

**RESOLUTION AND ORDINANCE CONCERNING
ANIMAL CONTROL AND DOG LICENSING**

BE IT ORDAINED by the Board of County Commissioners of Larimer County:

Section I. – DEFINITIONS

- A. ANIMAL - Any living, vertebrate creature, domestic or wild except human beings and those animals defined in Section 35-44-101(1), C.R.S.

- B. ANIMAL CONTROL OFFICER - The Larimer County sheriff, his undersheriff and deputies, employees of the Humane Society, independent contractors of the Humane Society who are approved by the Larimer County Board of County Commissioners and employees and approved independent contractors of such other persons or entities which the Larimer County Board of County Commissioners may contract with to enforce the Resolution and Ordinance Concerning Animal Control and Dog Licensing.

- C. ANIMAL CONTROL FACILITIES - A suitable place or places in Larimer County, designated by the County, in which animals taken in to custody by the Animal Control Officer pursuant to this Ordinance are impounded.

- D. AT LARGE - 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 actually working livestock, locating or retrieving wild game in season for a licensed hunter, assisting law enforcement officers or while actually being trained for any of these specifically enumerated pursuits; 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).

- E. BODILY INJURY - Any physical injury to a human being caused by an animal, including but not limited to, injuries wherein the skin is broken, interior or exterior bleeding or bruising occurs, or bone, tissue, or muscle damage is suffered.

- F. CAT - Any animal of the feline species.

- G. COUNTY - The unincorporated portion of Larimer County.

- H. DANGEROUS ANIMAL - Dangerous animal means any animal that: (1) has inflicted bodily or serious bodily injury upon or has caused the death of a person or domestic animal; or (2) has demonstrated tendencies that would cause a reasonable person to believe that the animal may inflict injury upon or cause the death of any person or domestic animal; (3) has engaged in or been trained for animal fighting as described and prohibited in section 18-9-204.

- I. DISTURBANCE - Any act causing annoyance, disquiet, agitation, or derangement to another, or interrupting his peace, or interfering with him in the pursuit of a lawful and appropriate occupation.
- J. DOG - Any animal of the canine species.
- K. HUMANE SOCIETY - The Larimer Humane Society
- L. INTACT ANIMAL - An animal not spayed or neutered.
- M. KEEPER - A person who has custodial or supervisory authority or control over an animal.
- N. LEASH OR LEAD - A thong, cord, rope, chain or similar tether which holds an animal in restraint and which is not more than six (6) feet in length. A leash or lead longer than six 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.
- O. LIVESTOCK - 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
- P. OWNER - 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 (3) consecutive days or more. The parent or guardian of a owner under eighteen (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 a owner under this Resolution and Ordinance, even if the animal was in the possession of or under the control of a keeper at the time of the offense.
- Q. PET ANIMAL - Any animal owned or kept by a person for companionship or protection or for sale to others for such purposes.
- R. PROVOCATION - Threatening, teasing, or striking an animal or threatening, or striking the animal's owner either on or off the animal owner's property.
- S. PUBLIC NUISANCE - Behavior which unreasonably interferes with the health, safety, peace, comfort or convenience of the general community.
- T. SHELTER - In the cases of pet or other domestic 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.

- U. STRICTER ANIMAL CONTROL AREA - An area in the County which has an average population density of not less than one hundred (100) persons per square mile which is designated by the Board of County Commissioners in accordance with Section IV(F).
- V. UNDER RESTRAINT - Under the physical or voice control of a owner or keeper.

Section II - DOG LICENSING

A. Licensing Required:

The owner or keeper of any dog kept within the County shall secure from the County or its designated agent or its designated Animal Control Facility 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 Larimer County for thirty (30) days or the dog was four (4) months of age or younger. If ownership or possession of a dog licensed under this section changes permanently, the new owner or keeper shall, before taking possession of the dog, obtain a new license demonstrating compliance with the vaccination requirement, and shall pay the prescribed license fee.

B. License Application:

1. The applicant for a license under this section shall apply on forms acceptable to the County and its designated Animal Control Facility and pay the prescribed license fee.
2. The applicant shall provide satisfactory evidence that the dog has been vaccinated against rabies as required in Section III below.
3. The applicant shall apply for a renewal license each year prior to expiration of the initial license.

C. Term of License:

The initial license issued under this section shall be valid for one (1) year from the last day of the month of issuance. A renewal license shall validate the license for one (1) year from the previous date of expiration.

D. Dog Tags:

1. 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 or identification tag required by this section.

