



PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS

COUNTY OF LAKE AND STATE OF COLORADO

ORDINANCE 2008-01

**“LAKE COUNTY ANIMAL CONTROL AND LICENSING
REQUIRMENTS ORDINANCE OF 2008 WHICH PROVIDES FOR THE
CONTROL AND LICENSING OF PET ANIMALS; THE IMPOUNDMENT
AND DISPOSITION OF PET ANIMALS; PROVIDING PENALTIES FOR
THE VIOLATION THEREOF AND THE REPEAL OF ORDINANCE NO.
2, SERIES 1992”**

WHEREAS, § 30-15-101, C.R.S. authorized the Board of County Commissioners of the County of Lake and State of Colorado, hereinafter referred to as “Board” to adopt a Resolution and Ordinance providing for the control and licensing of Pet Animals in unincorporated areas of Lake County, Colorado; and

WHEREAS, § 30-15-101(1)(a)(VII), C.R.S., authorized the Board of County Commissioners to establish such other reasonable regulations and restrictions for the control of dogs and other Pet Animals as the Board may deem necessary; and

WHEREAS, the Board finds and determines that its Ordinance No. 2, Series 1992, is now inadequate to properly provide for the health, welfare, peace and safety of the citizens of Lake County; and

WHEREAS, the Board has determined that the animal control regulations, as amended, require additional amendments to adequately and effectively provide for the control of Pet Animals; and

WHEREAS, for the purpose of facilitating more effective administration of the control and licensing of Pet Animals in Lake County, Colorado, the Board desires to repeal the existing animal control regulations, and amendments thereto and thereafter reinstate all of the animal control regulations in a single document titled “Lake County Animal Control and Licensing Requirements Ordinance of 2008” which are found to be reasonable and will promote the public peace, health, safety and welfare.



NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LAKE, STATE OF COLORADO:

Section 1. Authority Pursuant to the provisions of § 30-15-101 et seq. C.R.S., the Board of County Commissioners is authorized to adopt a Resolution for the control and licensing of dogs and Pet Animals as well as such other reasonable regulations for the control of dogs and other Pet Animals as the Board of County Commissioners may deem necessary.

Section 2. Repeal. Existing or parts of such existing Ordinances or Resolutions covering the same matters as embraced in this Ordinance, including but not limited to Lake County, Colorado, Ordinance No. 2, Series 1992, are hereby repealed and all such Ordinances or Resolutions or parts or Ordinances or Resolutions inconsistent with the provisions of this Ordinance are hereby repealed, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any Ordinance or Resolution hereby repealed prior to the effective date of this Ordinance.

Section 3. Adoption of Lake County Animal Control and Licensing Requirements Ordinance of 2008. The "Lake County Animal Control and Licensing Requirements Ordinance of 2008," incorporated herein is hereby adopted and approved to provide for the control and licensing of Pet Animals in Lake County, Colorado.

Section 4. INTENT It is the intent of the Board of County Commissioners, hereinafter referred to as "Board", in adopting these Regulations that Pet Animal Owners be responsible for their Pet Animals conduct, that they exercise control with respect to their Pet Animals' in a manner which recognizes the rights, health and safety of others in the community, and that they be held strictly liable for conduct of their Pet Animals, the vaccination for rabies and identification of their Pet Animals which violate the provisions of these Regulations.

Section 5. DEFINITIONS As used in these Regulations, the following terms shall have the following meanings:

- 5.1 "ABANDON" means (a) to fail to provide a Pet Animal Necessary Care for a period of 24 hours or longer or (b) to deposit, leave, drop off or otherwise dispose of any Pet Animal on public or private property without providing necessary care. For the purposes of these Regulations, any Pet Animal is presumed to be Abandoned if, after the posting or personal service of written notice describing



deficiencies of necessary care for a Pet Animal, the deficiencies are not corrected within 24 hours of such notice by any person other than an Animal Control officer

- 5.2 "ANIMAL" means Pet Animal as identified in the following Section 5.21.
- 5.3 "ANIMAL CONTROL" means the personnel and equipment of the Lake County Sheriff's office assigned primarily to the duties relating to the enforcement of these Regulations; provided however, any deputy of the Lake County Sheriff's office may perform any of the functions of Animal Control.
- 5.4 "ANIMAL SHELTER" means any and all facilities and premises authorized by Lake County or by the Lake County Sheriff to care for Pet Animals impounded pursuant to the provisions of these Regulations and any applicable laws enforced by Animal Control.
- 5.5 "ATTACK" means aggressive behavior such as in biting, injuring or chasing a person or Animal that may result in bodily injury, serious bodily injury, or the death of a person or Animal.
- 5.6 "BITE" means the piercing, laceration, or breaking of the skin by the teeth or jaws of any Animal.
- 5.7 "BODILY INJURY" means any physical injury that results in severe bruising, muscle tears or skin lacerations requiring professional medical treatment or any physical injury that requires corrective or cosmetic surgery.
- 5.8 "CAT" means any animal of the species Felis Domesticus or any hybrid thereof.
- 5.9 "CONTROL" means supervision of, and influence over, any Pet Animal sufficient to prevent the violation of any of the provisions of these Regulations. Control shall be by Physical Control, as defined herein.
- 5.10 "DANGEROUS ANIMAL" means any Pet Animal that inflicts bodily injury or serious bodily injury upon or has caused the death of any person or Animal.



