keeper of the dangerous pet animal voluntarily consents to the following elevated confinement requirements:

(1) When outside the owner or keeper's primary residence, the pet animal must be confined to an escape proof kennel approved by an animal control officer; or

(2) When outside the owner or keeper's primary residence, the pet animal must be on a leash and under the direct control of a responsible adult.

Section 5 - Improper Care or Treatment Prohibited

(a) No owner or keeper of a pet animal shall fail to provide that pet animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, necessary veterinary care, and such other care as is customary and necessary for the pet animal's health and well-being, considering the species, breed and type of animal.

(b) No person shall beat, cruelly ill-treat, torment, overload, overwork, otherwise abuse or needlessly kill a pet animal or cause, instigate or permit any dogfight, cockfight, bullfight or other combat between pet animals or between pet animals and humans, nor shall any person transport or confine a pet animal in or upon any vehicle in such a manner as to endanger the animal's health or life.

(c) A person may not restrain a dog by a fixed point chain or tether for a period of time or under conditions that an animal control officer or animal cruelty investigator deems harmful or potentially harmful to the animal.

Examples of improper chaining or tethering include, but are not limited to, the following:

(1) Using a chain or tether made of rope, twine, cord or similar material.

- (2) Using a chain or tether that is less than ten feet in length and/or does not have swivels on both ends. All chains or tethers must be attached to the animal by means of a properly fitting harness or collar of not less than one inch in width. A person may not wrap a chain or tether around a dog's neck.
- (3) Using a chain or tether that is too heavy or too big for the size and weight of the animal so that the animal is prohibited from moving about freely.
- (4) Allowing an animal to be chained or tethered such that the animal is not confined to the owner's property or such that the chain or tether can become entangled and prevent the animal from moving about freely, lying down comfortably or having access to adequate food, water and shelter.
- (5) Using a chain as a primary collar. All collars used for the purpose of chaining or tethering an animal must be made of nylon, cotton, leather or similar material.

Section 6 - Abandonment

No owner or keeper of a pet animal shall abandon that pet animal. An owner or keeper of a pet animal that abandons such animal shall be responsible for any fees that the Animal Services Center may impose as allowed by this resolution.

Section 7 - Habitual Offender

It shall be unlawful for any person or animal to become a habitual offender as defined by this resolution.

ARTICLE V

IMPOUNDMENT AND RECLAMATION

Section 1 - Authorization for Capture and Impoundment

Animal control officers are hereby authorized to take or capture animals deemed by them to be included in the categories listed below, and to impound animals at the Animal Services Center. An animal control officer may destroy a dangerous animal if necessary to avoid an imminent physical threat to human beings.

- (a) Dogs at large, dangerous pet animals, animals creating a disturbance, maltreated animals and nuisance animals.
- (b) Pet animals which constitute a safety or health hazard.
- (c) Animals which were being transported by a person involved in a vehicular accident when such person becomes unable to care for or maintain control over the animal and there is no responsible person present to take possession of the animal.

(d) Animals which will apparently be and which have been left uncared for as a result of the death, injury, arrest, detention or other incapacitation of the owner or keeper.

(e) Any animal meeting the definition of habitual offender.

Section 2 - Notice of Impoundment

If, by tags or other identification attached to the animal or any other information given to the Animal Services Center, the owner of an impounded animal can be identified, an animal control officer or Animal Services Center employee shall, immediately upon impoundment, notify the owner of such impoundment by telephone, or mail or posted notice at the last known address.

Section 3 - Minimum Time for Impoundment of Unclaimed Animals

Unclaimed animals shall be kept at the Animal Services Center for not less than the period of time prescribed under CRS 35-80-106.3 after impoundment.

Section 4 - Reclamation of Certain Animals Restricted or Prohibited

(a) Any pet animal which constitutes a known safety or health hazard, which poses a known physical threat to human beings, which has been impounded for a violation of Article IV Section 5 (improper care or treatment prohibited), or which, should it be released to the owner, would be kept in known violation of Article IV Section 4 (dangerous pet animals prohibited) above, shall not be released to the owner or keeper. The Animal Services Center may euthanize animals which, in the opinion of Animal Services Center, constitute a safety or health hazard, which pose a physical threat to human beings, or which, should they be released to the owner, would be kept in violation of Article IV Section 4 (dangerous pet animals prohibited).

(b) The owner of an animal impounded for Article IV Section 4 (dangerous pet animals prohibited) may appeal the decision of the Animal Services Center to not to return the animal by sending a letter to the Director of Animal Services or his designee within five days of notice of the decision stating why the animal should be released. The Director of Animal Services (or designee), within five business days of receipt of the letter, shall issue a written decision on whether or not the animal should be released to the owner. Prior to release of the animal to the owner, all applicable fees shall be paid.

