

AMENDED REGULATION REGARDING ANIMAL CONTROL

BACHELOR GULCH VILLAGE ASSOCIATION

Last adopted March 3, 1998
Repealed and Replaced November 10, 2017

WHEREAS Bachelor Gulch Village Association is obligated to and shall provide for regulations, facilities, personnel and funds to enforce animal control or exclude animals from Bachelor Gulch Village pursuant to the Animal Control Function in the Declaration of Covenants, Conditions and Restrictions for Bachelor Gulch Village Eagle County, Colorado.

WHEREAS the current Regulation Regarding Dogs in Beaver Creek Subdivision Eagle County was adopted for Bachelor Gulch Village in March 1998 and has not been revisited by Bachelor Gulch since that time, despite that the Beaver Creek Subdivision has repealed and replaced that version of the regulation and it no longer exists and no longer has effect in Beaver Creek.

WHEREAS the current Regulation Regarding Dogs in Beaver Creek Subdivision Eagle County, inadequately addresses continuing issues identified by Bachelor Gulch Village Association and its Public Safety Department with respect to reasonable enforcement of animal control in Bachelor Gulch Village.

NOW THEREFORE it is resolved that the following animal control rules, regulations, policies and provisions (“Rules and Regulations”) are hereby adopted by the Board of Directors of Bachelor Gulch Village Association and shall be applicable to all property in the Village effective immediately upon adoption:

- 1) **Definitions**. All capitalized terms used herein, unless otherwise defined herein, shall have the meaning as given them in either (i) the Eagle County Animal Regulations, or (ii) the Bachelor Gulch Village Association Governing Documents, as applicable.
 - a) **Animal Control Authority** means the Eagle County Animal Services Department and any other entity or person authorized by Eagle County to enforce the Eagle County Animal Regulations, including the Eagle County Sheriff’s Department.
 - b) **Bachelor Gulch Village Governing Documents** means Bachelor Gulch Village Association’s Articles of Incorporation, Bylaws, Rules and Regulations, and the Declaration of Covenants, Conditions and Restrictions for Bachelor Gulch Village, Eagle County, Colorado recorded in Eagle County, Colorado on June 19, 1996, and any amendments to these documents.
 - c) **Board** means the Board of Directors of the Bachelor Gulch Village Association.
 - d) **Control** means supervision of, and influence over, any animal sufficient to prevent the violation of any of the provisions of the Eagle County Animal Regulations. Control shall be by Physical Control or Immediate Control. Physical Control means Control of an animal

by means of a tether (a secure tie, chain or leash) attached to the animal, and held by the Owner, or Control by confinement in a secure animal enclosure. Immediate Control means Control of an animal by the physical presence of the Owner or responsible person so that the animal is at heel beside or otherwise controlled and obedient to a person competent to restrain the animal by command.

- e) Eagle County Animal Regulations means Eagle County Resolution No. 2010-126 Concerning the Control, Licensing, Impoundment, and Disposition of Animals, adopted October 12, 2010, by the Eagle County Board of County Commissioners. The provisions of the Eagle County Resolution No. 2010-126 and the provisions of this Regulation are to be construed wherever possible so that they will not be in conflict. In the event such a construction is not possible, the provisions of the Eagle County Resolution No. 2010-126 shall prevail.
- f) Exclude/Exclusion means the permanent banning of an animal from Bachelor Gulch Village.
- g) Member means an Owner or Lessee as defined by the Bachelor Gulch Governing Documents.
- h) Owner shall have the meaning given in the Eagle County Animal Regulations.
- i) Public Safety means Bachelor Gulch Village Public Safety, its officers, or its agents.
- j) Regulation means this Regulation for the Control of Animals.
- k) Victim means the party impacted by a violation.
- l) Violation means any violation from the Eagle County Animal Regulations or this Regulation, whether violent in nature or not.
- m) Wildlife Mitigation Plans means and collectively refers to the Amended Beaver Creek Master Plan Wildlife Mitigation Plan dated June 15, 1994, and the Wildlife Agreement and Mitigation/Game Management Plan for Arrowhead at Vail Planned Unit Development Eagle County, Colorado, dated August 1, 1995 and recorded in the office of the Clerk and Recorder of Eagle County, Colorado on June 19, 1996, at Reception No. 593743, and the "Living With Wildlife on Beaver Creek Mountain" publication of the Bachelor Gulch Village Association.

2) **Appointment of Animal Control Authority as Agent**

- a) The Board hereby appoints the Animal Control Authority as its agent for the purposes performing the Animal Control Function described in the Bachelor Gulch Governing Documents and monitoring and enforcing this Regulation which incorporates by reference the Eagle County Resolution No. 2010-126, a copy of which is attached to this Regulation.

3) **Animals in Bachelor Gulch Village**

- a) Members shall comply and shall ensure that their Guests comply at all times with the Eagle County Animal Regulations which are attached to this Regulation.
- b) Members shall comply and shall ensure that their Guests comply at all times with the Wildlife Mitigation Plans. In accordance with the Wildlife Mitigation Plans, the Owners of Lots 89 through 93 inclusive shall not be permitted to keep, maintain, house or board dogs within their Lots.
- c) Members shall comply and shall ensure that their Guests comply with all signs and rules regarding Animals posted in Bachelor Gulch Village.
- d) Members and their Guests are directed to call Eagle County Animal Control to report any lost dogs, Violations, or other animal control related matters at 970-328-3647 or 911 in an emergency. After notice has been provided to Eagle County, Members or their Guests may call Public Safety to provide an additional report.
- e) Any person in Control of an animal shall at all times be responsible for the removal or proper containment of the animal's waste/feces on private and public property.
- f) Animal pens including dog runs or similar improvements shall be submitted to the Design Review Board for review and compliance with the Design Guidelines and Regulations.

4) **Exclusion and Notice**

- a) The Board may Exclude an animal upon:
 - i) The third (3rd) Attack by the animal if the Animal Control Authority determines that the animal is a Potentially Dangerous Animal as defined in the Eagle County Animal Regulations; or
 - ii) Upon the sixth (6th) Violation.
- b) To the extent that a report is filed with Public Safety, notice shall be given in writing (e-mail acceptable) to Owners after each Violation involving an animal which states the details of the Violation, the number of Violations in Bachelor Gulch Village's records regarding the animal in question, and the notice may contain the possible consequences for future Violations. Public Safety shall use reasonable efforts to provide notice of Violations brought to their attention to the animal Owner and to track and maintain records of the number of Violations regarding the involved animals.
- c) The animal's Owner shall keep the animal confined from exposure to the public and shall remove the animal from Bachelor Gulch Village within 72 hours of notice of Exclusion, unless the Owner challenges the Exclusion in accordance with section 5 below, in which case the animal shall remain confined from exposure to the public until such hearing, and removed within 72 hours of a Board decision to Exclude made at such hearing.

5) **Petition for Hearing by the Board**

- a) Upon the finding that an animal is a Potentially Dangerous Animal, a Victim of that particular animal may deliver to the Public Safety Manager or the Bachelor Gulch Village Association Manager a written request for a hearing before the Board to Exclude the Dog from Bachelor Gulch Village.
- b) A hearing before the Board may be convened at the earliest available date that a quorum of the Board is available.
- c) The determination by the Board at any such hearing that an animal is to be Excluded shall be final.

6) **Disclaimer of Liability and Indemnification**

- a) Neither the Board, its employees nor agents, nor persons authorized herein to enforce the provisions of this Regulation shall be held responsible for any act taken pursuant to this Regulation including, but not limited to, any accident or subsequent disease or injury which may be suffered by an animal as a result of the administration or implementation of this Regulation.
- b) By bringing an animal into Bachelor Gulch Village or permitting a Guest to bring an animal into Bachelor Gulch Village, the Member acknowledges his or her agreement to indemnify and hold the Bachelor Gulch Village Association, its directors, officers, employees, agents or other persons authorized to enforce the provisions of this Regulation harmless from and against any and all claims, damages, losses, judgments, liens, costs and expenses of every kind and nature (including, without limitation, reasonable attorney's fees) arising out of or related to any personal injury or death or property damage that occurs directly or indirectly from the actions of the animal.

7) **Captions.** The captions and paragraph headings used throughout this Regulation are for the 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 this Regulation.

8) **Severability.** If any provision of this Regulation or the application thereof to any party or circumstance is to any extent invalid or unenforceable, the remainder of the Regulation, 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 this Regulation shall be deemed valid and be enforced to the fullest extent permitted by law.

9) **Repeal of Prior Regulation.** Upon the effective date of this Regulation, all prior rules and regulations relating to animal control are hereby repealed and replaced.

