

RESOLUTION NO. 12-384

BOARD OF COUNTY COMMISSIONERS  
COUNTY OF EL PASO, STATE OF COLORADO

RESOLUTION TO AMEND RESOLUTION NO. 10-498 REGARDING PET ANIMAL CONTROL/DOG LICENSING RULES AND REGULATIONS

WHEREAS, the Board of County Commissioners (hereinafter "Board") has the authority to provide for the control and licensing of dogs and pet animals in the unincorporated areas of El Paso County pursuant to C.R.S. § 30-15-101, *et seq.*; and

WHEREAS, the Board previously adopted Resolution No. 10-498 on December 2, 2010, which amended its Pet Animal Control/Dog Licensing Rules and Regulations (hereinafter "Rules") and was duly recorded at Reception No. 210123534 on December 6, 2010; and

WHEREAS, the Pikes Peak community is currently facing significant problems resulting from pet animal population, as demonstrated by the fact that in 2011 El Paso County shelters and rescues cared for more than 19,000 animals, placing over 6,000 animals at risk for euthanasia; and

WHEREAS, "roadside" sales of pet animals by breeders who distribute and promote the exchange of pet animals which are not properly vaccinated and/or which do not have proper veterinary care contribute to pet animal overpopulation; and

WHEREAS, the Board has determined that it would be in the best interests of the citizens of El Paso County, that an addition be made to the Rules to include a provision banning the Roadside Sale of Pet animals in the County; and

WHEREAS, it has been proposed that the Rules be amended to include a provision prohibiting the Roadside Sale of Pet Animals, to as follows:

- 17. Roadside Sale of Pet Animals.
  - a. It shall be unlawful for any person to sell, trade, barter, lease, rent, give away, or display for any purpose a pet animal on any public street, road, highway, alley, sidewalk, or in open areas where the public is invited by the owner or person controlling such areas, including commercial parking lots, outdoor special sales, swap meets, flea markets, parking lot sales, or similar events.
  - b. This section does not apply to:
    - 1. An agent of a business that is licensed by the Colorado Department of Agriculture to operate a pet store; or

2. An event primarily for the sale of agricultural livestock such as hooved animals or animals or fowl commonly raised for food, dairy, or fiber products; or
3. A tax-exempt non-profit organization with the purpose of providing humane sanctuary or shelter for animals or for non-profit charity events.

**WHEREAS**, the Board finds the proposed changes to the Rules are in furtherance of the public health, safety, and welfare and will benefit the citizens of El Paso County, Colorado.

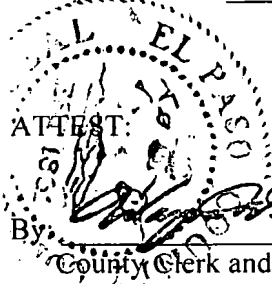
**NOW, THEREFORE, BE IT RESOLVED**, that the Board of County Commissioners hereby amends its Rules as set forth in Exhibit A attached to this Resolution and incorporated herein by this reference as if set forth in full anew.

**BE IT FURTHER RESOLVED**, by the Board of County Commissioners of El Paso County, Colorado, that these amendments shall be effective on January 1, 2013.

**BE IT FURTHER RESOLVED**, by the Board of County Commissioners of El Paso County, Colorado, that all previous Board Resolutions regarding El Paso County Pet Animal Control/Dog Licensing Rules and Regulations that are in conflict with this Resolution shall be repealed to the extent that they are inconsistent with this Resolution.

**BE IT FURTHER RESOLVED**, that Amy Lathen, Chair of the Board of County Commissioners, or Sallie Clark, Vice Chair of the Board of County Commissioners, be and is hereby authorized on behalf of the Board to execute any and all documents necessary to carry out the intent of the Board as described herein.

Done this 20<sup>th</sup> day of November, 2012, at Colorado Springs, Colorado.



BOARD OF COUNTY COMMISSIONERS  
EL PASO COUNTY, COLORADO

By: [Signature]  
Sallie Clark, Vice Chair

**PET ANIMAL CONTROL / DOG LICENSING  
RULES AND REGULATIONS**

1. Applicability. These Rules and Regulations shall be applicable to all persons who shall own or keep a pet animal within the following described portions of El Paso County (hereinafter referred to as the “designated animal control area”), other than those animals belonging to residents of a municipality within the animal control area which has enacted and is enforcing a dog registration, licensing, or restraining leash ordinance, to wit:

as further set forth and described in attached Exhibit A which sets forth and describes the service area, as amended, by prior Board Resolutions, and

Section 3.g. of these Rules and Regulations shall be applicable to all persons who own or keep a dog or a cat within the unincorporated areas of El Paso County.