- 5.11 "DOG" means any Animal of the family Canidae including but not limited to that Animal related to the wolf, fox, coyote, jackal or any other domestic Canidae hybrid thereof.
- 5.12 "HABITUAL OFFENDER" means any Pet Animal Owner who has pled guilty to, or been found guilty of, violating any provision of these Regulations three times within any eighteen-month period. For the purposes of these Regulations, after the effective date of these Regulations any disposition of charges involving probation or deferred judgment and sentencing shall be considered to be convictions.
- 5.13 "HUMANE TRAP" means any live traps which are designed not to cause bodily harm to the Animal intended to be captured or bodily harm to any Animal or person coming in contact with such trap.
- 5.14 "KENNEL-COMMERCIAL" means any location or premises where quantities of more than 4 dogs, or 4 cats, or a combination of more than 8 dogs and cats, which are of the age of four months or more, are kept, Owned, possessed, or otherwise allowed to reside. The purpose or outcome of keeping said Animals is to provide compensation, gains or a profit, or practice for a business venture in order to constitute a "Kennel-Commercial". A Kennel under such definition if not currently licensed as a Pet Animal Facility pursuant to Part 1, Article 80 of Title 35, C.R.S., shall be licensed as such under these Regulations and pay an annual licensing fee as determined by the Board. Any veterinary hospital which boards Pet Animals for the purpose of veterinary care only and does not actively solicit boarding in any way is exempt from this licensing requirement.
- 5.15 "KENNEL-NON-COMMERCIAL" means any location where quantities of more than 4 dogs, or 4 cats, or any combination of more than 8 dogs and cats, are kept, owned, possessed or otherwise allowed to reside. The purpose of outcome of keeping said Animals shall provide for the personal recreation, enjoyment or use by the Owner not resulting in compensation, profit, gains or practice for a business venture shall constitute a Kennel -- Non-Commercial. A Kennel under such definition if not currently licensed as a Pet Animal Facility pursuant to Part 1, Article 80 of Title 35, C.R.S., shall be licensed as



such under these Regulations and pay an annual licensing fee as determined by the Board.

- 5.16 "MINOR PHYSICAL INJURY" means physical pain or minor impairment of physical condition.
- 5.17 "MISTREATMENT" means every act or omission which causes, or unnecessarily permits the continuation of, unnecessary or unjustified pain or suffering to any Animal.
- 5.18 "NECESSARY CARE" for a Pet Animal includes but is not limited to providing food, water, protection from the weather, opportunity for exercise, socialization and removal of waste from the Animal's enclosure.
- 5.19 "NEGLECT" means failure to provide food, water, protection from the weather, opportunity for exercise, socialization, or other care consistent with the needs of the species of the Animal in question.
- 5.20 "OWNER" means any person, firm, corporation, or organization owning, possessing, keeping, having financial or property interest in, or having custody or control of any Animal, including any parent, guardian or legal custodian of any unemancipated minor child under the age of eighteen (18) years of age who owns, possesses or keeps an Animal.
- 5.21 "PET ANIMAL" means dogs, cats, rabbits, guinea pigs, hamsters, mice, ferrets, birds, fish, reptiles, amphibians, and invertebrates, or any species of wild or domestic or hybrid animal sold, transferred, or retained for the purpose of being kept as a household pet except livestock, and includes any other animal specified in § 35-80-102 (10), C.R.S., as that may be amended from time to time. As used herein, "livestock" includes cattle, horses, mules, burros, sheep, poultry, swine, llama, goats and any other Animal, when used for working purposes or raised for food or fiber production on a farm or ranch. "Pet Animal" does not include an Animal used for working purposes on a farm or ranch or a Working Dog in the process of being worked.
- 5.22 "PET ANIMAL FACILITY" means any facility licensed as such pursuant to the provisions of Part I of Article 80 of Title 35, C.R.S.



- 5.23 "PHYSICAL CONTROL" means control of a Pet Animal by means of a Tether or a leash, no longer than ten (10) feet in length, attached to the animal, and held by the Owner or a responsible person, or confinement within a vehicle or Secure Animal Enclosure.
- 5.24 "POTENTIALLY DANGEROUS ANIMAL" means any Pet Animal or Working Dog that when unprovoked:
1. Inflicts any laceration or bruising upon a human or another Animal; or
 2. Chases or approaches a person on any property other than the Owner's in a menacing fashion or apparent attitude of attack; or
 3. Is a venomous Animal; or
 4. Is an Animal possessing behavioral characteristics or demonstrated tendencies that would cause a reasonable person to conclude that the Animal is likely to inflict injury or cause the death of any person or another Animal.
- 5.25 "PREMISES" means property owned, leased, or expressly permitted to be used by an Owner, including any confined area or locality such as a residence, business, room, shop, building, or motor vehicle, including the open space bed of a truck.
- 5.26 "PROTECTIVE CUSTODY" means the taking of an animal into custody by Animal Control to prevent the Mistreatment, Neglect or Abandonment of such Animal; or, impoundment of an Animal because of the Owner's inability to care for the Animal due to incarceration, incapacitation or transportation to a medical treatment facility.
- 5.27 "PROVOCAATION" means harassment, teasing, threatening, striking, or attacking an Animal or its Owner in the Animal's presence, by either a person or another Animal.
- 5.28 "PUBLIC NUISANCE" means an Animal infected with Rabies, or a stray Pet Animal, or a repeatedly or continuously barking Dog which