Attachment: Eagle County Board of County Commissioners Resolution No. 2017-009

Commissioner R. V. Lyon moved adoption
of the following Resolution:

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF EAGLE, STATE OF COLORADO**

RESOLUTION NO. 2010- 126

**RESOLUTION REPEALING AND RESTATING
RESOLUTION NO. 07-21
CONCERNING THE CONTROL, LICENSING,
IMPOUNDMENT AND DISPOSITION OF ANIMALS**

WHEREAS, 30-15-101 et seq., C.R.S., authorizes the Board of County Commissioners, County of Eagle, State of Colorado, hereinafter referred to as the "Board," to adopt a resolution providing for control and licensing of pet animals in the unincorporated areas of Eagle County, Colorado; and

WHEREAS, the Board has previously adopted such regulations, most recently by Resolution No. 07-21 adopted February 27, 2007, entitled Resolution Repealing and Restating Resolution 98-27 Concerning the Control and Licensing of Dogs and Impoundment and Disposition of Animals; and

WHEREAS, the Board finds that the Eagle County Animal Control Resolution of 2007 requires certain additions, modifications and clarifications in order to adequately provide for the control of Pet Animals and Working Dogs and other reasonable or necessary regulations in order to serve and promote the public peace, health, safety, and welfare of the citizens of Eagle County; and

WHEREAS, this Resolution is intended to repeal and restate the Eagle County Animal Control Resolution of 2007.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF EAGLE, STATE OF COLORADO;

THAT, the following Resolution be and is hereby adopted:

1. INTENT. It is the intent of the Board of County Commissioners in adopting this Resolution that Pet Animal and Working Dog Owners be responsible for their Animals' conduct, that they exercise control with respect to their Animals in a manner which recognizes the rights, health and safety of others in the community, and that they be held strictly liable for conduct of their Animals which violates the provisions of this Resolution.

2. DEFINITIONS: As used in this Resolution, the following terms shall have the following meanings:

2.1 "ABANDON" means (a) to fail to provide a Pet Animal Necessary care for a period of 24 hours or longer or (b) to deposit, leave, drop off or otherwise dispose of any Pet Animal on public or private property without providing necessary care. For the purposes of this Resolution, any Pet Animal is presumed to be Abandoned if, after the posting or personal service of written notice describing deficiencies of necessary care for a Pet Animal, the deficiencies are not corrected within 24 hours of such notice by any person other than an animal control officer.

2.2 "ANIMAL" means non-human mammals, including but not limited to dogs, cats, birds and reptiles.

2.3 "ANIMAL CONTROL OFFICER" means any person empowered by Eagle County to enforce the provisions of this Resolution pursuant to § 30- 15-105, C.R.S., Eagle County Sheriffs Department personnel and other peace officers as defined in § 18-1-901, C.R.S.

2.4 "ANIMAL SERVICES DEPARTMENT" means the Eagle County Department of Animal Services.

2.5 "ANIMAL SHELTER" means all facilities and premises authorized by the Eagle County Board of Commissioners to care for Animals impounded or quarantined pursuant to the provisions of this Resolution. Such facilities and premises shall also be considered public animal shelters for the purpose of impounding dangerous dogs pursuant to the provisions of § 18-9-204.5, C.R.S.

2.6 "ATTACK" means aggressive behavior such as biting, injuring or chasing person or animal that may result in Bodily Injury, Serious Bodily Injury, or the death of a person or animal.

2.7 "BITE" means the severe bruising, piercing, laceration, or breaking of the skin by the teeth or jaws of any Animal.

2.8 "BODILY INJURY" means any physical injury that results in severe bruising, muscle tears, or skin lacerations requiring professional medical treatment or any physical injury that requires corrective or cosmetic surgery.

2.9 "CAT" means any animal of the species Felis Domesticus or any hybrid thereof.

2.10 "CONTROL" means supervision of, and influence over, any Pet Animal sufficient to prevent the violation of any of the provisions of this Resolution. Control shall be by Physical Control or Immediate Control, as defined herein.

2.11 "DANGEROUS ANIMAL" means any Pet Animal or Working Dog that has, without provocation, inflicted Serious Bodily Injury to a person, or has caused the death of a human being; or, has, while off the premises of its owner or responsible person, killed a domestic animal without provocation; or, has, been previously classified as Potentially Dangerous and is found in violation of the provisions of this Resolution.

2.12 "DOG" means any animal of the Canine species or any animal related to the wolf, fox, coyote or jackal.

2.13 DOG PARK" means an area posted by any agency of the Federal government, the State of Colorado, or any political subdivision of the State for dogs to exercise and play off-leash in a controlled environment under Immediate Control of their Owners.

2.14 "HABITUAL OFFENDER" means any Pet Animal or Working Dog Owner who has pled guilty to, or been found guilty of, violating any provision of this Resolution three times within any eighteen-month period. For the purposes of this Resolution, after the effective date of this Resolution any disposition of charges involving probation or deferred judgment and sentencing shall be considered to be convictions.

2.15 "IMMEDIATE CONTROL" means Control of a Pet Animal by the physical presence of the Owner or Responsible Person so that it is at heel beside or otherwise controlled and obedient to a person competent to restrain the animal by command.

2.16 "IMPOUND" means to place an Animal in Public or Protective Custody in the interest of the safety of the Animal and/or the safety of the community.

2.17 "LIVESTOCK" means cattle, horses, mules, burros, sheep, poultry, swine, llama, goats, and any other Animal, when used for working purposes or raised for food or fiber production.

2.18 "MISTREATMENT" means every act or omission which causes, or unreasonably permits the continuation of, unnecessary or unjustifiable pain or suffering of an Animal.

2.19 "NECESSARY CARE" for a Pet Animal includes but is not limited to providing food, water, protection from the weather and removal of waste from the Animal's enclosure.

2.20 "NEGLECT" means failure to provide food, water, protection from the weather, opportunity for exercise, socialization, or other care consistent with the needs of the species of the Animal in question.

2.21 "OWNER" means any person, firm, corporation, or organization owning, possessing, keeping, having financial or property interest in, or having temporary control or custody of, any Pet Animal; or any person, firm, corporation or organization owning or having financial or property interest in a Working Dog.

2.22 "PET ANIMAL" means dogs, cats, rabbits, guinea pigs, hamsters, mice, ferrets, birds, fish, reptiles, amphibians, and invertebrates, or any species of wild or domestic or hybrid animal sold, transferred, or retained for the purpose of being kept as a household pet, except livestock, and includes any other animal specified in § 35-80-102 (10), C.R.S., as may be amended from time to time. "Pet Animal" does not include an Animal used for working purposes on a farm or ranch or a Working Dog in the process of being worked.

2.23 "PET ANIMAL FACILITY" means any facility licensed as such pursuant to the provisions of Part 1 of Article 80 of Title 35, C.R.S.

2.24 "PHYSICAL CONTROL" means Control of a Pet Animal by means of a Tether or a leash attached to the animal, and held by the Owner, or control by confinement in a Secure Animal Enclosure.

2.25 "POTENTIALLY DANGEROUS ANIMAL" means any Pet Animal or Working Dog that without provocation, threatens to attack, or bites causing Bodily Injury to a human being, another Pet Animal, or Pet Animal that causes bodily injury or death of the Livestock of another; or approaches a person upon the streets, highways, sidewalks, or other areas open to the public in a menacing fashion; or, has a known propensity, tendency, or disposition to attack without provocation, or cause physical injury or otherwise threatens the safety of human beings or other Pet Animals; or, is owned or harbored primarily or in part for the purpose of fighting or is trained for fighting

2.26 "PREMISES" means property owned, leased, or expressly permitted to be used by an Owner, including any confined area or locality such as a residence, business, room, shop, building, or motor vehicle, including the open space bed of a truck.

2.27 "PROTECTIVE CUSTODY" means the taking of an Animal into custody by Animal Services to prevent the Mistreatment, Neglect, or Abandonment of such Animal; or, impoundment of an Animal because of the Owner's inability to care for the Animal due to incarceration, incapacitation, or transport to a medical treatment facility.

2.28 "PROVOCATION" means harassment, teasing, threatening, striking, or attacking an Animal or its Owner in the Animal's presence, by either a person or another Animal. Provocation may also include the intrusion onto the physical property of the Pet Animal's or Working Dog's Owner, without the Owner's consent and/or interference with a Working Dog's performance of its job while it is actually working.

2.29 "PUBLIC CUSTODY" means the impoundment and/or confinement of an Animal in the Animal Shelter, or in the physical control of an Animal by an Animal Control Officer performing duties pursuant to the provisions of the Resolution.