Sections 9, 9.1, and 17 of these Rules and Regulations shall be applicable to all persons who own or keep a dog within the unincorporated areas of El Paso County.

2. Definitions. Except as otherwise specifically indicated herein, the following definitions shall apply:

- a. “Board” shall mean the Board of County Commissioners of El Paso County.
- b. “Bodily Injury” shall mean an injury caused by a pet animal wherein at a minimum the skin is broken, exterior bleeding occurs, or medical treatment by a licensed physician is reasonably necessary.
- c. “Control” for purposes of paragraph 8 of these Pet Animal/Dog Licensing Rules and Regulations shall mean: physical restraint of a pet animal by means of a leash, cord or similar tether not longer than fifteen (15) feet in length, or pen, cage, fence or motor vehicle.
- d. “Dangerous Dog” shall mean a dangerous dog as defined by 2004 C.R.S. §18-9-204.5(2)(b).
- e. “Designated Agent” shall mean the Humane Society of the Pikes Peak Region.
- f. “Health Officer” shall mean the person appointed as the health officer for El Paso County by the El Paso County Board of Health.
- g. “Keeper” shall mean any person who keeps or harbors a pet animal for less than thirty (30) days.
- h. “Owner” shall mean any person who keeps or harbors a pet animal for more than thirty (30) days.
- i. “Pet Animal”, as defined in 2004 C.R.S. §30-15-101(3), shall mean and include any animal owned or kept by a person for companionship or protection or for sale to others for such purposes.
- j. “Peace Officer” shall mean any law enforcement officer as defined under part 9 of Article 1 of Title 18, C.R.S. 2004, whose jurisdiction includes the designated animal control area of El Paso County, and any commissioned officer, agent, or employee of the Humane Society of the Pikes Peak Region.

- k. "Running at Large" shall mean when a dog enters the property of another person without authorization of that person, or when a dog enters public property, and is not under control.
3. License Required; Anti-Rabies Vaccine Required.
- a. Every person who lives within the designated animal control area of El Paso County and who owns one or more dogs which are more than four (4) months old, except those persons to whom a valid pet shop or boarding kennel license has been issued by appropriate officials of the State of Colorado pursuant to Section 25-4-702, C.R.S. 2002, shall obtain a license for each dog.
  - b. No license shall be issued until the owner of a dog shall exhibit to the Board or its Designated Agent a valid anti-rabies vaccination certificate indicating that the dog has been vaccinated against rabies by a licensed veterinarian within the thirty-six (36) months preceding the date of application, and that such inoculation is still effective.
  - c. At any time a dog becomes four (4) months of age, or if a dog which is at least four (4) months of age is brought into the designated animal control area of El Paso County, its owner shall obtain a license within the next succeeding thirty (30) days.
  - d. Within thirty (30) days after a person brings a dog or cat into the designated animal control area of El Paso County, a person shall have the dog or cat inoculated with anti-rabies vaccine by a licensed veterinarian, unless he can demonstrate that the dog or cat has been previously inoculated (and that such inoculation is still effective) within the preceding thirty-six (36) months, in which case the previous inoculation shall be accepted.
  - e. Notwithstanding subparagraphs (b) and (d) above, all dogs and cats shall be inoculated with anti-rabies vaccine by a licensed veterinarian when they are at least four (4) months old, and shall receive a follow-up vaccination from a licensed veterinarian no later than when the dog or cat turns sixteen (16) months old.
  - f. Although not required, any person desiring to license a cat may do so upon meeting the requirements of Sections 3 and 4 of these Rules and Regulations. The license fee shall be five dollars (\$5.00).
  - g. Rabies vaccinations are required for all dogs and cats within the unincorporated areas of El Paso County, and with respect to the rabies vaccination provisions under Rule 3.e.
4. Application for License. An application for a license shall contain the following:
- a. A valid anti-rabies vaccination certificate as prescribed in paragraph 3, above;
  - b. Age of the dog or cat;
  - c. Sex of the dog or cat;
  - d. Statement as to whether dog or cat has been spayed or neutered;
  - e. A description of the dog or cat, including breed and color;
  - f. Name of the dog or cat;

- g. Identification number for a dog (if the dog is a guide dog for the physically handicapped); and
- h. Name and address of the dog or cat's owner.