2. No person shall use any dog license for any dog other than the dog for which the license was issued.
3. If a dog license is lost or destroyed, the license holder shall obtain a duplicate license from the County, its designated agent or its designated Animal Control Facility upon payment of the prescribed replacement license fee.
4. 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.

E. Licensing Records:

The County or its designee 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.

F. License Fees, Waiver:

1. License fees shall be established by resolution of the Larimer County Board of County Commissioners upon recommendation of the operation of the Animal Control Facility.
2. The license fee shall be waived for:
 - a. Authorized police dogs.
 - b. Guide dogs and service dogs as defined in Section 24-34-801, C.R.S., and other dogs trained for the purpose of aiding a person who is totally or partially blind, totally or partially deaf, or otherwise physically disabled.

G. Pet Animal Facility Exemption:

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

Section III - RABIES CONTROL

A. Rabies Vaccination Required:

1. The owner of each dog or cat which is four (4) 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 serum. Dogs or cats shall be vaccinated by a veterinarian licensed to practice veterinary medicine. The veterinarian administering the vaccine shall give to the dog or cat's owner a rabies vaccination certificate. The veterinarian shall report such vaccination by forwarding a copy of said vaccination certificate to the Larimer County Health Department or

their designee within 30 days of administering such vaccination. 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 cat's owner a signed and dated statement indicating such.

2. 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.

3. 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 a owner or keeper fails to produce the certificate of vaccination, he shall be presumed to have violated this section.

B. Reporting Animal Bites; Confinement:

1. 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 and to the Larimer County Health Department.

2. Any dog or cat which is suspected of having rabies or any dog or cat which has bitten a human shall be confined and observed for a period of ten days at an Animal Control Facility, or if authorized by the Larimer County Health Department, 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. If an animal other than a dog or cat is suspected of having rabies or has bitten a human being, the animal shall be confined and observed at an Animal Control Facility for such period as is designated by the Larimer County Health Department, or, if authorized by the Larimer County Health Department, 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. If the animal is confined at an Animal Control Facility and legal action is initiated by such Animal Control Facility to collect monies due to it, the court may award reasonable attorney fees and costs incurred to the Animal Control Facility. The ten-day confinement period may be extended by the Larimer County Health Department and no animal shall be released until the permission of the Larimer County Health Department is obtained. During the confinement period, no rabies vaccination shall be administered.

3. 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 and the Larimer County Health Department. 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 a hospital or kennel under the supervision of a veterinarian of the owner's choice for a period to be determined by the Larimer County Health Department, at the expense of the owner, provided that the owner may elect in lieu thereof to have the animal destroyed.

4. If rabies has been ascertained in any animal, such animal shall be summarily destroyed.

5. 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 Section III(B)(6) is violated, the animal shall be taken and confined at the Animal Control Facility 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.

6. For the purpose of this Section, rabies confinement at the owner's residence shall mean that the animal is kept inside a secure building where no contact with 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.

7. Notwithstanding the above, if a standard incubation period has not been established by the State Department of Health 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.

Section IV - CONTROL OF ANIMALS

A. Dogs at Large Prohibited:

1. 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.

2. All female dogs in heat shall be kept inside a building or within a fence or other 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. When allowed outdoors to relieve itself, the dog shall be under restraint and under the observation of its owner or keeper.

B. 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, provided that such owner or keeper shall not be charged with a violation of this section unless they or a member of their household over the age of eighteen (18) years has received a written warning from an Animal Control Officer of a previous complaint at least once within the preceding twelve (12) months. This subsection B shall not apply to dogs located in a kennel, as defined in the Larimer County Comprehensive Zoning Resolution which, if required to be

licensed, has been validly licensed pursuant to the Pet Animal Care and Facilities Act, C.R.S. § 35-80-101, et seq. or other applicable law and which has been approved for use as a kennel by special review by the Larimer County Board of County Commissioners.

C. Public Nuisance Prohibited:

It shall be unlawful for any owner or keeper of a pet animal to fail to exercise proper care and control of his pet animal so as to have it become a public nuisance. For the purposes of this section, a public nuisance includes:

1. A pet animal which is a safety or health hazard, which damages or destroys the property of another (including garden and flower beds and trees), which creates offensive odors which materially interfere with or disrupt another person in the conduct of lawful activities at such person's home or which urinates or defecates upon private property not owned or exclusively occupied by the owner or keeper or upon public property if the feces deposited by the pet animal are not immediately removed by the owner or keeper.