2.30 "QUARANTINE" means the confinement of an Animal for a specific period of time during, as determined by the Director of Animal Services, which the Animal will be observed in order to detect symptoms of disease. At the discretion of the Animal Services Director, the Animal may either be quarantined by being (i) taken into Public Custody; or (ii) kept in a Secure Animal Enclosure and/or within the Physical Control of the Owner during the entire Quarantine period.

2.31 "RABIES REGISTRATION" means the vaccination of an Animal with an anti-rabies vaccine administered under the supervision of a licensed veterinarian, and the retention of a certificate of rabies vaccination by the animal owner.

2.32 "SECURE ANIMAL ENCLOSURE" means a structure which is suitable to prevent the escape of the Animal and prevents the entry of young children, having a top, bottom, all sides, and is locked.

2.33 "SERIOUS BODILY INJURY" means such injury which involves a substantial risk of permanent physical disability, impairment or, a disfigurement; or, a substantial risk of protracted loss or impairment of the function of any part of, or organ in the body.

2.34 "TETHER" means to securely tie, chain or leash a Pet Animal to an inanimate object.

2.35 "TRESPASS" means the entry by a Pet Animal or Working Dog upon any private property other than that of the Pet Animal's Owner, or upon public property which is posted as not permitting Animals or such Animals.

2.36 "WORKING DOG" means a dog which is actually working livestock, guarding livestock from predators, locating or retrieving wild game in season for a licensed hunter, assisting law enforcement officers, assisting in rescue efforts, or being trained for any of these purposes.

3. VACCINATION OF PET ANIMALS AND WORKING DOGS REQUIRED

3.1 Owners of Pet Animals and Working Dogs which are harbored, kept, or maintained in Eagle County, for which Animals the United States Department of Agriculture has licensed a rabies vaccine, shall (i) vaccinate, (ii) maintain the efficacy of the vaccination, and (iii) maintain proof of current, efficacious rabies vaccination for their Pet Animals and Working Dogs.

3.2 Such Pet Animals and Working Dogs shall be vaccinated when the animal reaches the age of four months or is licensed (if applicable), whichever occurs first, and the vaccination shall be repeated as necessary in accordance with recommendations of the United States Department of Agriculture or vaccine manufacturer to maintain efficacy of the vaccination.

3.3 The rabies vaccine shall not be required for a Pet Animal whose veterinarian, in accordance with C.R.S. § 25-4-607, has issued a written waiver based on the veterinarian's professional opinion that the rabies inoculation is contraindicated due to the Pet Animal's medical condition.

4. ANNUAL DOG LICENSING: All dogs, including Working Dogs, harbored, kept, or maintained in Eagle County shall be licensed, except dogs kept as part of the operation of a Pet Animal Facility or Eagle County maintained shelter.

4.1 All dogs over the age of four months shall have a valid Eagle County dog license after the dog has been kept, maintained, or harbored in the County for any consecutive thirty day period or immediately upon citation for any violation of the Resolution.

4.2 All dog licenses shall expire on December 31 of the year for which the license is issued.

4.3 A valid dog license tag shall be attached to a collar or harness and shall be worn by the dog at all times. It shall be a defense to prosecution that the owner or responsible party can produce a certification by a veterinarian that the dog cannot wear a collar or harness because of a permanent medical condition or the dog was, at the time of notice, working in a capacity that made the wearing of a collar or harness hazardous to the dog. Working Dogs that cannot wear a dog license tag shall be microchipped or tattooed, at the Owner's expense, and registered with the Department of Animal Services.

4.4 A dog license shall be comprised of and evidenced by a written license form and a dog license tag.

4.5 The Eagle County Animal Services Department and/or any agency or person designated by the Board of County Commissioners by resolution will issue a dog license upon the receipt of the executed application, payment of the license fee and evidence of a current rabies vaccination with efficacy extending past the date of license issuance.

5. VOLUNTARY CAT IDENTIFICATION Owners of cats harbored, kept or maintained in Eagle County are entitled to obtain an identification tag suitable to be worn on a collar or harness. Cat identification tags will be available from the Animal Services Department, and/or any agency or person designated by the Board of County Commissioners by resolution upon the receipt of the executed application, payment of the identification tag fee and evidence of a current rabies vaccination with efficacy extending past the date of tag issuance.

6. FAILURE TO CONTROL A WORKING DOG OR PET ANIMAL It shall be unlawful, considered a failure to Control a Pet Animal or Working Dog, when:

6.1 A Pet Animal is off the Owner's Premises without the presence of a person having Control as defined in this Resolution;

6.2 A Pet Animal or Working Dog is allowed to cause Bodily Injury to a human being, or another Pet Animal, or is allowed to cause damage to the property of another;

6.3 A Pet Animal or Working Dog is tethered upon any public or private property without the permission of the person owning, leasing, or otherwise controlling the property in question;

6.4 Any Pet Animal or Working Dog reaches past the perimeter of the Owner's Premises with its teeth or claws causing Bodily Injury or property damage to another;

6.5 A Pet Animal is allowed to defecate on public or private property and the Owner or responsible person, of the animal, does not remove the waste in a timely manner;

6.6 A female cat or dog, during estrus, is not under Physical Control, confined indoors or confined within a Secure Animal Enclosure;

6.7 A Pet Animal is not under Physical Control in areas posted by any agency of the Federal government, the State of Colorado, or any political subdivision of the State as requiring the animal to be on a leash; or

6.8 Any Pet Animal or Working Dog is Mistreated or is left in circumstances which constitute Abandonment.

6.9 A Pet Animal or Working Dog is allowed to enter Private Property not that of the Owner's without the property owner's permission, or allowed to enter public property which is posted as not permitting such Animals.

7. INTERFERENCE WITH AN OWNER'S CONTROL OF A PET ANIMAL OR WORKING DOG

It shall be unlawful for any person to perform any act which interferes with, prevents, or hinders the efforts of an Owner to Control any of the Owner's Pet Animals or Working Dogs.

8. INTERFERENCE WITH AN ANIMAL CONTROL OFFICER

8.1 It shall be unlawful to interfere with, hinder, prevent, or obstruct an Animal Control Officer in his/her performance of duty pursuant to this Resolution.

8.2 It shall be unlawful to remove any animal from the Public or Protective Custody without the consent of an Animal Control Officer.

9. WHEN A PET ANIMAL OR WORKING DOG BITES A PERSON:

A. DUTY TO REPORT PET ANIMAL AND WORKING DOG BITES

Any medical professional who provides treatment to a person for any animal bite that has pierced the skin shall report to the Eagle County Animal Services Department any information known regarding the animal bite. The report shall be made within twenty-four (24) hours after such information is received, and shall include with the report the name, address, and telephone number of the person making the report. The report may be made by telephone to the Animal Services Department on voice mail.

B. OWNER'S DUTY TO PRODUCE BITING ANIMAL FOR INSPECTION OR QUARANTINE

i. Upon the request of an Animal Control Officer, an Owner shall make available for inspection and/or Quarantine any Pet Animal or Working Dog which has bitten, or is suspected of biting a person.

ii. If the Quarantine of a Pet Animal or a Working Dog is deemed necessary, the place and terms of Quarantine shall be determined by the Director of the Animal Services Department or his or her designee pursuant to these regulations. During Quarantine, the Pet Animal or Working Dog shall, for a period of ten (10) days, be 1) isolated and confined to a Secure Enclosure and/or under the Physical Control of the Owner; or 2) confined at the Animal Shelter in a manner deemed appropriate by the Animal Services Director.

iii. All costs of Quarantine shall be the responsibility of the Owner.