disturbs the peace of humans or a dangerous or potentially dangerous dog not property enclosed or restrained or an unconfined female Dog in estrus or a dog or cat that deposits excrement on public or private property other than that of the owner and such excrement is not properly removed by the owner or a responsible person for the dog or cat or any Pet Animal left by the owner on public or private property in a deceased state without removing it within a twenty-four (24) hour period or any property owner who permits or fails to control feral cat populations on property they own or have control over.

- 5.29 "QUARANTINE" means the confinement of a Pet Animal in Protective Custody for observation to detect symptoms of disease.
- 5.30 "RABIES REGISTRATION" means the vaccination of an Animal with an anti-rabies vaccine administered under the supervision of a licensed veterinarian and the retention of a Certificate of Rabies Vaccination by the Animal owner.
- 5.31 "SECURE ANIMAL ENCLOSURE" means a structure which is suitable to prevent the escape of the Animal and prevents the entry of persons, including children, and other Animals; having a top, bottom, all sides, and is locked. A secure Animal enclosure for a dangerous Animal shall be posted with signs on all sides that are visible and legible to passers-by, warning of the presence of a dangerous Animal.
- 5.32 "SERIOUS BODILY INJURY" has the same meaning as such term as defined § 18-1-901 (3) (p) C.R.S.
- 5.33 "SOCIALIZATION" means activities that enable a Pet Animal to develop or improve its ability to get along with other Pet Animals, the owner and other people.
- 5.34 "TETHER" means to securely tie, chain or leash a Pet Animal upon the owner's property or on an inanimate object other than the owners own property.
- 5.35 "TRESPASS" means the entry by a Pet Animal upon any private property other than that of the animal's Owner; or upon public property which is posted as not permitting Animals or such Animals.



- 5.36 "WORKING DOG" means a dog which is actually working livestock, locating or retrieving wild game in season for a licensed hunter, training for sled dog purposes when owner is in immediate possession of a dog sled or other dog sled training apparatus and is a member of a recognized sled dog organization, assisting law enforcement officers, assisting an incapacitated person, assisting in rescue efforts or being trained for any of such purposes.

Section 6. VACCINATION OF PET ANIMALS REQUIRED

- 6.1 Owners of Pet Animals and Working Dogs which are harbored, kept or maintained, in Lake County for which Animals the United States Department of Agriculture has licensed a rabies vaccine, shall (i) have been vaccinated by or under the supervision of a licensed veterinarian; (ii) maintain the duration of the effectiveness of the vaccination; and (iii) maintain proof of current rabies registration for Pet Animals and Working Dogs.
- 6.2 Pet Animals and Working Dogs shall be vaccinated when the Animal reaches the age of four months or is licensed (if applicable), whichever occurs first, and the vaccination shall be repeated as necessary in accordance with recommendations of the United States Department of Agriculture or vaccine manufacturer to maintain efficacy of the vaccination as determined by a licensed veterinarian.

Section 7. REQUIRED DOG LICENSING All dogs owned, harbored, kept or maintained in Lake County shall be individually licensed, except dogs kept as part of the operation of a Pet Animal Facility or held in Protective Custody as hereinafter provided:

- 7.1 All dogs over the age of four months shall have a valid Lake County Pet Animal license after the dog has been kept, maintained, or harbored in the County for any consecutive thirty day period or immediately upon citation for any violation of these Regulations.
- 7.2 Dog licenses shall be issued for terms of one to three years as set forth in Section 26 Fees. The intent of the varying term of the dog license is to coordinate licensing with vaccination periods.
- 7.3 A valid Dog license tag shall be attached to a collar or harness and shall be worn by the Dog at all times. If any Dog is unable to wear a



collar or harness because of a permanent medical condition certified by a veterinarian, or because a Dog is worked in a capacity that makes the wearing of a collar or harness hazardous to the Dog, the Owner of the Dog must have the animal tattooed for identification purposes, or identified by implanted microchip, or in a manner approved by the Animal Control. The intent of the Dog license tag is to identify the owner of the Dog and provide immediate evidence of rabies vaccination.