2. A pet animal at large that jumps on, or attempts to herd a person or persons, or that runs after and vocalizes at horses, joggers, pedestrians, bicyclists, or any vehicle being ridden or driven upon the roads or any public grounds or place within the County.

3. A pet animal that exhibits exuberant greeting behavior without the intent to harm, including but not restricted to jumping up, chasing, and excessive mouthing.

4. A pet animal that chases or attacks wildlife (including birds) or livestock on property not owned or exclusively occupied by the owner or keeper, whether or not the pet animal injures or destroys the wildlife or livestock.

D. Dangerous Pet Animals Prohibited:

1. It shall be unlawful to own or keep any dangerous pet animal. A "dangerous pet animal" is one that bites or attempts to bite any person; bites another animal; or in a vicious or terrorizing manner approaches any person in an apparent attitude of attack, whether or not the attack is consummated.

2. It is a defense to the charge of owning or keeping a dangerous pet animal that the victim was:

a. attacking the pet animal or engaging in conduct to provoke the pet animal to attack or bite, other than in self defense or defense of its young.

b. 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.

c. Unlawfully engaging in entry into or in or upon a vehicle in which the

pet animal was confined.

- d. Attempting to assault another person.
- e. Attempting to stop a fight between the pet animal and any other animal.
- f. Attempting to aid the pet animal when it was injured.
- g. 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 a peace officer, firefighter or animal control officer in the performance of their duty.

3. For the purposes of this section, a person is lawfully upon the premises of a 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.

4. An Animal Control Officer shall not issue any verbal or written warnings for owning or keeping a dangerous pet animal; provided however, that nothing herein shall prohibit an Animal Control Officer from discussing with or advising a pet animal owner or keeper of any questions, concerns or reports received concerning the pet animal.

E. Improper Care or Treatment Prohibited:

1. 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, veterinary care, when necessary, 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.

2. 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.

3. No owner or keeper of a pet animal shall abandon such pet animal.

F. Quantity of Pet Animals Restricted:

In no event shall any person keep at his or her premises more pet animals than can be properly maintained in a healthy condition without presenting a health or safety hazard to the owners, keeper or others and without constituting a nuisance to the occupants or neighboring properties.

G. Removal of Dead Animals Required:

If any animal dies in the possession of any person in the county, it shall be the duty of such person to cause the animal to be at once buried at least two feet underground or cremated. In case the owner or keeper of any such animal shall neglect or refuse to bury or cremate the same within ten (10) hours after its death, the county may cause the animal to be buried or cremated at the expense of such owner or keeper. Whenever the owner or keeper of any such dead animal cannot be found or ascertained, it shall be the duty of an animal control officer to remove and have such animal buried or cremated.

H. Limitation on possession and feeding of wild or exotic animals:

1. No person shall own, keep or feed any wild or exotic animal for which a state license is required unless such person possesses the appropriate license from the State Division of Wildlife including without limitation the following:

- (a) Bears;
- (b) Any species of feline other than ordinary domesticated house cats, including exotic cat/domesticated cat crossbreeds;
- (c) Skunks;
- (d) Poisonous or venomous reptiles;
- (e) Raccoons, porcupines, badgers, or other similar species except as permitted under a state wildlife rehabilitation license;
- (f) Deer; or
- (g) Any species of nonhuman primate, but excluding animals imported under authority of state or federal law.

3. For the purposes of this Section, to feed shall mean all provision of edible or drinkable material, including without limitation bones, salt licks and water.

4. It shall be a defense to a charge of violating this Section that a person holds a valid circus, menagerie or carnival license or that a person is feeding only squirrels and birds other than wild ducks or geese.

5. No person shall be subject to prosecution under subsection IV(H)(4) above unless, within one (1) year immediately preceding the date of the alleged violation, such person has been issued a written warning stating that the feeding of wild geese or ducks at the same approximate location of the alleged offense has been determined to constitute a public health and safety concern and that such feeding is prohibited by the provisions of said subsection.

I. Neighborhood Request for Stricter Controls:

1. Upon receipt of a written request setting forth the legal description of a proposed "Stricter Animal Control Area" signed by a majority of persons who certify that they own real property or reside within the boundaries of the proposed "Stricter Animal Control Area", which proposed "Stricter Animal Control Area" has an average population density of not less than one hundred (100) persons per square mile, the Board of County Commissioners may designate, in its discretion, a Stricter Animal Control Area in which:

(a) The definition of "At Large" will be modified to provide that a dog must be physically controlled by a human being by means of a leash or lead held by a human being or must be confined by means of a fence or other enclosure which restrains the animal to the owner's or keeper's real property or other real property that the owner or keeper has permission to use; and/or

(b) such other restrictions as may be requested.