C. IMPOUNDMENT OF AN ANIMAL THAT HAS BITTEN A PERSON

i. In addition to the requirements of Sections 9(B)(ii) and 10 of these regulations, if the Animal Services Director determines that an Animal has inflicted either Bodily Injury or Serious Bodily Injury to a person other than its Owner, he/she shall consider whether the Animal poses an immediate threat to the safety of the community, and if so, the Animal may be impounded. The following factors shall be considered in determining whether impoundment is appropriate in order to ensure the safety of the community.

a. The nature of the behavior giving rise to the Animal Services Director's determination that the Animal caused Bodily or Serious Bodily Injury;

b. The extent of the Injury(ies);

c. Circumstances surrounding the complaint, including but not limited to: the time of day that the injuries occurred; whether the dog was on/off the Owner's private property; whether there are any indications that the dog was provoked;

d. Circumstances surrounding the result and complaint including but not limited to: identification of the Animal; and credibility of complainants and witnesses;

e. The size of the lot where the animal resides and the number and proximity of neighbors;

f. The existing control factors, including but not limited to, the number of animals at the owner's residence, existence of fencing, caging, runs, and staking locations; and

g. The Animal's behavior post-incident as observed by Animal Control Officers and/or the Animal Services Director;

h. Whether there have been previous incidents or complaints involving the Animal;

i. Mitigating circumstances, including but not limited to an Owner's willingness and ability to take adequate measures to prevent future incidents.

ii. Upon impoundment of a Pet Animal or Working Dog that has inflicted Bodily Injury or Serious Bodily Injury to a person other than its Owner, the Owner of the

impounded dog may, within five (5) days of the impoundment, request an immediate custody hearing to determine whether the Animal should remain in Public Custody or whether the dog may safely be released back to the Owner. The hearing officer shall be the County Manager or his/her designee. The custody hearing must be held within ten (10) working days of the request for hearing. At the custody hearing, the County Manager shall consider whether there was an adequate factual basis for the Animal Services Director's decision that the dog must remain in Public Custody, and may affirm or overturn the Animal Service Director's determination, or alternatively, may recommend the release of the Animal with conditions to prevent additional incidents or complaints. The right to an administrative hearing shall be deemed waived if not timely requested as set forth in this Section.

10. DESIGNATION OF DANGEROUS AND POTENTIALLY DANGEROUS ANIMALS

10.1 In addition to determining whether immediate quarantine or impoundment of an Animal who has inflicted Bodily or Serious Bodily Injury to a person is appropriate, the Animal Services Director or his/her designee shall have the authority to determine, based on a preponderance of the evidence, that a Pet Animal or Working Dog is Potentially Dangerous or Dangerous as defined in these regulations.

10.2 Written notice of a Pet Animal or Working Dog's classification under 10.1 shall be served on the Owner or the Responsible Person of the animal at that Owner's or Responsible Person's last known address. The notice shall describe the animal, state the grounds for its classification, and applicable to such Pet Animal or Working Dog by reason of its classification. The notice shall also state that, if a written request for an administrative hearing is filed with the Animal Services Director within fourteen (14) days after receipt of the notice an administrative hearing will be conducted to review the classification of the Pet Animal or Working Dog. The right to an administrative hearing shall be deemed waived if not timely requested as set forth in this Resolution.

10.3 The notice referred to in 10.2 of this subsection shall be given either by personal delivery to the Owner or Responsible Person or by registered or certified mail, return receipt requested, addressed to the Owner or Responsible Person at the person's last known address. Notice by personal delivery shall be complete upon delivery and the receipt or upon return of the notice as undeliverable, refused, or unclaimed.

10.4 All administrative hearings held under this section shall be heard by the Board of County Commissioners or its designate, hereinafter referred to as the "Hearing Officer." The burden of proof shall be on the Owner or Responsible Person to show cause as to why the Animal's behavior does not support the designation as Dangerous or Potentially Dangerous. The hearing shall be informal and technical rules of evidence shall not apply. The classification shall be determined based upon the preponderance of the evidence. The Hearing Officer shall not be required to file a full opinion or make formal findings of fact or conclusion of law, but the Hearing Officer must state the reasons for the determination, and indicate the evidence relied upon. Such determination shall be made no later than 72 regular business hours after the close of the hearing. The proceedings at the hearing shall be recorded and retained for a reasonable period of time.

10.5 Should the Hearing Officer determine that the Pet Animal or Working Dog was properly designated by the Animal Services Director, the Owner or Responsible Person who requested the hearing shall be responsible for paying for the cost and expense of the hearing. Should the Hearing Officer determine that the Pet Animal or Working Dog is neither Dangerous nor Potentially Dangerous, no costs shall be charged for impoundment of the Pet Animal or Working Dog during pendency of the hearing.

10.6 When an Animal has been classified as Dangerous, the Hearing Officer shall first determine if that classification is proper. If the Hearing Officer determines that the Animal was improperly classified as Dangerous, the Hearing Officer shall then determine if the Animal is Potentially Dangerous. Should the Hearing Officer determine that the Pet Animal or Working Dog is Potentially Dangerous, the Owner or Responsible Person shall comply with the requirements of this Section applicable to Potentially Dangerous Animals.

11. IMPOUNDMENT OF DANGEROUS ANIMALS PENDING HEARING

Notwithstanding the provisions of Section 9, during the pendency of any hearing and any appeal therefrom on the classification of a Pet Animal or Working Dog as Dangerous, the Pet Animal or Working Dog shall be impounded at the County Animal Shelter at the Owner's or Responsible Person's expense.

12. RESTRICTIONS ON A POTENTIALLY DANGEROUS ANIMAL

12.1 While on the Owner's or Responsible Person's property, a Potentially Dangerous Animal must immediately be securely confined indoors or in a securely enclosed and locked pen or structure suitable for preventing the entry of young children and designed to prevent the Potentially Dangerous Animal from escaping by climbing, burrowing, or otherwise. The Potentially Dangerous Animal must be securely confined indoors at all times until such enclosure has secure sides and a secure top. If the enclosure has no bottom secured to the sides, the sides must be embedded into the ground to a depth of not less than one (1) foot. The enclosure must also provide adequate protection from the elements and be kept in a clean and sanitary condition.

12.2 A Potentially Dangerous Animal may be off the Owner's or Responsible Person's premises only if it is restrained by a substantial leash not exceeding four (4) feet in length. The leash and Potentially Dangerous Animal shall be under the actual physical control of a person suitable for controlling the Potentially Dangerous Animal at all times. Such Potentially Dangerous Animal shall not be leashed to inanimate objects such as trees, posts, buildings, etc.

12.3 Notification of change in status - The Owner or Responsible Person shall immediately notify the Eagle County Animal Services Department if a Potentially Dangerous Animal is loose, unconfined, has attacked another animal, or a human being, or has died, been sold, been given away, or is otherwise no longer in the possession of the Owner or Responsible Person. If the Potentially Dangerous Animal has been sold or given away the Owner or Responsible Person shall provide the Animal Services Department with the new Owner or Responsible Person's name, address and telephone number. If the new Owner or Responsible

Person maintains the Potentially Dangerous Animal within Eagle County the new Owner or Responsible Person shall comply with the requirements previously applied to such Animal and the requirements of this chapter.

12.4 Signs; Display Required - The Owner or Responsible Person shall display a sign or signs in such form as required by Eagle County on their premises warning that there is a Potentially Dangerous Animal on the premises. Such a sign or signs shall be visible and capable of being read from any public right-of-way abutting the premises. Such a sign shall also be posted on the enclosure for the Potentially Dangerous Animal.

12.5 Cost; Additional Signs - The County shall provide one (1) sign required by this section at no cost to the Owner or Responsible Person. Additional or duplicate signs shall be purchased from the County for an amount equal to the County cost for providing the signs.

12.6 Special license and identification tag - The Owner or Person Responsible for any Potentially Dangerous Animal shall obtain an annual special license and identification tag for such Animal, which license shall expire on December 31 of the year for which the license is issued. An application for a special license and identification tag shall be made to the Eagle County Animal Services Department which shall include the information required by Section 4 of this Resolution. All Potentially Dangerous Animals shall also be issued a special license identification tag which shall be worn by the Potentially Dangerous Animal at all times.

12.7 Spay or Neuter requirement for Potentially Dangerous Animals - Within Fourteen (14) calendar days after its classification as a Potentially Dangerous Animal, the Owner or Responsible Person shall have the Animal spayed or neutered and present proof of that fact to the Eagle County Animal Services Department.

12.8 The Owner or Responsible Person of any animal that has been designated as Potentially Dangerous in accordance with the terms of this Resolution must comply with sections 12.1, 12.2 and 12.3 concerning Potentially Dangerous Animals pending the outcome of any hearing challenging such designation.

12.9 Failure to Comply with Potentially Dangerous Animal Restrictions - Any animal that has been previously classified as Potentially Dangerous and is found in violation of the restrictions concerning Potentially Dangerous Animals may be classified as a "Dangerous Animal" in accordance with the terms of this Resolution.

13. DESTRUCTION OF DANGEROUS ANIMAL

13.1 It shall be unlawful to own a Dangerous Animal.

13.2 Any Pet Animal or Working Dog that is classified as Dangerous shall be humanely euthanized after being quarantined for the period provided by law.

14. FAILURE TO COMPLY WITH CERTAIN TERMS OF A SALES OR ADOPTION CONTRACT

14.1 It shall be unlawful to fail to comply with any of the terms of an adoption or fostering contract when the animal is obtained from the Eagle County Animal Shelter pursuant to such contract.

