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5.04 DOGS

5.08 CATS

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5.04: DOGS

5.04.010: DEFINITIONS

For the purpose of this chapter, the following definitions shall apply:

“Dog” shall refer to any animal of the canine species, regardless of sex.

Dog, Female. “Female dog” means any dog of the female gender on which no alternative surgery of the genital organs has been performed.

Dog, Male. “Male dog” means any dog of masculine gender, either castrated or not castrated.

Dog, Spayed Female. “Spayed female dog” means any female dog on which an ovariectomy or ovarohysterectomy has been performed by a licensed veterinarian.

Dog, Stray. “Stray dog” means any unlicensed or licensed dog found unattached or loose anywhere within the county of Pitkin.

“Kennel” means any licensed operation which normally and regularly keeps and maintains eight or more dogs for sale, resale, breeding, show, hunting, sledding or other commercial or recreational purposes and has a current kennel license issued by the state of Colorado.

“Owner” shall refer to any person or persons owning, keeping or harboring a dog.
(Prior code Title VI § 1-1)

5.04.020: LICENSE AND REGISTRATION REQUIRED—APPLICATION

- A. The provisions of this chapter shall apply to the unincorporated portions of Pitkin County, Colorado.
- B. No dog over the age of six months shall be kept harbored, or maintained, within the county, unless the owner, keeper or person in charge of such animal shall annually pay a designated agent of Pitkin County for collection (as may from time to time be determined by the board of county commissioners of Pitkin County) a license fee of six dollars (\$6.00) for an altered dog and sixteen dollars (\$16.00) for an unaltered dog to be remitted to Pitkin County as directed from time to time by the board of county commissioners for each and every dog owned, kept or harbored. For purposes of this section, persons authorized to perform vaccinations against rabies may be designated as agents for Pitkin County for the collection of license fees hereunder.
- C. The owner shall state at the time application is made for such license and upon printed forms provided for such purpose, his or her name and the dog’s name, owner’s address, breed, color, sex, age, distinctive markings, if any, and any alterations to the reproductive tracts of each dog to be licensed.
- D. The provisions of subsection B of this section shall not apply to a dog whose owner is a nonresident temporarily within the county; nor a dog brought into the county for the purpose of participating in any dog show, field trial or race; nor to a seeing-eye dog properly trained to assist blind persons, when such dog is actually being used by a blind person for the purpose of aiding him or her in going from place to place. (For purposes

of this section, a person shall be deemed a resident if he or she remains in Pitkin County for a period of thirty (30) consecutive days.) In addition, no license fee shall be imposed for the licensing of a dog whose owner is sixty-five (65) years of age or older (limited to one dog per person).

- E. All dogs which are brought into Pitkin County, Colorado, shall be in compliance with the laws and rules and regulations of the political subdivision from which brought regarding the handling of the animals and shall have been vaccinated not less than thirty (30) days, nor more than twelve (12) months prior to importation. A tag denoting vaccination shall be firmly affixed to the collar or harness of the dog, which shall be evidence of compliance with this section. If the imported dog remains in Pitkin County, Colorado, more than thirty (30) days, such dog shall be licensed in accordance with the provisions of this chapter. Any legally acceptable certification of vaccination issued, by a person legally authorized, to the owner of the dog in any political subdivision shall be exchanged for a current vaccination-license tag of Pitkin County, which tag shall bear the date of vaccination shown on the aforesaid certificate. A transfer fee of five dollars (\$5.00) for an altered dog and ten dollars (\$10.00) for an unaltered dog shall be paid by the dog owner to a designated licensing agent of Pitkin County at the time such exchange tag is issued, which fee shall be remitted to Pitkin County in such manner and by such designated licensing agent as may be directed from time to time by the board of county commissioners. *(Ord. 99-54 § 4 (part); prior code Title VI § 1-2)*

5.04.030: RABIES VACCINATION

It shall be the duty of every person who owns or harbors any dog or dogs in the county, to have such dog or dogs vaccinated against rabies with either a one-year or three-year vaccine by a person legally authorized to do so. *(Ord. 99-54§ 4 (part); prior code Title VI § 1-3)*