5. License Fees

- a. Upon filing and acceptance by the Designated Agent of the Board of an application for a dog license, applicant shall pay a license fee as indicated below:

<u>License Type</u>	<u>City of Colorado Springs</u>	<u>El Paso County</u>	<u>Senior Citizens</u>
Altered 1 year	\$12.00	\$10.00	\$ 8.00
Altered 3 year	\$33.00	\$27.00	\$25.00
Unaltered 1 year	\$25.00	\$20.50	\$18.50
Unaltered 3 year	\$65.00	\$54.00	\$52.00

Effective January 1, 2007 2011

<u>License Type</u>	<u>City of Colorado Springs</u>	<u>El Paso County</u>	<u>Senior Citizens</u>
Altered 1 year	\$12.00	\$15.00	\$ 8.00
Altered 3 year	\$33.00	\$35.00	\$25.00
Unaltered 1 year	\$25.00	\$30.00	\$18.50
Unaltered 3 year	\$65.00	\$70.00	\$52.00

- b. No license fee shall be charged for guide dogs used by the blind, the partially blind, the deaf or the partially deaf.
- c. Licenses for spayed female or neutered male dogs shall only be issued upon presentation of a certificate signed by a veterinarian stating that the dog has been spayed or neutered.
- d. License fees shall not be prorated.
- e. Upon payment by the applicant of the requisite fee, the Designated Agent shall issue a receipt bearing the owner's name and address and the dog's license number, together with a metallic tag bearing the year of issue, the expiration date of the license, County identification, and the license number corresponding to that shown on the receipt. The tag shall be worn by the dog at all times.
- f. Solely for the purposes of the collection and issuance of County dog licenses, the Designated Agent shall be authorized to assign, delegate, and subcontract the collection and issuance of County dog licenses to established and reputable veterinarians within El Paso County. All such assignments, delegations, and subcontracts shall be subject to the requirements and provisions contained herein, as the same may be amended from time to time, and the Designated Agent shall remain responsible for all such assignment, delegation, and subcontracting requirements, and the delivery of services as set forth herein. The Designated Agent shall periodically report to the Board or its authorized representative the names of the veterinarians authorized hereunder and of

the status of the collection and issuance of County dog licenses by such authorized veterinarians.

6. Expiration, Transfer of License.
  - a. All dog licenses shall expire either one year or three years from the date of issuance, depending upon the length of license purchased. New licenses must be obtained on or before the last day of the month in which the license shall expire. If the applicable fee for a new license is not paid before the first day of the succeeding month, a penalty of ten dollars (\$10.00) shall be added thereto.
  - b. Cat licenses shall expire one year from the date of issuance.
  - c. No dog or cat license may be transferred from one owner to another, but the license may be transferred from one dog or cat to another dog or cat belonging to the same owner upon compliance with paragraph 4 hereof. An explanation as to the disposition of the previous licensed dog or cat is required.
  
7. Duplicate License. In the event a license tag is lost, a duplicate shall be provided by the Designated Agent of the Board to the owner or keeper upon payment of five dollars (\$5.00) for each duplicate tag.
  
8. Control.
  - a. It shall be the duty of any owner or keeper of a dog to keep such dog under control, as hereinabove defined, so as to prevent the dog from running at large, becoming a danger to persons or property, or trespassing on the property of another, except that for purposes of this paragraph, dogs actually working livestock, locating or retrieving wild game in season for a licensed hunter, or assisting law enforcement officers, or dogs being trained for any of such pursuits, shall not be deemed out of control or running at large.
  - b. Any unspayed female dog in the stage of estrus (heat) shall be confined during such period of time in a secure structure or enclosure of sufficient construction so as to prevent other dogs from gaining access to the confined dog; provided, however, that this subsection shall not prohibit the controlled breeding of such dog with another dog if the owner of such other dog consents to the breeding of the dogs.
  - c. Where, in the opinion of the Health Officer, his designated representative, or any peace officer, a dog or cat is suspected of being rabid, or where a dog or cat has bitten a person or another animal, such officer may confine the dog or cat in accordance with 2004 C.R.S. §25-4-604.
  