15. IMPOUNDMENT OF STRAY, ABANDONED ANIMALS OR THOSE OTHERWISE IN VIOLATION OF PROVISIONS OF THIS RESOLUTION

15.1 An Animal Control Officer may impound any Animal that is not under Control as required by this Resolution, or when it and/or its Owner are in violation of any of the provisions of this Resolution.

15.2 An Animal Control Officer may impound any Potentially Dangerous or Dangerous Animal that is not under Control as provided in these regulations. An Animal Control Officer may perform such impoundment prior to notifying the Owner, if such Owner is not immediately present to exercise Control of such animal.

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

16. OWNER'S DUTY TO REDEEM ANIMAL AND PAY FEES

16.1 The Owner of any impounded Animal shall be held responsible for all the costs of impoundment, including medical treatment and boarding, and such costs shall be fully paid prior to the release of the animal. In addition, prior to the release, the Owner shall pay for rabies inoculation or provide proof of efficacious rabies vaccination.

16.2 Prior to release of any impounded dog the Owner shall pay for an Eagle County dog license or provide proof of current licensure in Eagle County or the place the Animal regularly is kept.

16.3 It shall be unlawful for any Owner to fail to make arrangements for the redemption or surrender of any Animal impounded pursuant to the provisions of this Resolution, or to fail to pay any fees associated with the redemption or surrender of such animal.

17. DISPOSITION OF IMPOUNDED ANIMALS

17.1 Except for impoundment as provided by Section 9(C) herein, any Animal impounded pursuant to the other provisions of this Resolution, shall become the property of the Eagle County Animal Control after 5 days of impoundment, after which the Animal Services Department may humanely euthanize the animal. For purposes of this section, a "day" means a

24-hour period beginning at the time of the day at, and on the date on, which the animal was taken into Public Custody.

17.2 Eagle County Department of Animal Services may humanely euthanize any Animal at any time prior to the expiration of the 5-day impoundment period if the animal is seriously injured or ill, or if the Animal poses a risk to the health of any person.

17.3 After the required time period, in lieu of having an Animal destroyed, the Eagle County Animal Services Department may release an Animal which is not diseased to a bona fide animal welfare organization or to a person having no previous interest in the animal. Upon release of the animal, the recipient shall pay a fee as established by the County, including but not limited to fees for adoption, rabies inoculations, dog license, and sterilization costs.

17.4 All Animals adopted from the Eagle County Animal Shelter are required to be sterilized at the time of adoption unless such surgery would be dangerous to the animal due to its age or physical condition, as determined by the selected Veterinarian of record. Transfer of Ownership shall not occur until sterilization has been performed although possession may be given to the adopting person upon his or her written promise to have the sterilization performed by a specified date.

18. THREATENING OF LIVESTOCK OR WILDLIFE

18.1 It shall be unlawful to fail to control any Pet Animal so as to prevent such animal from running after, chasing, pursuing, biting, attacking, or in any other way threatening livestock or wildlife.

18.2 Any Pet Animal threatening livestock or wildlife may be immediately destroyed at the discretion of any Animal Control Officer. If not destroyed, the animal may be immediately impounded and/or designated Dangerous or Potentially Dangerous in accordance with these regulations.

18.3 A violation of this section may also require a mandatory court appearance by the Owner. Upon conviction, if the Animal was not destroyed at the time of the incident, the court may order it destroyed under the supervision of the Animal Services Department; if the court does not order the animal destroyed, the court may deem the animal a Potentially Dangerous Animal, and possession shall be returned to the Owner subject to the regulations applicable to Potentially Dangerous Animals under this Resolution and other state law. Upon a second conviction of a violation of this section with respect to a specific Animal, the court shall order the animal to be Dangerous and the animal destroyed under the supervision of the Animal Services Department.

18.4 Upon conviction of any violation of this section, the Owner shall be required by the court to pay restitution for any livestock or wildlife injured or killed by the Owner's Animal.

19. NUISANCE ANIMAL NOISE AND FECES

19.1 It is unlawful for any Owner to fail to prevent his Pet Animal from disturbing the peace of any other person by habitual or persistent barking, howling, yelping, or whining, or any other unprovoked noise, whether the animal is on or off the Owner's property.

19.2 It is unlawful for any Owner to permit the accumulation of a Pet Animal's feces on the property on which the animal is kept such that it is detectable visually or odorously by neighbors.

19.3 It is unlawful for any Owner to fail to confine Pet Animal feces, and any part thereof, within the perimeters of the property on which the animal is kept, regardless whether such failure to confine is the result of natural causes, such as surface water flow, or other causes.

19.4 No person shall be charged with a violation of this section unless a written warning for a separate violation has been given at least seventy-two (72) hours prior to the issuance of the citation. The name and address of the complainant shall appear on the written warning.

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

21. ENFORCEMENT Animal Control Officers have the authority to issue a Summons and Complaint or penalty assessment to any alleged violator of this Resolution. The fine or other penalty shall be as provided in the Eagle County Animal Control Resolution or as otherwise provided by law.

22. PENALTIES: The fines, in the amounts prescribed in the attached Exhibit A, shall apply to any such violation of these regulations, and shall be applied either through the penalty assessment procedure of § 16-2-201, C.R.S., or by the court after conviction, in which case the court shall also assess the appropriate court costs.

23. POWER OF THE COURT: In addition to any penalties which may be provided for in this Resolution, the court shall have the authority, upon making a finding that an animal constitutes a nuisance or that an Animal constitutes a real or present danger to the citizens of the County, to order that the Animal be destroyed in a humane fashion.

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

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

26. ENFORCEMENT: The provisions of this Resolution shall be enforced by the County Sheriff and peace officer of jurisdiction.

27. HOT PURSUIT: An Animal Control Officer in hot pursuit of an animal that is suspected of inflicting Bodily or Serious Bodily Injury to a human being or other animal may enter onto private property for the purposes of enforcing this Resolution, including for the purpose of effecting an Impoundment and/or Quarantine and, removing the animal from the property, ascertaining the identity of the animal, it's owner, and/or the currency or existence of dog tags, or issuing a citation. This section, however, does not grant any Animal Control Officer authority to enter into any dwelling.

28. ANIMAL CONTROL OFFICERS

28.1 There is hereby created the position of Eagle County Animal Control Officer who shall be employed by the County and appointed as such by the Board of County Commissioners, acting directly or through the County's chief administrative officer, at such compensation and such qualifications as from time to time shall be fixed by order of the Board.

28.2 Pursuant to § 30-15-105, C.R.S., personnel engaged in animal control, however titled or administratively assigned, may issue citations or enforce this Resolution. Personnel so engaged shall be included in the definition of "Peace Officer or Fireman" in § 18-3-201 (2), C.R.S. Nothing herein is intended to vest authority in any person so engaged to enforce any resolution or statute other than this Resolution.

29. DISPOSITION OF FINES AND FORFEITURES: All fines and forfeitures for violation of any provisions of this Resolution and all moneys collected by the County for licenses shall be paid over to the County Treasurer immediately upon their receipt.

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

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

32. SEVERABILITY: If any provisions of this Resolution or the application thereof to any party or circumstance shall to any extent be invalid or unenforceable, the remainder of this Resolution and the application of such provision to parties or circumstances other than those to which it is invalid or unenforceable, shall not be affected thereby, and each provision of this Resolution shall be valid and be enforced to the fullest extent permitted by law.

33. REPEALER: Upon the effective date of this Resolution, the Eagle County Animal Control Resolution of 2007, Resolution No. 07-21, shall be repealed and replaced by this Resolution. That repeal shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this Resolution.

34. TITLE: This Resolution shall be known as the Eagle County Animal Control Resolution of 2010.

34. EFFECTIVE DATE: All provisions of this Resolution shall be effective upon its execution by the Board of County Commissioners for Eagle County, Colorado.

EXHIBIT A
Department of Animal Services
Fee & Fine Schedule

FEES:

Dog License:	\$10.00 (Altered) per year \$20.00 (Not Altered) per year \$5.00 Replacement Tag
Potentially Dangerous Dog License:	\$200.00 per year
Cat Tag:	\$2.00 each
Adoption:	Cats - \$70.00 Dogs - \$100.00
Adoption Small Animal other than Dog or cat:	\$10.00
Impounds:	\$30.00 Subsequent offenses go up \$10.00 each time
Boarding:	\$15.00 per dog per day \$10.00 per cat per day
Dog Surrender:	\$40.00
Cat Surrender:	\$50.00
Litter Surrender/Puppies:	\$50.00 plus \$10.00 per puppy
Litter Surrender/Kittens:	\$40.00 plus \$10.00 per kitten
Cat/Dog Traps:	\$65.00 refundable deposit
Transport within County:	\$40.00
Out of County Transport	\$100.00 per day plus \$1.00 per mile
Owner Request, Euthanasia	\$30.00

FINES

For all violations not involving a Dangerous or Potentially Dangerous Animal:

Offense:	1st Offense	2nd Offense	3rd Offense	Subsequent
Fines:	\$40.00	\$100.00	\$250.00	Court

For all violations involving a Potentially Dangerous Animal:

Offense:	1st Offense
Fines:	\$250, plus Court

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

MOVED, READ AND ADOPTED by the Board of County Commissioners of the County of Eagle, State of Colorado, at its regular meeting held the 12 day of Oct, 2010.