- 7.4 A dog license shall be comprised of and evidenced by a written license form and a Dog license tag. A kennel license shall be comprised of a written approved license form issued by Animal Control.
- 7.5 The Lake County Sheriff's Department and/or any agency designated by the Board will issue a Dog license upon the receipt of the executed application, payment of the license fee and evidence of a current rabies vaccination with efficacy extending past the date of license issuance.
- 7.6 A Kennel License may be issued upon receipt of the proper application, proof of current Rabies Registration for all Pet Animals kept, owned or maintained at the Premises, and receipt of payment of applicable fees as determined by the Board for the type of kennel operated. Prior to issuance of the Kennel License, the applicant's Premises, Kennel areas or locality where Pet Animals are maintained shall be inspected by an agent of Animal Control for the purpose of determining that there is compliance with all other aspects of these Regulations as stated herein.

Section 8. VOLUNTARY CAT IDENTIFICATION Owners of cats harbored, kept or maintained in Lake County are entitled to obtain an identification tag suitable to be worn on a collar or harness. Cat identification tags will be available from the office of the Lake County Sheriff or any other agency or person designated by the Board upon the receipt of the executed application and payment of the identification tag fee.

Section 9. FAILURE TO CONTROL A PET ANIMAL It shall be unlawful and considered a failure to Control a Pet Animal when:



- 9.1 A Pet Animal is off the Owner's Premises without the presence of person having Physical Control as defined in these Regulations;
- 9.2 A Pet Animal is allowed to become a public nuisance or causes damage to any person or property;
- 9.3 A Pet Animal is Tethered upon any public or private property without the permission of the person owning, leasing, or otherwise controlling the property in question;
- 9.4 Any Pet Animal reaches past the perimeter of the Owner's Premises with its teeth or claws causing or threatening injury or property damage to another;
- 9.5 A Pet Animal is allowed to defecate on public or private property and the Owner or responsible person, of the animal, does not remove the waste immediately;
- 9.6 A female cat or dog, during estrus, is not under Physical Control, confined indoors or confined within a Secure Animal Enclosure;
- 9.7 Any Pet Animal is left in circumstances which constitute Abandonment.
- 9.8 A Pet Animal is allowed to enter Private Property not that of the Owner's or on public property which is posted as not permitting such Animals.
- 9.9 Any Pet Animal is kept or left in circumstances which constitute mistreatment, abandonment, neglect or in any circumstance requiring Protective Custody.
- 9.10 Any Pet Animal is otherwise determined to be a Public Nuisance.

Section 10. INTERFERENCE WITH AN OWNER'S CONTROL OF A PET ANIMAL It shall be unlawful for any person to perform any act which interferes with, prevents, or hinders the efforts of an Owner to Control any of the Owner's Pet Animals, except if that person is Animal Control.



Section 11. INTERFERENCE WITH AN ANIMAL CONTROL OFFICER

No person shall interfere with, molest, hinder, prevent or obstruct an Animal Control Officer in the performance of his/her duties pursuant to these Regulations and no person shall remove any Animal from Protective Custody without the consent of an Animal Control officer.

Section 12. DESIGNATION OF DANGEROUS AND POTENTIALLY DANGEROUS ANIMALS

- 12.1 Animal Control Officers or the Court shall have the authority to and shall designate any Pet Animal or Working Dog as Dangerous or Potentially Dangerous when the preponderance of evidence is that the Animal displays any of the characteristics set forth in Sections 5.5, 5.10 or 5.24 of these Regulations.
- 12.2 When an Animal has been designated by an Animal Control Officer as a Dangerous or a Potentially Dangerous Animal, the Owner has the right to request an administrative hearing to show cause as to why the animal should not be considered a Dangerous or Potentially Dangerous Animal. Such request must be made in writing within 10 working days after the designation. The burden of proof shall be on the Owner to demonstrate that the behavior of the animal does not support the designation of Dangerous or Potentially Dangerous. The Lake County Board of County Commissioners shall preside at such hearing. Written requests must be made in writing and submitted by mail or personal delivery to: The Lake County Clerk & Recorder, P.O. Box 917, Leadville, Colorado, 80461.
- 12.3 Affirmative defenses. Except with respect to an Animal trained for or that has engaged in Animal fighting as that is described in §18-9-204, C.R.S., an affirmative defense to the declaration of a Potentially Dangerous or Dangerous Animal shall be that:
 - a) The Animal attacked was trespassing upon the Premises of the Owner, and the attack began, although it did not necessarily end, upon such Premises;
 - b) The Animal attacked was biting or otherwise threatening or attacking the Owner or the Owner's Animal;
 - c) The person attacked was committing or attempting to commit a criminal offense other than a petty offense not including third



degree criminal trespass as defined in § 18-4-504, C.R.S., against a person on the Owner's Premises or against the Premises itself, and the attack which did not cause Serious Bodily Injury began, although did not necessarily concluded, upon such Premises;

- d) The person attacked had tormented, provoked, abused, or inflicted injury upon the Animal or entered a properly designated Secure Animal Enclosure.