9. Dangerous Dogs Prohibited.
  - a. It shall be unlawful to own, possess, harbor, keep, have a financial or property interest in, or have custody or control over a dangerous dog in El Paso County.

1. Affirmative defenses to this violation are available as stated in 2004 C.R.S. §18-9-204.5(3)(h).
- b. This section shall be interpreted and enforced in conformity with 2004 C.R.S. §18-9-204.5, or its successor or amended statute.
- c. Section 9 is inapplicable to any law enforcement officer using an animal while engaged in law enforcement activities.
- d. Duty to Impound; Destruction of Dangerous Dog. It shall be the duty of a peace officer to impound a dog whose owner or keeper has been cited with a violation of this section if, in the opinion of the peace officer, such animal presents a clear and present danger to the public health or safety. Nothing in this section shall be construed to prevent a peace officer from taking whatever action is reasonably necessary to protect the peace officer or members of the public from injury or damage, or to prevent injury to any other animals in the community, including the immediate destruction of any dangerous dog without notice to the owner or keeper.
- e. Impoundment; Disposition.
  1. If a complaint has been filed in the County Court against the owner or keeper of an impounded dangerous dog for charges under this section, the dog shall not be released except upon the order of a County Judge under such conditions prescribed in Section 9.1 (Early Release). Such order shall require the owner or keeper to pay all impounding fees. Any dog which remains unclaimed for five (5) days after its release as authorized by the court order may be disposed of at the discretion of the Designated Agent.
  2. If reasonable efforts have been made to notify the owner or keeper of any proceeding regarding the disposition of their dog, and the owner or keeper of such dog fails to appear for any proceeding regarding the disposition of the dog, then the County Court shall be empowered to proceed without further notice to the owner or keeper. At minimum, reasonable efforts shall consist of one or more of the following:
    - A. Personal service on the owner or keeper;
    - B. Notice delivered by certified mail, return receipt requested, to the last known address of the owner or keeper of the animal;
    - C. Notice posted at the last known residence of the owner or keeper;
    - D. Notice given to the owner or keeper by the court; or
    - E. A promise to appear by the owner or keeper given to a County Court judge in open session of court.
  3. If the owner or keeper fails to appear after efforts to notify the owner or keeper have been made, the County Court is empowered to hold *ex parte* hearings to determine the disposition of the dog.
  4. If the court finds that reasonable grounds exist to believe that a dog may constitute a danger to any person or other animal in the community, the court may order such dog destroyed or held

pending trial. If the court finds that a dog is not a danger, the court may order it released under conditions prescribed in Section 9.1 (Early Release).

5. Any dog found to be in violation of the conditions of an early release order issued pursuant to Section 9.1(c)(iii) of these Rules and Regulations or found to be a dangerous dog under this Section may be impounded or confined as herein provided.
6. Surrender of a dog by the owner or keeper to a peace officer does not relieve an owner or keeper from prosecution or liability for any fines or fees imposed by this Section.
7. Any dog declared to be dangerous pursuant to the provisions of this Section shall be required to be licensed as a dangerous dog.
  - A. All applications for a dangerous dog license shall be made to the Designated Agent on the prescribed form. A fee of fifty (\$50.00) shall accompany the application. Five dollars (\$5.00) of such fee shall compensate the Designated Agent for processing the application and shall be nonrefundable.
    - (1). The Designated Agent may reject the application if the dog's owner or keeper cannot or will not comply with the following conditions:
      - (a) Dog to be kept in fenced yard, at least six (6) feet high, either chain-link or wooden privacy type fencing permitted:
        - (i) Wooden fence may have no loose boards.
        - (ii) Support posts must be mounted solid in the ground.
        - (iii) No holes in fence.
        - (iv) Chain link stretched at top and bottom so as not to sag or become loose at the bottom.
        - (v) Any gate must be able to lock in such manner to prevent dog from accidentally being turned loose.
        - (vi) Tops and bottoms of fencing must be secured so that dogs cannot climb out or jump over fence or dig out beneath fence.
      - (b) In the alternative to subsection A(1)(a), the owner or keeper may construct a kennel with both top and bottom covered with wire to keep the dog from climbing, jumping, or digging out of the kennel, and with the kennel gate being locked.
      - (c) In all cases, shelter must be provided, consisting of a structure with at least three



sides, a roof, and a floor, with available access to food and water when outside of the shelter.