2. A "Stricter Animal Control Area" may be designated by the Board of County Commissioners by amendment to this Resolution and Ordinance following the procedures for adoption set forth in Part 4 of Article 15 of Title 30, Colorado Revised Statutes.

Section V - IMPOUNDMENT AND RECLAMATION

A. 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 them at an Animal Control Facility or other appropriate location where the animals will be confined in a humane manner. Such officers may utilize a tranquilizer dart if necessary in order to capture an animal which appears to be vicious or is not able to be captured in any other humane manner. The officer may destroy such animal if necessary to avoid a physical threat to human beings.

1. Dogs at large, dangerous pet animals, animals creating a disturbance, maltreated animals and nuisance animals.

2. Pet animals which constitute a safety or health hazard.

3. 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 as a result of the accident and there is no responsible person present to take possession of the animal.

4. Wild or exotic animals kept in violation of Section IV(H).

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

B. Notice of Impoundment:

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

C. Minimum Time for Impoundment of Unclaimed Animals:

Unclaimed animals shall be kept at the Animal Control Facility or other appropriate location for not less than the period of time prescribed under CRS 35-80-106.3 after impoundment. For purposes of this section, if the three-day period is going to be exercised, “days” means days during which the shelter is open to the public excluding statutorily recognized holidays.

D. Reclamation of Certain Animals Restricted or Prohibited:

1. 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 Section IV(E), or which, should it be released to the owner, would be kept in known violation of Section IV(D) above, shall not be released to the owner or any other person; provided, however, that the Animal Control Facility may release such animals to the appropriate authorities or a zoo. The Animal Control Facility may euthanize animals which, in the opinion of the animal control supervisor and/or the Facility manager, 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 Section IV(D).

2. The owner of an animal impounded for a violation of Section IV (E) may appeal the decision of the animal control supervisor and/or the Facility Manager not to return the animal by sending a letter to the County Manager or his designee within 5 days of notice of the decision stating why the animal should be released. The County Manager (or designee), within 5 business days of receipt of the letter, shall meet with the owner and a designee from the Humane Society and hear each side's position. The County Manager (or designee) shall issue a written decision on whether or not the animal should be released to the owner within 3 business days of such meeting. Prior to release of the animal to the owner, all reclaiming fees shall be paid.

E. Reclaiming/Impound Fees:

1. 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 Control Facility as set forth in Section V(F) 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 (5) days of receipt of a written notice for impound fees due. Notice shall be delivered as a notice of impound as determined in Section V(B)

2. Any owner or keeper reclaiming an impounded animal shall pay an impound fee plus a daily boarding fee and any actual and necessary veterinary costs incurred on behalf of the

animal, both as established by resolution of the Larimer County Board of County Commissioners upon recommendation of the operator of the Animal Control Facility. No owner or keeper may recover possession of such animal until he or she has made payment of the cost of impoundment fee, board fees and veterinary costs.

a. A owner or keeper reclaiming an impounded dog must present satisfactory proof of vaccination for rabies and valid license, as required by this Resolution and Ordinance, to the Animal Control Facility prior to reclaiming the dog. The owner or keeper reclaiming an impounded dog, which is not validly licensed as required by this Resolution and Ordinance, must license the dog. If proof of vaccination-registration cannot be provided, the Animal Control Facility shall release the impounded dog to the owner or keeper and such owner or keeper shall be required to provide within forty-eight (48) hours after the release satisfactory proof of the required rabies vaccination and valid license.

b. A owner or keeper reclaiming an impounded cat must present satisfactory proof of vaccination for rabies, as required by this Resolution and Ordinance, to the Animal Control Facility prior to reclaiming the cat. If proof of vaccination cannot be provided, the Animal Control Facility shall release the impounded cat to the owner or keeper and such owner or keeper shall be required to provide within forty-eight (48) hours after the release satisfactory proof of the required rabies vaccination.

3. The Animal Control Facility may, in the Animal Control Facility'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

F. Adoption or Disposal of Unclaimed Animals:

Any animal not reclaimed by its owner or keeper within s the period of time prescribed under CRS 35-80-106.3 for impoundment t shall become the property of the County or its designated Animal Control Facility, and shall be placed for adoption in a suitable home or humanely euthanized.

G. Sterilization of Adopted Animals Required:

No dog or cat shall be released for adoption without being sterilized or without a written agreement from the adopter guaranteeing that such animal will be sterilized within a certain period of time after the date of release. It shall be unlawful for the adopter to violate the terms of such written agreement.