12.4 When an Animal Control Officer or Peace Officer reasonably believes that an Animal is Potentially Dangerous or Dangerous and is not under Proper Control, that Officer may use any available means to prevent the endangerment of any person or other Animal. Such means shall include impounding the Animal or the immediate destruction of the Animal after making every reasonable attempt to seize and impound the Animal, including solicitation of assistance from the Owner if such Owner is known and available; however, if the Officer reasonably determines that said Animal cannot be seized and impounded without exposing the officer or other person to danger of Bodily Injury or Serious Bodily Injury, it shall be lawful for the officer to destroy said Animal without notice to the Owner.



Section 13. CONTROL OF DANGEROUS AND POTENTIALLY DANGEROUS ANIMALS Owners of Dangerous Animal(s) or Potentially Dangerous Animals shall at all time exercise Proper Control over such animal(s).

13.1 "Proper Control of a Dangerous Animal" is:

- a) While on the Owner's Premises, a Dangerous Animal shall be confined indoors or in a Secure Animal Enclosure; and
- b) While off the Owner's Premises, a Dangerous Animal shall be under the Physical Control of the Owner, keeper, custodian or other responsible person, and such Dangerous Animal shall be muzzled. The owner shall be physically able to maintain Physical Control of the Dangerous Animal.

13.2 "Proper Control of a Potentially Dangerous Animal" is:

- a) While on the Owner's Premises, a Potentially Dangerous Animal shall be controlled by a chain, leash, or other confinement suitable to prevent the Animal from leaving or reaching outside the Owner's Premises; and
- b) While off the Owner's Premises, a Potentially Dangerous Animal shall be under the Physical control of the Owner or other responsible person. The owner shall be physically able to maintain Physical Control of the Potentially Dangerous Animal.

Section 14. PET ANIMAL BANS.

- 14.1 Pursuant to § 30-15-105 (1) (I) (V), C.R.S., Pet Animal bans may be implemented by the Lake County Animal Control and enforced by duly authorized personnel engaged in Animal Control where and when necessary to protect such Pet Animals from endangering, chasing, attacking, or in any other way harassing, tormenting or threatening people, livestock or wildlife.
- 14.2 It shall be unlawful for a Pet Animal to be present in any area that has been posted for the purpose of banning Pet Animals by an agency or authorized designee of the Federal government, the State of Colorado, Lake County, any municipality or any political subdivision of the State of Colorado.



Section 15. DUTY TO REPORT ANIMAL BITES AND INJURY CAUSED BY ANIMALS. It shall be unlawful for any medical personnel who provide treatment to a person or Animal for Animal Bite or injury caused by a Pet Animal to fail to report to the Lake County Sheriff's Department any information known to him relating to the Animal Bite or injury. The report shall be made by telephone to the office of the Lake County Sheriff within twenty-four (24) hours after such information is received by him and shall include with the report the name, address, and telephone number of the person making the report.

Section 16. DUTY TO PRODUCE BITING ANIMAL FOR INSPECTION OR QUARANTINE Upon the request of an Animal Control Officer, an Owner shall make available for inspection and/or Quarantine any Pet Animal or Working Dog which has bitten a person or is suspected of biting a person.

- 16.1 If the Quarantine of a Pet Animal is deemed necessary, Animal Control shall determine the location and place of Quarantine.
- 16.2 All costs of a Quarantine shall be the responsibility of the Owner.
- 16.3 If the Quarantine of a Pet Animal is deemed necessary, the disposition of the Animal will be at the discretion of Animal Control in accordance with the requirements set forth in Section 16 of these Regulations.

Section 17. FAILURE TO COMPLY WITH CERTAIN TERMS OF A SALES OR ADOPTION CONTRACT It shall be unlawful to fail to comply with any of the terms of an adoption or fostering agreement or contract when the Animal is obtained from the Lake County Animal Shelter pursuant to such agreement or contract. It shall be unlawful for an owner who has given up any Pet Animal for adoption to re-acquire the Pet Animal.

Section 18. IMPOUNDMENT OF ANIMALS

- 18.1 An Animal Control Officer may impound any Animal that is not under Control as required by these Regulations, or when it and/or its Owner is in violation of any of the provisions of these Regulations.
- 18.2 An Animal Control Officer may impound any Potentially Dangerous or Dangerous Animal that is not under Proper Control. An Animal



Control Officer may perform such impoundment prior to notifying the Owner, if such Owner is not immediately present to exercise Proper Control of such Animal.

- 18.3 As soon as practical after the impoundment of any Animal, an Animal Control Officer shall make a reasonable effort to notify the Owner of the Animal's location by telephone, posting of a notice at the Owner's residence, or by written notice mailed to the Owner's last known address if the identity of the Owner is known. If needed to establish the identity of the Owner, information contained on any identification, rabies, or license tag found attached to the Animal shall be used.