5.04.040: TAG AND COLLAR

Upon payment of the license fee as above provided in Section 5.04.020, and upon the further condition that proof of the annual vaccination required by Section 5.04.030 has been performed upon the dog to be licensed, the designated licensing agent of Pitkin County shall issue to the owner, keeper or person in charge of each dog a receipt for the payment and a tag for each dog licensed. The receipt shall contain the number of the license as shown on the tag and the date of the inoculation of the dog for which the same is issued, and the expiration date thereof which shall be one year from the date of the issuance thereof, or one year from the date the inoculation of such dog against rabies, whichever shall sooner occur. The receipt shall be retained by the owner for inspection as may be reasonably required by the Pitkin County animal safety officer or his or her authorized agents. The Pitkin County animal safety officer shall file and register copies of such triplicate certificates received as provided in Section 5.04.050 and retain and file the same as the official registry of all dogs vaccinated with antirabid vaccine for the county. Every owner shall be required to provide each dog owned by him or her with a durable collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn except when such dog is securely confined within

any enclosure on the property of the owner, possessor or keeper of such animal. In case a dog licensing tag is lost, destroyed, mutilated, a duplicate will be issued by the Pitkin County animal safety officer or his or her authorized agents, or a designated licensing agent of Pitkin County, upon the presentation of the receipt showing the payment of the license fee for the current period and upon payment of a fee of two dollars (\$2.00) for each duplicate. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee because of death of the dog or the owner's leaving the county before the expiration of the licensing period. (*Ord. 99-54 § 4 (part); prior code Title VI § 1-4*)

5.04.050: DUTY OF PERSON VACCINATING

It shall be the duty of each person legally authorized to perform rabies vaccinations on dogs when vaccinating any dog against rabies to fill out a triplicate certificate with the information required by law and immediately present the one triplicate copy to the owner or harbinger of the dog so vaccinated and to mail one triplicate copy to a county agent as designated from time to time by the board of county commissioners within five days from the date of the vaccination against rabies. The remaining triplicate copy of the certificate shall be retained by the person performing the vaccination against rabies. (*Prior code Title VI § 1-5*)

5.04.060: UNLAWFUL POSSESSION OF TAGS AND CERTIFICATES

Only those persons who own or harbor a dog duly vaccinated in accordance with the provisions of this chapter shall be permitted to possess the certificate and tag provided for in this chapter. No person may affix a tag evidencing vaccination and licensing to the collar or harness of any dog except the tag issued for that dog at the time of vaccination. (*Prior code Title VI § 1-6*)

5.04.070: DOG RUNNING AT LARGE

- A. It is unlawful for any owner, possessor, or any person who keeps a dog to permit that animal to run at large within the unincorporated areas of Pitkin County.
 1. A dog which is on private property (whether of its owner, possessor, keeper or any other person) shall be deemed running at large unless accompanied by (and within sight and hearing distance of) its owner, possessor and keeper, or his or her agent or within the positive control of the person; "positive control" meaning tethered, structural fencing of any size and/or invisible fencing system.
 2. A dog which is on public or commercial property (or private property on which is being conducted a public event) shall be deemed running at large, running at large unless contained by a leash, cord or chain no longer than ten (10) feet in length (and of sufficient strength to completely restrain the dog) or confined within a vehicle or other enclosure.

3. A female dog in heat shall be deemed running at large if not securely confined in an enclosure capable of restricting entry by other dogs.
 4. A dog shall be deemed running at large if tethered by a leash, chain or cord which blocks a public thoroughfare.
- B. It is unlawful for any owner, possessor, or any person who keeps or harbors any dog to permit that dog to harass any animal within the unincorporated areas of Pitkin County. A dog shall be deemed harassing when it shall harass, chase or attack any livestock or wildlife, whether or not it inflicts injury.
- C. The control provisions of this section shall not apply to dogs while 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 pursuits. *(Ord. 99-54 § 4 (part); prior code Title VI § 1-7)*