- B. Any dangerous dog license issued pursuant to this section shall be in addition to any other license required by these Rules and shall be valid for one (1) year. A dangerous dog license must be renewed annually by the dog's owner or keeper.
- C. It shall be unlawful for the owner of a dangerous dog to fail to notify the Designated Agent of any sale or transfer of ownership of any dog licensed pursuant to this Section.

9.1 Early Release.

- a. If a complaint has been filed in county court against the owner of an impounded dog for a charge under Section 9(a), the dog shall only be released pursuant to a court order under section 9.1(b). Any dog that remains unclaimed for five (5) days after an early release order has been issued by the court may be disposed of at the discretion of the Executive Director of the Designated Agent.
- b. Upon the filing of a consent for release by the Designated Agent, with notice to the complaining witness/victim as provided for in Section 9.1(c)(iii), and after any hearing required by the court, the court may, based upon all of the facts and circumstances then before the court, order the Designated Agent to release the impounded dog to the owner, pending disposition of the underlying charges. Any order for early release shall include conditions requiring the following:
  - i. Owner shall maintain containment facilities upon Owner's property which have been inspected and approved by the Designated Agent;
  - ii. The dog shall be confined to such containment facilities at any and all times the dog is not otherwise under the direct physical control of the owner, who shall remain responsible in all respects for the dog; and
  - iii. Owner shall pay all fees related to the impounding of the dog; and
  - iv. Any other conditions as the court finds appropriate.
- c. In order to implement the provisions for early release, the following procedures shall apply:
  - i. At the time of issuing a citation to an owner of a dog that is to be impounded pursuant to Section 9(a), or as soon thereafter as is reasonably practicable, the Designated Agent shall provide the owner with a notice of early release procedures and the conditions the owner must satisfy prior to requesting that the Designated Agent consider filing a consent for early release with the court. Such notice shall contain the specifications for a containment facility, which must be constructed and maintained on the Owner's

property to contain the dog in case an order for early release is granted by the court.

- ii. After construction of the containment facilities, the Owner shall submit a written request to the Designated Agent for inspection of such facilities. After an inspection of the containment facilities, and upon any further construction or reinforcement that the Designated Agent may require, if the Designated Agent determines in the exercise of its discretion that such containment facilities meet the specifications required, the Designated Agent may file a consent for early release with the El Paso County Court. The consent may contain additional conditions for early release that the Designated Agent deems necessary and appropriate. The inspection report of the Designated Agent concerning the containment facilities shall be filed with the consent for early release.
- iii. Concurrently with the filing of a consent and report with the court, the Designated Agent shall personally deliver or post in a conspicuous place, with notation of the date of posting, or shall send by first class mail, a notice, a copy of the consent, and a copy of the report of the underlying incident to the complaining witness/victim. Such posting or mailing shall be upon or to the address, if any, that the complaining witness/victim provided to the Designated Agent. Such notice shall advise the complaining witness/victim of their right to file a written objection to early release of the subject dog with the El Paso County Court within either three (3) business days of the date of personal delivery or posting, or within five (5) business days of the date of mailing, as applicable. The notice shall further state that an order for early release may be entered by the court if written objection is not timely filed, and that the court may enter an order for release conditions, deny early release, or set the matter for hearing if a written objection has been timely filed. The notice shall further advise the complaining witness/victim that if an order for early release is entered, the witness/victim may report any violations of the release conditions to the Designated Agent. Notwithstanding the foregoing, if the complaining witness/victim fails or refuses to provide an address to the Designated Agent at the time of the incident, the Designated Agent shall have no further obligation to send notice to the witness/victim. Notices required under this section shall be substantially in the form of the sample notices provided as Appendix "E" to Resolution 02-394.

10. Impoundment. If any pet animal is found by any peace officer or resident of El Paso County anywhere in the designated animal control area of the County other than at the home of its owner or keeper, and if such pet animal is not under the control of its owner or keeper or their agent as hereinafter defined, such pet

animal may be impounded at the facility hereinafter designated, regardless of whether the pet animal is duly licensed or the identity of its owner or keeper is otherwise ascertainable.