Section 19. OWNER'S DUTY TO REDEEM ANIMAL AND PAY FEES

- 19.1 The Owner of any impounded Animal shall be held responsible for all the costs of impoundment, including medical treatment and boarding, and such costs shall be fully paid prior to the release of the Animal, in addition, prior to the release; the Owner shall pay for rabies inoculation or provide proof of efficacious Rabies Vaccination.
- 19.2 Prior to release of any impounded dog the Owner shall pay for a Lake County dog license or provide proof of current licensure in Lake County or the place the Animal regularly is kept. If the dog is regularly kept outside of Lake County, proof of rabies vaccination must be provided prior to release.
- 19.3 It shall be unlawful for any Owner to fail to make arrangements for the redemption, surrender or disposition of any Animal impounded pursuant to the provisions of these Regulations, or to fail to pay any fees associated with the redemption or surrender of such Animal.
- 19.4 Prior to the release of any dangerous animal, the Owner must provide the Lake County Animal Control Officer with appropriate proof that the animal will be properly confined with a fence, chain or animal holding facility and permit the Animal Control Officer to inspect the owner's property where the said animal will be detained.



Section 20. DISPOSITION OF IMPOUNDED ANIMALS

- 20.1 Any Animal impounded pursuant to the provisions of these Regulations shall become the property of Lake County Animal Control after 7 days of impoundment, after which Animal Control may humanely euthanasia the animal pursuant to § 35-80-106.3 C.R.S. For purposes of this section, a "day" means a 24-hour period beginning at the time of the day at, and on the date on, which the Animal was taken into protective custody or impoundment; provided, however, the application of this regulation is subject to and limited by the provisions § 18-9-201 *et.seq.* And the right of any Owner to post bond to secure the release of his animal from detention.
- 20.2 An impounded Pet Animal as determined by Animal Control which is sick, seriously injured, or possibly contagious to other animals and is not identifiable to an Owner is not subject to a minimum impoundment period and may be euthanized immediately. In the event an impounded Pet Animal which is sick, seriously injured or possibly contagious to other Animals is identifiable to an Owner, Lake County Animal control shall diligently attempt to contact the Owner within twenty-four (24) hours after the impoundment after which time the Animal may be euthanized if it is still unclaimed.
- 20.3 After the required time period, in lieu of having an Animal destroyed, the Lake County Animal Control may release a Pet Animal which is not diseased to a bona fide humane society or to a person having no previous interest in the Animal. Upon release of the Animal, the recipient shall pay a fee as established by the County, including but not limited to fees for adoption, rabies inoculations, dog license and sterilization costs.
- 20.4 All Animals adopted from the Lake County Animal/Impound Shelter are required to be sterilized at the time of adoption unless such surgery would be dangerous to the animal due to its age or physical condition, as determined by a veterinarian practicing veterinary medicine in Lake County. Transfer of Ownership shall not occur until sterilization has been performed.



20.5 Nothing in this section or these Regulations shall be construed to prevent any Animal Control officer, Animal Shelter Staff person, or Peace Officer from taking whatever action is reasonably necessary to protect himself or others from Bodily Injury or Serious Bodily Injury by any Animal.

Section 21. THREATENING OF LIVESTOCK OR WILDLIFE

- 21.1 It shall be unlawful to fail to control any Pet Animal so as to prevent such Animal from running after, endangering, chasing, pursuing, biting, attacking, or in any other way threatening, harassing, tormenting livestock or wildlife.
- 21.2 Any Animal threatening livestock or wildlife may be immediately destroyed at the discretion of any Animal Control Officer. If not destroyed, the animal shall be immediately impounded.
- 21.3 A violation of this section shall require a mandatory Court appearance by the Owner. Upon conviction, if the Animal was not destroyed at the time of the incident, the Court may order it destroyed under the supervision of the Animal Control; if the Court does not order the Animal destroyed, the county shall deem the animal a Potentially Dangerous Animal, and possession shall be returned to the Owner subject to the Regulations applicable to Potentially Dangerous Animals under these Regulations and other state law. If the subject incident directly or indirectly caused injury or harm to livestock or wildlife, the Court may order the Animal destroyed or designate it a Dangerous Animal. Upon a second conviction of a violation of this section with respect to a specific Animal, the Court may order the destruction of the Animal under the supervision of Animal Control if the Animal directly or indirectly caused injury or harm to livestock or wildlife in both the first and second subject incidents.
- 21.4 Upon conviction of any violation of this section, the Owner shall be required by the Court to pay restitution for any livestock or wildlife injured or killed by the Owner's Animal.



Section 22. NUISANCE ANIMAL NOISE AND FECES

- 22.1 It is unlawful for any Owner to fail to prevent his Pet Animal from disturbing the peace of any other person by persistent barking, howling, yelping, or whining, for a period of 2 hours or longer whether the animal is on or off the Owner's property.
- 22.2 It is unlawful for any Owner to permit the accumulation of a Pet Animal's feces on the property on which the Animal is kept such that it is detectable visually or odoriferously by neighbors.
- 22.3 It is unlawful for any Owner to fail to confine Pet Animal feces, and any part thereof, within the perimeters of the property on which the animal is kept, regardless whether such failure to confine is the result of natural causes, such as surface water flow, or other causes.
- 22.4 No person shall be charged with a violation of this section unless a minimum of one written warning has been given at least twenty-four (24) hours prior to the issuance of the citation. A law enforcement officer may be a complainant.