5.04.080: BARKING DOGS PROHIBITED

It is unlawful for any owner or keeper of a dog to permit such dog, by its loud and persistent or habitual barking, howling or yelping, to disturb any person or neighborhood. *(Prior code Title VI § 1-8)*

5.04.090: KEEPING OF VICIOUS DOGS PROHIBITED

No person shall own, keep, possess or harbor a vicious dog within Pitkin County. For the purpose of this section, a "vicious dog" is defined and declared to be a dog that unprovokedly bites or attacks a human being or other animal either on public or private property, or which, in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, side roads, sidewalks or any public ground or place. Any dog that bites or attacks a person who is trespassing upon, breaking into, or otherwise destroying or defacing its owner's property shall be deemed to be provoked within the meaning of this section; provided, however, that no dog within a city or townsite (unincorporated) or subdivided area shall be deemed to have been provoked by reason of having attacked a person who was merely trespassing unless its owner shall have clearly delineated the boundaries of his or her property by a continuous obstruction (e.g., wall, fence) and shall have posted, in at least two conspicuous places on the perimeter of the property (and at all obvious entrances) signs (at least four inches by fourteen (14) inches in size and printed) warning of the danger. It shall be the duty of the Pitkin County animal safety officer, his or her assistants, deputies, authorized employees and agents, and the Pitkin County sheriff and his or her deputies to catch and take up any dog which is a vicious dog; and in the event a vicious dog cannot be caught and taken up by any such person without exposing him or her to danger or personal injury from the dog, it shall be lawful for the person to destroy such dog without notice to the owner or keeper thereof. *(Prior code Title VI § 1-9)*

5.04.100: EXPOSURE TO RABIES—PROCEDURE

- A. If any dog within the county is believed to have been exposed to any animal suspected of having rabies, the Pitkin County animal safety officer or his or her authorized agent may order such dog strictly confined and subject to veterinary observation for a period of six months, in accordance with such orders and rules as he or she shall direct.
- B. Every owner, keeper or possessor or other person who has ascertained or suspects that a dog is rabid shall immediately notify the Pitkin County animal safety officer or a Pitkin County sheriff's officer who shall either remove the dog to a place of strict and secure confinement or summarily destroy it.
- C. Any dog not currently vaccinated against rabies that has been exposed to an animal known to have rabies may be summarily destroyed. *(Prior code Title VI § 1-10)*

5.04.110: PROCEDURE WHEN A DOG BITES A PERSON

If a dog bites a person, it shall be strictly confined under the direction of the Pitkin County animal safety officer for a period of at least ten (10) days and shall be available for veterinary inspection by a licensed veterinarian and/or the Pitkin County animal safety officer or his or her authorized agents. *(Prior code Title VI § 1-11)*

5.04.120: DOG CONTROL OFFICER

The office of Pitkin County animal safety officer created by earlier resolution is continued, and the animal safety officer, and his or her assistants, deputies and authorized employees and agents shall be appointed by the board of county commissioners at such compensation as may from time to time be fixed by order of that board. In addition, the board of county commissioners shall designate and appoint a place or places of impoundment for dogs impounded hereunder, and the person or persons in charge of such places of impoundment for purposes of this regulation shall be, without further specification, an authorized agent of the Pitkin County animal safety officer and the agent of Pitkin County for the collection of moneys, the remittance of which shall be made to the county as directed from time to time by the board of county commissioners. *(Prior code Title VI § 1-12)*

5.04.130: IMPOUNDMENT

- A. Generally. It shall be the duty of the Pitkin County animal safety officer, his or her assistants, deputies, and authorized employees or agents, and the Pitkin County sheriff and his or her deputies to apprehend any vicious dog or dog running at large, contrary to the provisions of Sections 5.04.070 and 5.04.090 and such dog may be impounded in a suitable

animal shelter or shelters as may be approved by the county, within or without the county limits. The person in charge of such dog shall make a complete registry of such dog upon a book kept for such purposes entering the breed, color and sex of such dog and whether licensed. If licensed, he or she shall enter the name and address of the owner and number of the licensing tag. Any dog, over the age of six months, that is impounded and for which satisfactory evidence of current rabies vaccination is not shown, may be vaccinated against rabies upon the order of the Pitkin County animal safety officer or his or her authorized agent, and costs thereof added to the impoundment charges against such animal and assessed against the owner, harbinger or keeper thereof.