11. Impoundment Facility. The facilities maintained by the Humane Society of the Pikes Peak Region shall serve as the impoundment facility for purposes of these Rules and Regulations.
12. Redemption.
  - a. Any impounded pet animal may be redeemed by its owner or keeper within five (5) days of its impoundment upon payment of an impounding fee of forty dollars (\$40.00) plus an additional boarding fee of fifteen dollars (\$15.00) per day for each day or any part thereof that the pet animal is held. The boarding fee is twenty dollars (\$20.00) per day for dogs held for bite confinement or on dangerous charges. The owner or keeper of any impounded pet animal shall pay an impounding fee of sixty dollars (\$60.00) for each additional offense within a twelve (12) month period, plus the additional boarding fee as described herein. Any unlicensed dog may be redeemed by its owner or keeper within five (5) days of its impoundment upon paying an impoundment fee of fifty dollars (\$50.00), plus an additional boarding fee of fifteen dollars (\$15.00) per day for each day or any part thereof that the dog is held. In the event an owner or keeper has a second or any subsequent incident of impoundment of an unlicensed dog within a twelve month period, an impoundment fee of seventy dollars (\$70.00) plus the additional boarding fee as stated above will be charged.
  - b. Payment of impounding or boarding fees shall not be construed as payment of such fines as may be applicable for violation of the provisions of these Rules and Regulations, nor shall such payment be considered as being in lieu of license fees.
  - c. No impounded dog which is required to be licensed or inoculated under the provisions of these Rules and Regulations may be redeemed until such licensing and inoculation is accomplished or ensured.
13. Notice to Owner or Keeper. When any pet animal is impounded pursuant to the provisions of these Rules and Regulations, the director of the designated impounding facility shall immediately make a reasonable effort to notify the pet animal's owner or keeper if his identity is ascertainable.
14. Sale or Other Disposal of Unredeemed Pet Animals. Any owner or keeper of an impounded pet animal who does not claim or redeem the pet animal within the five (5) day impounding period shall forfeit all right, title and interest therein, and shall pay such impounding and boarding fees which are due and owing. Any impounded pet animal which is not claimed or redeemed during the five (5) day impounding period may be put up for adoption in a manner consistent with the normal procedures of the Humane Society. Any impounded pet animal which is

not adopted, claimed or redeemed may be humanely destroyed, removed and buried, or cremated, except that no pet animal, the identity and whereabouts of the owner or keeper of which is known or can be reasonably ascertained from a license tag or other identification worn by the pet animal, shall be destroyed until a reasonable effort has been made to so notify its owner or keeper.

15. Unlawful Taking or Release.

- a. It shall be unlawful for any person to take any pet animal from an enclosed lot, premises, or other building and deliver the pet animal to the impounding facility unless authorized to do so by the owner or keeper of the pet animal or as otherwise authorized by these Rules and Regulations.
- b. It shall be unlawful for any person to open or cause to be opened any closed lot, premises or building for the purpose of allowing a pet animal to run at large.

16. Noisy Pet Animals Prohibited.

- a. It shall be unlawful for any person to own or keep a pet animal which, by any unreasonably loud and persistent barking, howling, baying, yelping, crowing, crying or other utterance, disturbs the peace and quiet of a neighborhood. For purposes of this paragraph, "neighborhood" shall mean the area within five hundred (500) feet of the exterior boundaries of the premises where the pet animal resides, and "disturb" shall mean to unreasonably annoy, perturb, or interfere with the quiet enjoyment of another's premises.
- b. It shall be a defense to any violation of this section that the complainant provoked the pet animal whose noise is complained of.
- c. If a peace officer determines that a violation of this section has occurred, such officer shall issue a written warning of the violation to the owner or keeper of the pet animal. The owner or keeper shall be entitled to a period of three (3) days after the date on which the written warning is issued to correct the violation. It is unlawful for an owner or keeper to permit the pet animal to persist or continue violating this Section at the same residence following the three (3) day period.
- d. The warning process shall be as follows:
  - i. A written warning shall only be issued by a peace officer if there is at least one witness to the unreasonably loud and persistent nature of the noise. Either the officer or a complaining witness shall satisfy this requirement.
  - ii. The warning shall cite this section, shall state that a complaint has been received, that the owner or keeper's pet animal is disturbing the peace of another in the neighborhood, and shall identify the date and time of disturbance, the specific pet animal accused of disturbing the peace, the witness or witnesses to the disturbance, and shall specify that the disturbance occurred within the designated animal control area of El Paso County.