Section 23. FAILURE TO OBTAIN REQUIRED LICENSE OR ATTACH DOG LICENSE

- 23.1 It shall be unlawful to fail to obtain a dog license except for dogs kept as part of a Pet Animal Facility.
- 23.2 It shall be unlawful to fail to attach a valid dog license as prescribed in Section 7.3 to the Dog.
- 23.3 It shall be unlawful to fail to obtain a "Kennel-Commercial" or "Kennel-Non-Commercial" license as described in Sections 5.14 and 5.15 when required.

Section 24. HABITUAL OFFENDER It shall be unlawful for any person to become a Habitual Offender as defined in these Regulations. Any person may be charged as a Habitual Offender in addition to any other charges brought pursuant to the provisions of these Resolution. Upon the conviction of an Owner as a Habitual Offender, the Owner's offending Animal (s) may be ordered removed from Lake County or surrendered to the Animal Control, along with any other penalties imposed by the Court.



Section 25. ENFORCEMENT Animal Control Officers have the authority to issue a Summons and Complaint or penalty assessment to any alleged violator of these Regulations. The fine or other penalty shall be as provided in the Lake County Animal Control Ordinance or as otherwise provided by law.

Section 26. PENALTIES. Fines as initially set forth on attached "Exhibit A" shall apply to any such violation and shall be applied either through the penalty assessment procedure of Sec. 16-2-201, C.R.S., or by the Court after conviction, in which case the Court shall also assess the appropriate Court costs. It is expected that the fines set forth on the attached "Exhibit A" will be modified or changed from time to time for public necessity and shall be treated as an amendment to this Ordinance #08-01 without requiring republication of this entire Ordinance #08-01.

Section 27. FEES. Fees as initially set forth on attached "Exhibit B" shall be charged for compliance with the provisions as prescribed within this Ordinance 2008-01. It is expected that fees set forth on the attached "Exhibit B" will be modified from time to time for public necessity and shall be treated as an amendment to this Ordinance #08-01 without requiring republication of this entire Ordinance #08-01.

Section 28. POWER OF THE COURT In addition to any penalties which may be provided for in these Regulations, the Court shall have the authority, upon making a finding that an Animal constitutes a nuisance or that an Animal constitutes a real and present danger to the citizens of the County, to order that the Animal be destroyed in a humane fashion.

Section 29. LIABILITY FOR ACCIDENT OR SUBSEQUENT DISEASE FROM IMPOUNDMENT. The Board, its employees, agents and persons authorized herein to enforce the provisions of these Regulations, shall not be held responsible for any accident or subsequent disease which may be suffered by an Animal as a result of the administration or implementation of these Regulations.

Section 30. NOTICE EVIDENCE OF WARNINGS An Owner shall be deemed to have been issued and received an appropriate notice or warning as herein referred if the warning is personally served upon the Owner, posted on the Owner's Premises, or placed in the U.S. Mail, postage prepaid and addressed to the Owner according to the last address given by the Owner to obtain a dog license or cat identification tag, or to such other address as may be on file for the Owner with any government agency.



Section 31. ENFORCEMENT The provisions of these Regulations shall be enforced by Lake County Animal Control, the Lake County Sheriff or one of his duly authorized deputies.

Section 32. HOT PURSUIT An Animal Control Officer in hot pursuit of any Animal in apparent violation of these Regulations may enter upon private property for the purpose of enforcing these Regulations, including for the purpose of effecting an impoundment and/or quarantine, removing the Animal from the property, ascertaining the identity of the Animal and/or the current status or existence of dog tags or issuing a citation. This section, however, does not grant any Animal Control Officer authority to enter into a dwelling without permission of the Owner, search warrant or Order of Court.

Section 33. ANIMAL CONTROL OFFICERS The Lake County Sheriff or his duly authorized deputies are hereby designated as Animal Control Officers for Lake County.

Section 34. DISPOSITION OF FINES AND FORFEITURES All fines and forfeitures for violation of any provisions of these Regulations and all moneys collected by the County for licenses, restitution, or other related costs shall be deposited in accordance with procedures as approved by the County Treasurer upon receipt not inconsistent with such Intergovernmental Agreement as entered into as recorded in Book 596 and Page 492 regarding the Leadville/Lake County Animal/Impound Shelter.

Section 35. CAPTIONS The captions and paragraph headings used throughout these Regulations are for the convenience of reference only. and the words contained herein shall in no way be held or deemed to define, limit, describe, explain, modify, amplify or add to the interpretation, construction or meaning of any provision to or the scope of these Regulations.

Section 36. TERMS For convenience, defined terms usually have been capitalized within these Regulations. Words used herein shall have their natural meaning, their statutory meaning if applicable, or the meaning set forth in the definitions, according to the context in which they appear, regardless of capitalization.

Section 37. SEVERABILITY If any provisions of these Regulations or the application thereof to any party or circumstance shall to any extent be invalid or unenforceable, the remainder of these Regulations and the application of such provision to parties or circumstances other than those to which it is invalid or



unenforceable, shall not be affected thereby, and each provision of these Regulations shall be valid and be enforced to the fullest extent permitted by law.