- B.** Notice to Owner; Redemption. When a dog is impounded, as provided in subsection A of this section, it shall be the duty of the Pitkin County animal safety officer and his or her authorized agents to make reasonable efforts to notify the owner, possessor or person who harbors or keeps the same, if known, and if not known to post at the Pitkin County Courthouse and at the place of the shelter and at such other place or places as may from time to time be designated by the board of county commissioners, a notice contain a description of such dog and when and where caught. A charge of thirty dollars (\$30.00) shall be made for impounding a dog. An additional charge shall be made for maintaining an impounded dog, which shall be ten dollars (\$10.00) each day or part thereof, while the dog is kept in the place of impoundment, including the day of removal, but not including the day of impounding. No dog shall be released from the place of impoundment until the owner shall have paid all charges for impounding and maintaining the dog and until the dog has been licensed and vaccinated against rabies in accordance with this regulation. (*Ord. 99-54 § 4 (part); prior code Title VI § 1-13*)

5.04.140: ADMINISTRATIVE ASSESSMENTS

- A.** Except as otherwise provided in this chapter, a person charged with one or more violations of this regulation listed in subsection C of this section shall have the option of paying a handling, processing and administrative assessment therefor to a designated county agent, the Pitkin County animal safety officer or his or her authorized agents, in lieu of further proceedings in court to defend such charge as described in Section 5.04.190. If such person elects to appear in court, he shall be proceeded against as otherwise provided by law for the violations charged and shall be subject to the penalties provided for in Section 5.04.190, if found guilty of such charges.
- B.** In the event a person elects to pay the prescribed handling, processing and administrative assessment as permitted in subsection A of this section, such payment shall constitute an acknowledgement of guilt by such person of the offense charged and shall be deemed a complete satisfaction for such violation, and upon accepting the prescribed penalty assessment, the Pitkin County animal safety officer or his or her

authorized agents shall issue a receipt to the violator acknowledging payment thereof.

- C. 1. In addition to the impoundment fee provided for in subsection B of this section, administrative assessments and the nature of the violation for which the assessment may be accepted and paid by the violator under the privileges of this section shall be as follows:

Failure to display tags	\$ 20.00
No dog license	25.00
No rabies vaccination	40.00
Dog running at large, first offense – altered dog	35.00
Dog running at large , first offense – unaltered dog	45.00
Dog running at large, second offense – altered dog	65.00
Dog running at large, second offense, unaltered dog	85.00
Dog running at large, third offense (requires a court appearance)	130.00
Dog running at large, third offense – unaltered dog (requires a court appearance)	170.00
Dog running at large, fourth offense – altered dog (requires a court appearance)	260.00
Dog running at large, fourth offense – unaltered dog (requires a court appearance)	340.00
Barking	40.00

2. In determining the appropriate penalty assessment for a violation of Section 5.04.070, the first offense shall be deemed the first violation occurring after the date of the issuance of the license tag worn by the offending dog, or simply the first such violation in the case of an unlicensed dog. The numbering of such offenses shall be deemed to begin anew on the date a new animal license is issued for a dog; provided, that if such new license is issued fewer than eleven (11) months from the date a former license was acquired hereunder, the numbering of such offenses shall not begin anew until the actual expiration date of the former license.

3. All fees assessed pursuant to this chapter may be collected by a designated county agent, the person in charge of the place of impoundment, or the Pitkin County animal safety officer or his or her authorized agents and shall be remitted as may be directed from time to time by the board of county commissioners; provided, however, that any additional fees assessed for running at large attributable merely to the fact that the dog was unaltered at the time of the violation may, pursuant to procedures established by the animal safety officer, be rebated if applied to the direct cost of altering said dog.