- iii. A warning is considered given for purposes of this section if it is posted on the owner or keeper's premises.
- iv. The Designated Agent shall keep records of all warnings given, and such records shall be *prima facie* evidence that such warnings were given.
- e. No person shall be convicted for violation of this section without testimonial or demonstrative evidence from at least one other person, and such evidence shall corroborate the complaining witness' allegation of unreasonably loud and persistent noise. Such corroborating witness shall not be the complainant nor a member of his or her household.
- f. Peace officers shall consider the time of day, location of noise, frequency of noise, and length of time for which noise persists in determining whether a violation of this section has occurred.

17. Roadside Sale of Pet Animals.

- a. It shall be unlawful for any person to sell, trade, barter, lease, rent, give away, or display for any purpose a pet animal on any public street, road, highway, alley, sidewalk, or in open areas where the public is invited by the owner or person controlling such areas, including commercial parking lots, outdoor special sales, swap meets, flea markets, parking lot sales, or similar events.
- b. This section does not apply to:
  - 1. An agent of a business that is licensed by the Colorado Department of Agriculture to operate a pet store; or
  - 2. An event primarily for the sale of agricultural livestock such as hoofed animals or animals or fowl commonly raised for food, dairy, or fiber products; or
  - 3. A tax-exempt non-profit organization with the purpose of providing humane sanctuary or shelter for animals or non-profit charity events.

18. Violations; Penalties.

- a. Any violation of any provision of these Rules and Regulations which does not result in bodily injury to any person or other animal shall be a Class Two (2) petty offense punishable by a fine, as set forth in Exhibit "D" of these rules and regulations, for each separate offense, plus customary costs as applicable. The penalty assessment procedures contained in Section 16-2-201, C.R.S. 2002, shall be followed by any peace officer enforcing the provision of these Rules and Regulations.
- b. Any violation of any provision of these Rules and Regulations which results in bodily injury to any person or pet animal shall be a Class Two (2) misdemeanor punishable pursuant to the provisions of Section 18-1.3-501, C.R.S. 2004, as it now exists or may subsequently be amended.
- c. Nothing herein shall be construed to prevent impoundment of any pet animal under paragraph 10 of these Rules and Regulations.

- d. Violation of Section 9 of these Rules and Regulations shall carry such penalties as provided for under C.R.S. §18-9-204.5, any amendments to such statute, or any successor statute. Where no penalty is provided by such statute, such violation shall be a Class Two (2) petty offense as set forth in Section 17(a).
- e. For any violations listed in this Section, the Court may order restitution to be paid by the Defendant for injuries sustained by any person or other animal.
- f. The County Judges and the County Court Referee may, when violation of these Rules and Regulations does not result in bodily injury to any person, refer the alleged violator and complaining witness to the Neighborhood Justice Center for a period not to exceed sixty (60) days.
- g. Any violation of any condition of a court order for early release of a vicious dog as provided for in Section 9.1 of these Rules and Regulations shall be a class two (2) petty offense punishable pursuant to the provisions of 18-1.3-503, C.R.S., 2004, as it now exists or may subsequently be amended. Any violation shall also be the basis for seizure of the dog by the Designated Agent, as provided for in section 9(d). In the event of any such seizure, the owner of the dog shall have no further right to request early release under Section 9.1.

19. Enforcement. The provisions of these Rules and Regulations shall be enforced by persons designated “peace officers” as hereinabove defined, except that a peace officer not certified under part 6 of Article 32 of Title 24, C.R.S. 1973, shall have no authority to enforce any resolution or statute other than these Pet Animal Control/Dog Licensing Rules and Regulations.

20. Disposition of Fines and Forfeitures. All fines and forfeitures for violation of any provision of these Rules and Regulations and all monies collected by the County for licenses shall be paid over to the County Treasurer immediately upon their receipt.

21. Liability for Accident or Subsequent Disease from Impoundment. Neither the Board, its employees or agents, or persons authorized herein to enforce the provisions of these Rules and Regulations shall be held responsible for any accident or subsequent disease which may be suffered by a pet animal as a result of the administration or implementation of these Rules and Regulations.

22. Captions. The captions and paragraph headings used throughout these Rules and Regulations are for convenience of reference only, and the words contained therein 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 or intent of these Rules and Regulations.