COUNTY OF EAGLE, STATE OF COLORADO
BY AND THROUGH ITS BOARD OF COUNTY
COMMISSIONERS

BY: Sara J. Fisher
Sara J. Fisher, Chairman

ATTEST:

Teak J. Simon
Teak J. Simon, Clerk to the
Board of County Commissioners



Jon Stavney
Jon Stavney, Commissioner

Peter F. Runyon
Peter F. Runyon, Commissioner

BY: [Signature], DEPUTY

Commissioner STAVNEY seconded adoption of the foregoing resolution. The roll having been called, the vote was as follows:

Commissioner Sara J. Fisher	<u>Aye</u>
Commissioner Jon Stavney	<u>Aye</u>
Commissioner Peter F. Runyon	<u>Aye</u>

This Resolution passed by 3/0 vote of the Board of County Commissioners of the County of Eagle, State of Colorado.

Commissioner CHANDLER - HELLM moved adoption
of the following Resolution:

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF EAGLE, STATE OF COLORADO**

RESOLUTION NO. 2017-009

**RESOLUTION REPEALING AND RESTATING
RESOLUTION NO. 2010-126
CONCERNING THE CONTROL, LICENSING,
IMPOUNDMENT AND DISPOSITION OF ANIMALS**

WHEREAS, 30-15-101 *et seq.*, C.R.S., authorizes the Board of County Commissioners, County of Eagle, State of Colorado, hereinafter referred to as the "Board," to adopt a resolution providing for control and licensing of pet animals in the unincorporated areas of Eagle County, Colorado; and

WHEREAS, the Board has previously adopted such regulations, most recently by Resolution No. 2010-126 adopted October 12, 2010, entitled Resolution Repealing and Restating Resolution No. 07-21 Concerning the Control, Licensing, Impoundment and Disposition of Animals; and

WHEREAS, the Board finds that the Eagle County Animal Control Resolution of 2010 requires certain additions, modifications and clarifications in order to adequately provide for the control of Pet Animals and Working Dogs and other reasonable or necessary regulations in order to serve and promote the public peace, health, safety, and welfare of the citizens of Eagle County; and

WHEREAS, this Resolution is intended to repeal and restate the Eagle County Animal Control Resolution of 2010.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF EAGLE, STATE OF COLORADO;

THAT, the following Resolution be and is hereby adopted:

1. INTENT. It is the intent of the Board of County Commissioners in adopting this Resolution that Pet Animal and Working Dog Owners be responsible for their Animals' conduct, that they exercise control with respect to their Animals in a manner which recognizes the rights, health and safety of others in the community, and that they be held strictly liable for conduct of their Animals which violates the provisions of this Resolution.

2. DEFINITIONS: As used in this Resolution, the following terms shall have the following meanings:

2.1 “ABANDON” means (a) to fail to provide a Pet Animal Necessary care for a period of 24 hours or longer or (b) to deposit, leave, drop off or otherwise dispose of any Pet Animal on public or private property without providing necessary care. For the purposes of this Resolution, any Pet Animal is presumed to be Abandoned if, after the posting or personal service of written notice describing deficiencies of necessary care for a Pet Animal, the deficiencies are not corrected within 24 hours of such notice by any person other than an animal control officer.

2.2 “ANIMAL” means non-human mammals, including but not limited to dogs, cats, birds and reptiles.

2.3 “ANIMAL CONTROL OFFICER” means any person empowered by Eagle County to enforce the provisions of this Resolution pursuant to § 30- 15-105, C.R.S., Eagle County Sheriff’s Office personnel and other peace officers as defined in § 18-1-901, C.R.S.

2.4 “ANIMAL SERVICES DEPARTMENT” means the Eagle County Department of Animal Services.

2.5 “ANIMAL SHELTER” means all facilities and premises authorized by the Eagle County Board of Commissioners to care for Animals impounded or quarantined pursuant to the provisions of this Resolution. Such facilities and premises shall also be considered public animal shelters for the purpose of impounding dangerous dogs pursuant to the provisions of § 18-9-204.5, C.R.S.

2.6 “ATTACK” means aggressive behavior such as biting, injuring or chasing person or animal that may result in Bodily Injury, Serious Bodily Injury, or the death of a person or animal.

2.7 “BITE” means the severe bruising, piercing, laceration, or breaking of the skin by the teeth or jaws of any Animal.

2.8 “BODILY INJURY” means any physical injury that results in severe bruising, muscle tears, or skin lacerations requiring professional medical treatment or any physical injury that requires corrective or cosmetic surgery.

2.9 “CAT” means any animal of the species Felis Domesticus or any hybrid thereof.

2.10 “CONTROL” means supervision of, and influence over, any Pet Animal sufficient to prevent the violation of any of the provisions of this Resolution. Control shall be by Physical Control or Immediate Control, as defined herein.

2.11 “DANGEROUS ANIMAL” means any Pet Animal or Working Dog that has, without provocation, inflicted Serious Bodily Injury to a person, or has caused the death of a human being; or, has, while off the premises of its owner or responsible person, killed a domestic animal without provocation; or, has, been previously classified as Potentially Dangerous and is found in violation of the provisions of this Resolution.

2.12 “DOG” means any animal of the Canine species or any animal related to the wolf, fox, coyote or jackal.

2.13 “DOG PARK” means an area posted by any agency of the Federal government, the State of Colorado, or any political subdivision of the State for dogs to exercise and play off-leash in a controlled environment under Immediate Control of their Owners.

2.14 “HABITUAL OFFENDER” means any Pet Animal or Working Dog Owner who has pled guilty to, or been found guilty of, violating any provision of this Resolution three times within any eighteen-month period. For the purposes of this Resolution, after the effective date of this Resolution any disposition of charges involving probation or deferred judgment and sentencing shall be considered to be convictions.

2.15 “IMMEDIATE CONTROL” means Control of a Pet Animal by the physical presence of the Owner or Responsible Person so that it is at heel beside or otherwise controlled and obedient to a person competent to restrain the animal by command.

2.16 “IMPOUND” means to place an Animal in Public or Protective Custody in the interest of the safety of the Animal and/or the safety of the community.

2.17 “LIVESTOCK” means cattle, horses, mules, burros, sheep, poultry, swine, llama, goats, and any other Animal, when used for working purposes or raised for food or fiber production.

2.18 “MISTREATMENT” means every act or omission which causes, or unreasonably permits the continuation of, unnecessary or unjustifiable pain or suffering of an Animal.

2.19 “NECESSARY CARE” for a Pet Animal includes but is not limited to providing food, water, protection from the weather and removal of waste from the Animal’s enclosure.

2.20 “NEGLECT” means failure to provide food, water, protection from the weather, opportunity for exercise, socialization, or other care consistent with the needs of the species of the Animal in question.

2.21 “OWNER” means any person, firm, corporation, or organization owning, possessing, keeping, having financial or property interest in, or having temporary control or custody of, any Pet Animal; or any person, firm, corporation or organization owning or having financial or property interest in a Working Dog.

2.22 “PET ANIMAL” means dogs, cats, rabbits, guinea pigs, hamsters, mice, ferrets, birds, fish, reptiles, amphibians, and invertebrates, or any species of wild or domestic or hybrid animal sold, transferred, or retained for the purpose of being kept as a household pet, except livestock, and includes any other animal specified in § 35-80-102 (10), C.R.S., as may be amended from time to time. “Pet Animal” does not include an Animal used for working purposes on a farm or ranch or a Working Dog in the process of being worked.

2.23 “PET ANIMAL FACILITY” means any facility licensed as such pursuant to the provisions of Part 1 of Article 80 of Title 35, C.R.S.

2.24 “PHYSICAL CONTROL” means Control of a Pet Animal by means of a Tether or a leash attached to the animal, and held by the Owner, or control by confinement in a Secure Animal Enclosure.