Section 38. REPEALER. Upon the effective date of these Regulations, Ordinance No. 2, Series 1992, shall be repealed and replaced with these Regulations. This repeal shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of these Regulations.


Section 39. TITLE These Regulations shall be known as the Lake County Animal Control Ordinance of 2004.

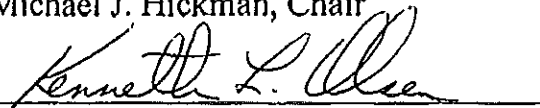
Section 40. EFFECTIVE DATE This Ordinance and the Regulations herein were approved and adopted at a regular meeting of the Board of County Commissioners of Lake County, Colorado on the 6th day of October 2008. This Ordinance becomes effective thirty days after publication by title only.

This Ordinance was published by title in the Herald Democrat a newspaper of general circulation published in Lake County Colorado on October 16, 2008.



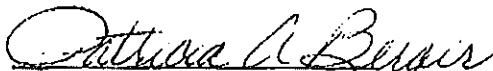
BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, COLORADO


Michael J. Hickman, Chair


Kenneth L. Olsen, Commissioner


Carl E. Schaefer, Commissioner

ATTEST:


Clerk and Recorder, Lake County
Colorado, ex-officio Clerk of said Board



350267 10/8/2008 3:50 PM
22 of 25 CCO R\$0.00 D\$0.00

Patricia Berger
Lake County Recorder

I, Patricia A. Berger, Clerk and Recorder of Lake County, Colorado, do hereby attest and certify that the Ordinance set forth above was Introduced, Read and Ordered Published at a regular meeting of the Lake County Board of County Commissioners on the 4th day of August 2008. The Ordinance was Adopted, Approved and Ordered Published by title only at a regular meeting of the Lake County Board of County Commissioners held on the 6th day of October 2008.

This Ordinance was published by title in *The Herald Democrat*, a newspaper of general circulation published in Lake County Colorado on the 28th day of August 2008.

Patricia A. Berger
Clerk and Recorder, Lake County,
Colorado; and ex officio Clerk of
said Board



“Exhibit A”

Lake County Animal Control and Licensing Requirements Ordinance of
2008

Schedule of Fines as referenced by Section 26, PENALTIES.

A. All violations excepting those violations identified in the following subsections B, C, and D:

	<u>Dog Spayed or Neutered</u>		<u>Dog Not Spayed or Not Neutered</u>	
	Without Owner ID*	With Owner ID *	Without Owner ID *	With Owner ID *
First offense:	\$50.00	\$25.00	\$100.00	\$75.00
Second offense within the 12 months:	\$100.00	\$50.00	\$200.00	\$175.00
Subsequent offense within the 12 months:	\$200.00	\$100.00	\$500.00	\$475.00

*NOTE: The Owner ID, (owner identification), shall consist of a statement or tag attached to the dog’s collar identifying the owner’s name, current address and current telephone number.

B. All violations involving dangerous or potentially dangerous animals or failure to obtain Kennel-Commercial or Kennel-Non-Commercial:

First offense:	\$ 150.00
Second offense within the 12 months:	\$ 500.00
Subsequent offenses within the 12 months:	Mandatory Court appearance and mandatory minimum fine of \$1000.00



- C. For all violations involving a charge of Habitual Offender, failing to redeem an Animal, failure to pay fines or fees, or threatening of livestock or wildlife:

Any offense: Mandatory Court appearance and mandatory minimum fine upon conviction of \$500.00 plus all associated costs and restitution

- D. For all violations and subsequent convictions regarding Failure to Confine a Dangerous Animal:

First offense: Mandatory Court appearance and a mandatory minimum fine of \$1000.00 plus all associated costs and restitution.

Second offense: Mandatory Court appearance and a mandatory minimum fine of \$1000.00 and immediate court ordered euthanasia.

The above-stated fines are *minimum* penalties and all violators are subject to the general fine and imprisonment provisions of § 30-15-102, C.R.S.



“Exhibit B”

Lake County Animal Control and Licensing Requirements Ordinance of 2008

Schedule of Fees as Referenced by Section 27. FEES.

A. License Fees

Required Dog License (Section 7)

	Dog spayed or neutered	Dog unspayed or not neutered
Owner without Kennel License		
One Year	\$15.00	\$40.00
Three Year	\$40.00	\$100.00
Owner with Kennel License		
One Year	\$5.00	\$10.00
Three Year	\$10.00	\$30.00

Kennel-Commercial License (Section 5.14): Animals owned at license
issuance date or annual renewal

Annual Fee	\$300.00 (9-20) \$400.00 (20 or more)
------------	--

Kennel-Non-Commercial (Section 5.15)

Annual Fee	\$175.00
------------	----------

Voluntary Cat Identification (Section 8)

Identification Tag Fee	\$5.00
------------------------	--------

Other Animal Identification

Identification Tag Fee	\$5.00
------------------------	--------