23. Severability. If any provision of these Rules and Regulations or the application thereof to any party or circumstance shall to any extent be invalid or unenforceable, the remainder of these Rules and Regulations, or 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 Rules and Regulations shall be valid and be enforced to the fullest extent permitted by law.

**EARLY RELEASE NOTICE**

El Paso County Dangerous Dog Impound Procedure

Your dog has been impounded as a result of the issuance of Dangerous Dog charges under Section 9(a) of the El Paso County Rules and Regulations for Pet Animal Control / Dog Licensing, promulgated pursuant to County Resolution No. 10-\_\_\_\_\_.

The Humane Society of the Pikes Peak Region cannot release your dog without a judicial process and release order.

Your dog may be eligible for early release. **In order to qualify you must comply with Humane Society requirements. The complaining party has a right to object to the early release request. Compliance with these requirements is not a guarantee your dog will be released. The county court will make the final decision.**

Requirements

- 1) An enclosure inspection by the Humane Society is required as a condition of possible release. Please refer to the list of containment requirements provided by the Humane Society.
- 2) You must agree to maintain the dog under direct physical control at all times the dog is not in the enclosure.
- 3) If release is granted, any future violation of conditions or requirements occurring prior to disposition of this case constitutes a separate offense, allowing for issuance of a new citation and re-impoundment of the dog, with no further opportunity for release.
- 4) Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you wish to **request** early release of your dog, you must first comply with the above requirements and submit a **written request** to the Humane Society at 610 Abbott Ln., Colorado Springs, CO 80905, when your property is ready for inspection.



NOTICE TO WITNESS/VICTIM

DATE: \_\_\_\_\_ SUMMONS NO.: \_\_\_\_\_ ACTIVITY NO.: \_\_\_\_\_

Dear \_\_\_\_\_:

The purpose of this letter is to notify you that the owner of the dog charged with the dangerous dog violation for which you signed a complaint has requested consent for early release of the dog prior to disposition of the court case.

A County Court Judge or Magistrate may approve the release of the dog, if the dog owner complies with conditions imposed by the Humane Society, including an inspection of the enclosure in which the dog is to be maintained.

If release is ordered, any future violation of conditions or requirements occurring prior to the disposition of the case constitutes a separate offense, allowing for re-impoundment of the dog with no further opportunity for release. Violations should be reported to the Humane Society at 473-1741.

As the complaining party, you have the right to file a written objection to the request for a release. This objection must be filed **in writing** within:

\_\_\_\_\_ Three business days of the date of personal delivery of this notice, or:

\_\_\_\_\_ Five business days of the mailing or posting of this notice.

Written objection must be filed at the First Appearance Center, located on the first floor of the El Paso County Courthouse, 270 S. Tejon St., Colorado Springs, CO 80903. If a written objection is not timely filed, an order for early release may be entered by the court. To file a written objection, you must reference the summons number above, provide your name and daytime telephone number, and specify your reasons for objection to early release of the dog. The court may enter an order for release with conditions, deny early release, or set the matter for a hearing.

For further information, you may contact the Field Services Department of the Humane Society at 473-1741, ext. 112.

OBJECTION TO RELEASE

DATE: \_\_\_\_\_ SUMMONS NO.: \_\_\_\_\_ ACTIVITY NO.: \_\_\_\_\_

Dear Judge/Magistrate:

I object to the release of the dog in this case for the following reasons:

\_\_\_\_\_

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Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**FINE SCHEDULE FOR VIOLATIONS OF PET ANIMAL CONTROL / DOG  
LICENSING RULES AND REGULATIONS**

<b><u>Violation</u></b>	<b><u>First Offense</u></b>	<b><u>Second Offense</u></b>	<b><u>Third Offense</u></b>
Section 3(a) – License Required	\$45.00	\$75.00	\$100.00
Section 3(d) – Inoculation Required	\$45.00	\$75.00	\$100.00
Section 3(g) – Inoculation Required	\$45.00	\$75.00	\$100.00
Section 8 – Dog Control	\$45.00	\$75.00	\$100.00
Section 9 – Dangerous Dog	\$75.00	\$100.00	\$150.00
Section 16 – Noisy Pet	\$45.00	\$75.00	\$100.00
Other violations which do not result in bodily injury to any person or other animal and which are not enumerated above		\$25.00 per offense	
Any violation designated above beyond third offense		Fined at rate of third offense.	