4. Other provisions of this chapter to the contrary notwithstanding, a person charged with owning, keeping, possessing or harboring a vicious dog, or one found harassing other animals (as described in Sections 5.04.070(C) and 5.04.090, respectively) shall proceed to appear in court for such offense and no administrative assessment shall be established for such violations. *(Ord. 99-54 § 4 (part); prior code Title VI § 1-14)*

5.04.150: DISPOSITION OF UNCLAIMED DOGS

It shall be the duty of the Pitkin County animal safety officer to keep all dogs impounded under the provisions of this chapter for a period of eight days after the owner, if known, has been notified or reasonable efforts of notification have been made as provided in this chapter, or for a period of eight days after the date of posting in the event that the owner is unknown. If at the expiration of such time the dog shall not have been redeemed, it may be destroyed or otherwise disposed of, at the discretion of the Pitkin County animal safety officer. However, any dog so impounded shall not be released except on payment of the fees and charges as provided for in Section 5.04.130 as well as the regular licensing fee and inoculation against rabies performed on the dog, if any required. *(Prior code Title VI § 1-15)*

5.04.160: CONFINEMENT OF CERTAIN DOGS

The Pitkin County animal safety officer shall not release any vicious dog unless suitable provisions are made for the dog to protect the public as may be required by the court pursuant to Section 5.04.140(C)(4). In addition, no female dog in heat shall be released unless the owner has facilities for caring for and confining such dog. *(Prior code Title VI § 1-16)*

5.04.170: RELEASE UPON COMPLIANCE

So long as there shall be no other reason under this chapter to retain custody of an impounded dog, it is the duty of Pitkin County animal safety officer or his or her authorized agent to release any dog from the place of impoundment in the county upon receipt of satisfactory proof of ownership thereof, upon payment of any fee due the county, and upon presentation of proof of vaccination for rabies and proper licensing of such dog in accordance with the provisions of this chapter. *(Prior code Title VI § 1-17)*

5.04.180: COUNTY AGENTS

Agents of Pitkin County, as provided for in this regulation, shall be appointed from time to time by separate resolution of the board of county commissioners. Any agent named for collection of moneys shall be bonded in such amount as shall be determined by the board. *(Prior code Title VI § 1-19)*

5.04.190: VIOLATIONS—PENALTIES

- A. Any violation of any provision of this chapter not involving bodily injury to any person shall be a Class 2 petty offense, punishable by a fine of not more than six hundred dollars (\$600.00), or imprisonment in the county jail for not more than ninety (90) days, or both such fine and imprisonment.

- B. Any offense involving bodily injury to any person by a dog shall be a Class 2 misdemeanor, and any violation shall be punished as provided in Section 18-1-106, C.R.S. 1973, for each separate offense.
- C. If the court shall find that any dog complained of is vicious as defined in Section 5.04.090, or guilty of harassment as defined in Section 5.04.070(C), in addition to any fine or sentence imposed, the court may issue an appropriate order to the owner or keeper to restrain the offending dog, or (in the case of a vicious dog) he or she may order the dog disposed of. The failure or refusal of any party to do as so ordered shall be deemed to be a separate and distinct offense and each day's violation thereof shall subject the owner or keeper to the penalties provided for in this section. (*Ord. 99-54 § 4 (part); prior code Title VI § 1-20*)

5.08 CATS

SECTIONS:

5.08.010: IMPOUNDMENT

5.08.010: IMPOUNDMENT

- A. Stray cats, which are abandoned or which otherwise constitute a nuisance, and whose owners are unknown, shall be impounded by the city and county animal safety officer for a period of at least five days, at which time they may be humanely destroyed, given away, or otherwise disposed of at the election of the warden. Cats which are seriously injured or diseased may be destroyed immediately.
- B. Notice of cats impounded pursuant to this regulation shall be posted in three public places in the county.
- C. There shall be paid, by any owner claiming any impounded cat, five dollars (\$5.00) for each day the animal was held, plus any additional charges for veterinary services rendered during impoundment. (*Ord. 99-54 § 4 (part); prior code Title VI § 2-1*)