2.25 “POTENTIALLY DANGEROUS ANIMAL” means any Pet Animal or Working Dog that without provocation, threatens to attack, or bites causing Bodily Injury to a human being, or another Pet Animal, or Pet Animal that causes bodily injury or death of the Livestock of another; or approaches a person upon the streets, highways, sidewalks, or other areas open to the public in a menacing fashion; or, has a known propensity, tendency, or disposition to attack without provocation, or cause physical injury or otherwise threatens the safety of human beings or other Pet Animals; or, is owned or harbored primarily or in part for the purpose of fighting or is trained for fighting

2.26 “PREMISES” means property owned, leased, or expressly permitted to be used by an Owner, including any confined area or locality such as a residence, business, room, shop, building, or motor vehicle, including the open space bed of a truck.

2.27 “PROTECTIVE CUSTODY” means the taking of an Animal into custody by Animal Services to prevent the Mistreatment, Neglect, or Abandonment of such Animal; or, impoundment of an Animal because of the Owner’s inability to care for the Animal due to incarceration, incapacitation, or transport to a medical treatment facility.

2.28 “PROVOCATION” means harassment, teasing, threatening, striking, or attacking an Animal or its Owner in the Animal’s presence, by either a person or another Animal. Provocation may also include the intrusion onto the physical property of the Pet Animal’s or Working Dog’s Owner, without the Owner’s consent and/or interference with a Working Dog’s performance of its job while it is actually working.

2.29 “PUBLIC CUSTODY” means the impoundment and/or confinement of an Animal in the Animal Shelter, or in the physical control of an Animal by an Animal Control Officer performing duties pursuant to the provisions of the Resolution.

2.30 “QUARANTINE” means the confinement of an Animal for a specific period of time during, as determined by the Director of Animal Services, which the Animal will be observed in order to detect symptoms of disease. At the discretion of the Animal Services Director, the Animal may either be quarantined by being (i) taken into Public Custody; or (ii) kept in a Secure Animal Enclosure and/or within the Physical Control of the Owner during the entire Quarantine period.

2.31 “RABIES REGISTRATION” means the vaccination of an Animal with an anti-rabies vaccine administered under the supervision of a licensed veterinarian, and the retention of a certificate of rabies vaccination by the animal owner.

2.32 “SECURE ANIMAL ENCLOSURE” means a structure which is suitable to prevent the escape of the Animal and prevents the entry of young children, having a top, bottom, all sides, and is locked.

2.33 “SERIOUS BODILY INJURY” means such injury which involves a substantial risk of permanent physical disability, impairment or, a disfigurement; or, a substantial risk of protracted loss or impairment of the function of any part of, or organ in the body.

2.34 “TETHER” means to securely tie, chain or leash a Pet Animal to an inanimate object.

2.35 “TRESPASS” means the entry by a Pet Animal or Working Dog upon any private property other than that of the Pet Animal’s Owner, or upon public property which is posted as not permitting Animals or such Animals.

2.36 “WORKING DOG” means a dog which is actually working livestock, guarding livestock from predators, locating or retrieving wild game in season for a licensed hunter, assisting law enforcement officers, assisting in rescue efforts, or being trained for any of these purposes.

3. VACCINATION OF PET ANIMALS AND WORKING DOGS REQUIRED

3.1 Owners of Pet Animals and Working Dogs which are harbored, kept, or maintained in Eagle County, for which Animals the United States Department of Agriculture has licensed a rabies vaccine, shall (i) vaccinate, (ii) maintain the efficacy of the vaccination, and (iii) maintain proof of current, efficacious rabies vaccination for their Pet Animals and Working Dogs.

3.2 Such Pet Animals and Working Dogs shall be vaccinated when the animal reaches the age of four months or is licensed (if applicable), whichever occurs first, and the vaccination shall be repeated as necessary in accordance with recommendations of the United States Department of Agriculture or vaccine manufacturer to maintain efficacy of the vaccination.

3.3 The rabies vaccine shall not be required for a Pet Animal whose veterinarian, in accordance with C.R.S. § 25-4-607, has issued a written waiver based on the veterinarian’s professional opinion that the rabies inoculation is contraindicated due to the Pet Animal’s medical condition.

4. ANNUAL DOG LICENSING: All dogs, including Working Dogs, harbored, kept, or maintained in Eagle County shall be licensed, except dogs kept as part of the operation of a Pet Animal Facility or Eagle County maintained shelter.

4.1 All dogs over the age of four months shall have a valid Eagle County dog license after the dog has been kept, maintained, or harbored in the County for any consecutive thirty day period or immediately upon impoundment or citation for any violation of the Resolution.

4.2 All dog licenses shall be renewed on or before their expiration date.

4.3 A valid dog license tag shall be attached to a collar or harness and shall be worn by the dog at all times. It shall be a defense to prosecution that the owner or responsible party can produce a certification by a veterinarian that the dog cannot wear a collar or harness because of a permanent medical condition or the dog was, at the time of notice, working in a capacity that made the wearing of a collar or harness hazardous to the dog. Working Dogs that cannot wear a dog license tag shall be microchipped or tattooed, at the Owner's expense, and registered with the Department of Animal Services.

4.4 A dog license shall be comprised of and evidenced by a written license form and a dog license tag.

4.5 The Eagle County Animal Services Department and/or any agency or person designated by the Board of County Commissioners by resolution will issue a dog license upon the receipt of the executed application, payment of the license fee and evidence of a current rabies vaccination.

5. FAILURE TO CONTROL A WORKING DOG OR PET ANIMAL It shall be unlawful, considered a failure to Control a Pet Animal or Working Dog, when:

5.1 A Pet Animal is off the Owner's Premises without the presence of a person having Control as defined in this Resolution;

5.2 A Pet Animal or Working Dog is allowed to cause Bodily Injury to a human being, or another Pet Animal, or is allowed to cause damage to the property of another;

5.3 A Pet Animal or Working Dog is tethered upon any public or private property without the permission of the person owning, leasing, or otherwise controlling the property in question;

5.4 Any Pet Animal or Working Dog reaches past the perimeter of the Owner's Premises with its teeth or claws causing Bodily Injury or property damage to another;

5.5 A Pet Animal is allowed to defecate on public or private property and the Owner or responsible person, of the animal, does not remove the waste in a timely manner;

5.6 A female cat or dog, during estrus, is not under Physical Control, confined indoors or confined within a Secure Animal Enclosure;

5.7 A Pet Animal is not under Physical Control in areas posted by any agency of the Federal government, the State of Colorado, or any political subdivision of the State as requiring the animal to be on a leash; or

5.8 Any Pet Animal or Working Dog is Mistreated or is left in circumstances which constitute Abandonment.

5.9 A Pet Animal or Working Dog is allowed to enter Private Property not that of the Owner's without the property owner's permission, or allowed to enter public property which is posted as not permitting such Animals.

6. INTERFERENCE WITH AN OWNER'S CONTROL OF A PET ANIMAL OR WORKING DOG

It shall be unlawful for any person to perform any act which interferes with, prevents, or hinders the efforts of an Owner to Control any of the Owner's Pet Animals or Working Dogs.

7. INTERFERENCE WITH AN ANIMAL CONTROL OFFICER

7.1 It shall be unlawful to interfere with, hinder, prevent, or obstruct an Animal Control Officer in his/her performance of duty pursuant to this Resolution.

7.2 It shall be unlawful to remove any animal from the Public or Protective Custody without the consent of an Animal Control Officer.

8. WHEN A PET ANIMAL OR WORKING DOG BITES A PERSON:

A. DUTY TO REPORT PET ANIMAL AND WORKING DOG BITES

Any medical professional who provides treatment to a person for any animal bite that has pierced the skin shall report to the Eagle County Animal Services Department any information known regarding the animal bite. The report shall be made within twenty-four (24) hours after such information is received, and shall include with the report the name, address, and telephone number of the person making the report. The report may be made by telephone to the Animal Services Department on voice mail.

B. OWNER'S DUTY TO PRODUCE BITING ANIMAL FOR INSPECTION OR QUARANTINE

i. Upon the request of an Animal Control Officer, an Owner shall make available for inspection and/or Quarantine any Pet Animal or Working Dog which has bitten, or is suspected of biting a person.

ii. If the Quarantine of a Pet Animal or a Working Dog is deemed necessary, the place and terms of Quarantine shall be determined by the Director of the Animal Services Department or his or her designee pursuant to these regulations. During Quarantine, the Pet Animal or Working Dog shall, for a period of ten (10) days, caused to be 1) isolated and

confined to a Secure Enclosure and/or under the Physical Control of the Owner; or 2) confined at the Animal Shelter in a manner deemed appropriate by the Animal Services Director.

- iii. All costs of Quarantine shall be the responsibility of the Owner.