Section VI – ENFORCEMENT

A. Enforcement Personnel:

1. Whenever an Animal Control Officer has probable cause to believe that a violation of this Resolution and Ordinance 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 shall enforce all of the provisions of this Resolution and Ordinance as set forth herein.

2. The District Attorney's Office for the Eighth Judicial District shall appear on behalf of the County in all proceedings brought due to any alleged violation of this Resolution and Ordinance.

3. 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.

B. 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 and Ordinance.

Section VII – PENALTIES

- A. Any person found guilty of violating any provision of this Resolution and Ordinance, 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 and Ordinance 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 (3) months imprisonment or \$250.00 fine or both, and a maximum sentence of twelve (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 and Ordinance not involving bodily injury to any person by a dog or other pet animal shall be a class 2 petty offense punishable by a fine of not more than \$1,500.00 or imprisonment in the County jail for not more than 90 days, or both, for each separate offense.

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

1. The penalty for violation of any provision of Section II (Dog Licensing), Section III (Rabies Control), Section IV(A) (Dogs at Large), or Section IV(B) (Disturbance of Peace and Quiet) shall be \$40.00 for the first offense, \$100.00 for the second offense, and \$150.00 for subsequent offenses.

2. The penalty for violation of any provision of Section IV(C) (Public Nuisance) shall be \$75.00 for the first offense and \$150.00 for the second offense.

3. The penalty for violation of any provision of the Section IV(D) (Dangerous Pet Animals), Section IV(E) (Improper Care or Treatment), Section VI (Enforcement) or Section IV(F) (Quantity of Pet Animals) shall be \$100.00 for the first offense.

4. The penalty for violation of any provision of Section V(G) (Sterilization) shall be \$75.00 for the first offense and \$100.00 for the second offense.

5. An additional court fine of \$100.00 for a dog and \$50.00 for a cat shall be issued for an intact animal which is cited for any of the following violations of the Ordinance: "public nuisance"; "at large"; or "dangerous animal."

6. 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 first paragraph of subsection VII(C).

D. A violation of any provision adopted pursuant to Section IV(I) shall be punishable as set forth in the amendment adopting a "Stricter Animal Control Area".

E. In addition to the other penalties prescribed in this Section VII, persons convicted of a violation of this Resolution and Ordinance are subject to a surcharge of ten dollars. 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 victims and witnesses assistance and law enforcement fund established pursuant to C.R.S. § 24-4.2-103.

Section VIII - LIABILITY FOR ACCIDENT OR SUBSEQUENT DISEASE

The Larimer County Board of County Commissioners, Animal Control Officers, the Humane Society for Larimer County, any assistants or employees of the Board of County Commissioners or the Humane Society for Larimer County, or any other person authorized to enforce the provisions of this Resolution and Ordinance Concerning Animal Control and Dog Licensing shall not be held responsible for any damage, accident or subsequent disease that may occur in connection with the administration of this Resolution and Ordinance.

Section IX – SEVERABILITY

Should any section, clause, sentence, or part of this Resolution and Ordinance be adjudged by any Court of competent jurisdiction, to be unconstitutional or invalid, the same shall not affect, impair, or invalidate this Resolution and Ordinance as a whole or any part thereof, other than a part so declared to be invalid.

Section X - SAFETY CLAUSE

This Board of County Commissioners hereby finds, determines and declares that this Resolution and Ordinance is necessary for the immediate preservation of the public welfare, health and safety.

Section XI PUBLICATION AND EFFECTIVE DATE

This Resolution and Ordinance shall be published in the *Fort Collins Coloradoan* once by title only with the date of the initial publication and containing any section, subsection or paragraph of the ordinance which was amended following the initial publication and shall take effect thirty (30) days after the date of the publication in the *Fort Collins Coloradoan*.

Upon motion duly made and seconded, the foregoing Resolution and Ordinance was adopted on October 10, 2002.

BOARD OF COUNTY COMMISSIONERS
LARIMER COUNTY, COLORADO

By: _____
Glenn W. Gibson, Chair

ATTESTATION:

I, Myrna J. Rodenburger, Larimer County Clerk and Recorder, attest that the foregoing Resolution and Ordinance Concerning Animal Control and Dog Licensing was read at a preceding meeting of the Board of County Commissioners and has been published in full in a newspaper of general circulation published in Larimer County at least ten (10) days prior to the date of its adoption, in compliance with C.R.S. Section 30-15-406, as amended.

Larimer County Clerk and Recorder