Section 5 - Reclaiming/Impound Fees

(a) The owner of any animal shall be liable for all fees and charges incurred as a result of the impoundment of the animal. Failure to reclaim an animal prior to the determination that it has become the property of the county or its designated Animal Services Center as set forth in section Article 5 Section 6 shall not relieve the owner of the impounded animal of the responsibility for all the fees and costs incurred prior to said determination. Payment of said fees shall be due within five days of receipt of a written notice for impound fees due. Notice shall be delivered as a notice of impound as determined in Article 5 Section 2.

(b) Any owner or keeper reclaiming an impounded animal shall pay an impound fee plus a daily boarding fee, any actual and necessary veterinary costs, vaccination costs or deposits, license costs or deposits and actual and necessary grooming costs incurred on behalf of the animal, as established by this resolution. No owner or keeper may recover possession of such animal until he or she has made payment of the above costs.

(1) An owner or keeper reclaiming an impounded dog must present satisfactory proof of vaccination for rabies and valid license or be assessed a rabies vaccination deposit and license deposit, as required by this resolution, to the Animal Services Center prior to reclaiming the dog. The owner or keeper reclaiming an impounded dog, which is not validly licensed as required by this resolution, must license the dog.

(2) An owner or keeper reclaiming an impounded cat must present satisfactory proof of vaccination for rabies, or be assessed a rabies vaccination deposit, as required by this resolution, to the Animal Services Center prior to reclaiming the cat.

(3) The Animal Services Center may, in the Animal Services Center's discretion, waive any and all fees required under the provisions of this article without cost to the owner or keeper thereof where the payment of such fees would create unnecessary hardship.

Section 6 - Adoption or Disposal of Unclaimed Animals

Any animal not reclaimed by its owner or keeper within the period of time prescribed under CRS § 35- 80-106.3 for impoundment shall become the property of the county or the Animal Services Center and shall be placed for adoption in a suitable home, transferred to another facility or humanely euthanized.

Section 7 - Sterilization of Adopted Animals Required

No pet animal shall be released to an adopter without being sterilized.

ARTICLE VI

ENFORCEMENT

Section 1 - Enforcement Personnel

(a) Whenever an animal control officer has probable cause to believe that a violation of this resolution has occurred, the animal control officer may issue a citation or summons and complaint to the violator, stating the nature of the violation with sufficient particularity to give notice of said charge to the violator. Animal control officers are authorized to enforce all of the provisions of this resolution as set forth herein.

- (1) Pursuant to C.R.S. § 30-15-102, the penalty assessment procedure provided in C.R.S. § 16-2-201 may be followed by an animal control officer for any violation of this resolution.
- (2) A penalty assessment notice shall be a summons and complaint containing identification of the alleged offender, specification of the offense and applicable fine, a requirement that the alleged offender pay the fine or appear to answer the charge at a specified time and place. A duplicate copy shall be sent to the clerk of the Twenty First Judicial District of Colorado County Court.
- (3) If the person given a penalty assessment notice chooses to acknowledge his guilt, he may pay the specified fine in person or by mail at the place and within the time specified in the notice. If he chooses not to acknowledge his guilt, he shall appear as required in the notice. Upon trial, if the alleged offender is found guilty, the fine imposed shall be that specified in the notice for the offense of which he was found guilty, but customary court costs may be assessed against him in addition to the fine.

- (b) The district attorney's office for the Twenty First Judicial District shall appear on behalf of the county in all proceedings brought due to any alleged violation of this resolution.
- (c) No person shall knowingly interfere with, impede or obstruct any animal control officer who is attempting to discharge or is in the course of discharging an official duty or fail to obey the lawful order of an animal control officer.

Section 2 - Right of Entry Granted

Animal control officers are hereby authorized to enter upon any premises, excluding a dwelling unit, in the county for the purpose of impounding animals which they are authorized herewith to impound, or for any other purpose authorized by this resolution.

Section 3 - Penalties

- (a) Any person found guilty of violating any provision of this resolution, whether by acting in a manner declared to be unlawful or by failing to act as required, shall be punished as set forth below.
- (b) Any violation of any provision of this resolution involving bodily injury to any person by a dog or other pet animal shall be a class 2 misdemeanor punishable by a minimum sentence of three months imprisonment or \$250.00 fine or both, and a maximum sentence of 12 months imprisonment or \$1,000.00 fine, or both, for each separate offense. The penalty assessment procedure shall not be used for any violations involving bodily injury to any person and the violator shall be issued a summons and complaint to appear in court.
- (c) Any violation of any provision of this resolution not involving bodily injury to any person by a pet animal shall be a petty offense punishable by a fine of not more than \$300.00 or imprisonment in the county jail for not more than 10 days, or both, for each separate offense. The

following violations not involving bodily injury to any person by a pet animal may be handled by issuance of a penalty assessment notice pursuant to C.R.S § 16-2-201 and the following penalties shall apply:

- (1) The penalty for violation of any provision of article II (dog licensing), article III (rabies control), article IV Section 1 (dogs at large), article IV Section 2 (disturbance of peace and quiet), or article IV Section 3 (failure to control) shall be \$50.00 for the first offense, \$100.00 for the second offense, \$200.00 for a third offense, and \$300.00 for subsequent offenses committed within a two-year period.
 - (2) The penalty for violation of any provision of the article IV section 4 (dangerous pet animals), article IV Section 5 (improper care or treatment), article IV section 6 (abandonment), or Article IV Section 7 (habitual offender) shall be \$100.00 for the first offense, \$200.00 for a second offense, and \$300.00 for subsequent offenses committed within a two-year period.
 - (3) An additional unaltered dog surcharge of \$50.00 will be assessed and added to any penalty assessment issued under Article VI Section 3(c)(1) or (2) for an intact dog. This unaltered dog surcharge shall be directed to the Project Prevent Unwanted Pets fund to support the spay and neuter of animals in Mesa County.
 - (4) In the event the animal control officer chooses not to issue a penalty assessment notice or if penalty assessment procedure is not authorized, the violator shall be issued a summons and complaint to appear in court and shall be subject to the penalties set forth in the Article VI Section 3 Subsection (C).
- (d) In addition to the other penalties prescribed in this section Article VI Section 3, persons convicted of a violation of this resolution are subject to a surcharge of \$10.00. These surcharges shall be paid to the clerk of the court by the defendant and shall be transmitted by the clerk to the court administrator for credit to the victim and witness assistance and law enforcement fund established pursuant to C.R.S. § 24-4.2-103.

ARTICLE VII **ANIMAL SERVICES CENTER CHARGES AND FEES**

Section 1 - Charges and Fees Authorized and Required

Charges and fees for seizure, impoundment, boarding, licensing, veterinarian care, vaccinations, grooming and adoption of a pet animal shall be cumulatively assessed to any pet animal owner according to the following schedules. Payment of all applicable fees may be a condition of release, redemption or adoption of any pet animal. These fees shall be assessed to defray the administrative expenses incurred in impounding, boarding, adoption of, licensing, and euthanizing pet animals. The deposits imposed in this article are to ensure vaccination and spaying or neutering of pet animals adopted in an effort to help control pet overpopulation.

Section 2 - Impound Fees

- a. Dog \$45.00
- b. Cat \$45.00
- c. Other Animals \$45.00
- d. Out of County Animals..... \$100.00

Section 3 - Boarding Fees

- a. Dogs.....\$10.00/day
- b. Cats.....\$10.00/day
- c. Others \$10.00/day
- d. Quarantine Animals and dogs being held for Dangerous Dog charges
..... \$15.00/day

Section 4 - Adoption Fees

- a. Dogs \$120.00
 - b. Cats.....\$95.00
 - c. Other animal adoption fee... \$20.00
- (Additional deposits may be required)

Section 5 - License Fees

- a. One year \$15.00
- b. Three year.....\$30.00
- c. Lost Tag Replacement.....\$5.00
- d. Dangerous Dog Special Permit... \$100.00

Section 6 - Euthanasia Fee

The euthanasia fee is \$50.00. This may include an additional \$140.00 for each animal prepared, packaged and shipped to the CDPHE for rabies examination. This fee includes the \$115.00 fee charged to Mesa County Animal Services by the CDPHE for testing services.

Section 7 - Deposits

- a. Rabies Vaccination..... \$15.00
- b. License \$15.00
- c. Deposit of a rabies vaccination and Mesa County license shall be required for redemption of an unvaccinated animal.
- d. Deposits shall be returned upon proof of vaccination and licensing as applicable. If no proof of the required action is presented to Animal Services by the date prescribed on the vaccination and/or Mesa County license contract, the deposit shall be forfeited.

Section 8 - Veterinary Care

Actual, reasonable costs of necessary veterinarian treatment.

Section 9 - Grooming Care

Actual, reasonable costs of necessary grooming care.

Section 10 - Trip or Transportation fee

The fee for transporting costs is \$50 per leg of each trip.

ARTICLE VIII
SEVERABILITY, LIABILITY, AND EFFECTIVE DATE

Section 1 - Severability Clause

If any provision of this resolution or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of this resolution which can be given effect without the invalid provisions or applications, and to this end, the provisions of this resolution are declared to be severable.

Section 2 - Liability Clause

The Mesa County Board of County Commissioners, Director of Animal Services, Sheriff, Mesa County Public Health, Animal Control Officers, or any other employees, persons, or agents authorized to enforce the provisions of this resolution shall not be held responsible for any accident or subsequent disease or for any loss or damages resulting from administration of this resolution.

Section 3 - Effective Date and Safety Clause

This resolution shall take effect January 1, 2025. The Board hereby finds and declares that adoption of this resolution is necessary for the immediate preservation of the public health safety and welfare.

Duly moved, seconded and adopted this 19th day of November, 2024 by the Board of County Commissioners of Mesa County, Colorado and to be effective immediately upon adoption.



MESA COUNTY BOARD OF COUNTY
COMMISSIONERS

A handwritten signature in cursive script, appearing to read "Bobbie Daniel", written over a horizontal line.

Bobbie Daniel, Chair

Attest:

A handwritten signature in cursive script, appearing to read "Bobbie Gross", written over a horizontal line.
Mesa County Clerk and Recorder