C. IMPOUNDMENT OF AN ANIMAL THAT HAS BITTEN A PERSON

i. In addition to the requirements of Sections 8(B)(ii) and 9 of these regulations, if the Animal Services Director determines that an Animal has inflicted either Bodily Injury or Serious Bodily Injury to a person other than its Owner, he/she shall consider whether the Animal poses an immediate threat to the safety of the community, and if so, the Animal may be impounded. The following factors shall be considered in determining whether impoundment is appropriate in order to ensure the safety of the community.

- a. The nature of the behavior giving rise to the Animal Services Director's determination that the Animal caused Bodily or Serious Bodily Injury;
- b. The extent of the Injury(ies);
- c. Circumstances surrounding the complaint, including but not limited to: the time of day that the injuries occurred; whether the dog was on/off the Owner's private property; whether there are any indications that the dog was provoked;
- d. Circumstances surrounding the result and complaint including but not limited to: identification of the Animal; and credibility of complainants and witnesses;
- e. The size of the lot where the animal resides and the number and proximity of neighbors;
- f. The existing control factors, including but not limited to, the number of animals at the owner's residence, existence of fencing, caging, runs, and staking locations; and
- g. The Animal's behavior post-incident as observed by Animal Control Officers and/or the Animal Services Director;
- h. Whether there have been previous incidents or complaints involving the Animal;
- i. Mitigating circumstances, including but not limited to an Owner's willingness and ability to take adequate measures to prevent future incidents.

ii. Upon impoundment of a Pet Animal or Working Dog that has inflicted Bodily Injury or Serious Bodily Injury to a person other than its Owner, the Owner of the impounded dog may, within five (5) days of the impoundment, request an immediate custody hearing to determine whether the Animal should remain in Public Custody or whether the dog may safely be released back to the Owner. The hearing officer shall be the County Manager or his/her designee. The custody hearing must be held within ten (10) working days of the request for hearing. At the custody hearing, the County Manager shall consider whether there was an adequate factual basis for the Animal Services Director's decision that the dog must remain in Public Custody, and may affirm or overturn the Animal Service Director's determination, or alternatively, may recommend the release of the Animal with conditions to prevent additional

incidents or complaints. The right to an administrative hearing shall be deemed waived if not timely requested as set forth in this Section.

9. DESIGNATION OF DANGEROUS AND POTENTIALLY DANGEROUS ANIMALS

9.1 In addition to determining whether immediate quarantine or impoundment of an Animal who has inflicted Bodily or Serious Bodily Injury to a person is appropriate, the Animal Services Director or his/her designee shall have the authority to determine, based on a preponderance of the evidence, that a Pet Animal or Working Dog is Potentially Dangerous or Dangerous as defined in these regulations.

9.2 Written notice of a Pet Animal or Working Dog's classification under 9.1 shall be served on the Owner or the Responsible Person of the animal at that Owner's or Responsible Person's last known address. The notice shall describe the animal, state the grounds for its classification, and applicable to such Pet Animal or Working Dog by reason of its classification. The notice shall also state that, if a written request for an administrative hearing is filed with the Animal Services Director within fourteen (14) days after receipt of the notice an administrative hearing will be conducted to review the classification of the Pet Animal or Working Dog. The right to an administrative hearing shall be deemed waived if not timely requested as set forth in this Resolution.

9.3 The notice referred to in 9.2 of this subsection shall be given either by personal delivery to the Owner or Responsible Person or by registered or certified mail, return receipt requested, addressed to the Owner or Responsible Person at the person's last known address. Notice by personal delivery shall be complete upon delivery and the receipt or upon return of the notice as undeliverable, refused, or unclaimed.

9.4 All administrative hearings held under this section shall be heard by the Board of County Commissioners or its designate, hereinafter referred to as the "Hearing Officer." The burden of proof shall be on the Owner or Responsible Person to show cause as to why the Animal's behavior does not support the designation as Dangerous or Potentially Dangerous. The hearing shall be informal and technical rules of evidence shall not apply. The classification shall be determined based upon the preponderance of the evidence. The Hearing Officer shall not be required to file a full opinion or make formal findings of fact or conclusion of law, but the Hearing Officer must state the reasons for the determination, and indicate the evidence relied upon. Such determination shall be made no later than 72 regular business hours after the close of the hearing. The proceedings at the hearing shall be recorded and retained for a reasonable period of time.

9.5 Should the Hearing Officer determine that the Pet Animal or Working Dog was properly designated by the Animal Services Director, the Owner or Responsible Person who requested the hearing shall be responsible for paying for the cost and expense of the hearing. Should the Hearing Officer determine that the Pet Animal or Working Dog is neither Dangerous nor Potentially Dangerous, no costs shall be charged for impoundment of the Pet Animal or Working Dog during pendency of the hearing.

9.6 When an Animal has been classified as Dangerous, the Hearing Officer shall first determine if that classification is proper. If the Hearing Officer determines that the Animal was improperly classified as Dangerous, the Hearing Officer shall then determine if the Animal is Potentially Dangerous. Should the Hearing Officer determine that the Pet Animal or Working Dog is Potentially Dangerous, the Owner or Responsible Person shall comply with the requirements of this Section applicable to Potentially Dangerous Animals.

10. IMPOUNDMENT OF DANGEROUS ANIMALS PENDING HEARING

Notwithstanding the provisions of Section 8, during the pendency of any hearing and any appeal therefrom on the classification of a Pet Animal or Working Dog as Dangerous, the Pet Animal or Working Dog shall be impounded at the County Animal Shelter at the Owner's or Responsible Person's expense.

11. RESTRICTIONS ON A POTENTIALLY DANGEROUS ANIMAL

11.1 While on the Owner's or Responsible Person's property, a Potentially Dangerous Animal must immediately be securely confined indoors or in a securely enclosed and locked pen or structure suitable for preventing the entry of young children and designed to prevent the Potentially Dangerous Animal from escaping by climbing, burrowing, or otherwise. The Potentially Dangerous Animal must be securely confined indoors at all times until such enclosure has secure sides and a secure top. If the enclosure has no bottom secured to the sides, the sides must be embedded into the ground to a depth of not less than one (1) foot. The enclosure must also provide adequate protection from the elements and be kept in a clean and sanitary condition.

11.2 A Potentially Dangerous Animal may be off the Owner's or Responsible Person's premises only if it is restrained by a substantial leash not exceeding four (4) feet in length. The leash and Potentially Dangerous Animal shall be under the actual physical control of a person suitable for controlling the Potentially Dangerous Animal at all times. Such Potentially Dangerous Animal shall not be leashed to inanimate objects such as trees, posts, buildings, etc.

11.3 Notification of change in status - The Owner or Responsible Person shall immediately notify the Eagle County Animal Services Department if a Potentially Dangerous Animal is loose, unconfined, has attacked another animal, or a human being, or has died, been sold, been given away, or is otherwise no longer in the possession of the Owner or Responsible Person. If the Potentially Dangerous Animal has been sold or given away the Owner or Responsible Person shall provide the Animal Services Department with the new Owner or Responsible Persons name, address and telephone number. If the new Owner or Responsible Person maintains the Potentially Dangerous Animal within Eagle County the new Owner or Responsible Person shall comply with the requirements previously applied to such Animal and the requirements of this chapter.

11.4 Signs; Display Required - The Owner or Responsible Person shall display a sign or signs in such form as required by Eagle County on their premises warning that there is a Potentially Dangerous Animal on the premises. Such a sign or signs shall be visible and capable

of being read from any public right-of-way abutting the premises. Such a sign shall also be posted on the enclosure for the Potentially Dangerous Animal.

11.5 Cost; Additional Signs - The County shall provide one (1) sign required by this section at no cost to the Owner or Responsible Person. Additional or duplicate signs shall be purchased from the County for an amount equal to the County cost for providing the signs.

11.6 Special license and identification tag - The Owner or Person Responsible for any Potentially Dangerous Animal shall obtain an annual special license and identification tag for such Animal, which license shall expire on December 31 of the year for which the license is issued. An application for a special license and identification tag shall be made to the Eagle County Animal Services Department which shall include the information required by Section 4 of this Resolution. All Potentially Dangerous Animals shall also be issued a special license identification tag which shall be worn by the Potentially Dangerous Animal at all times.

11.7 Spay or Neuter requirement for Potentially Dangerous Animals - Within Fourteen (14) calendar days after its classification as a Potentially Dangerous Animal, the Owner or Responsible Person shall have the Animal spayed or neutered and present proof of that fact to the Eagle County Animal Services Department.

11.8 The Owner or Responsible Person of any animal that has been designated as Potentially Dangerous in accordance with the terms of this Resolution must comply with sections 11.1, 11.2 and 11.3 concerning Potentially Dangerous Animals pending the outcome of any hearing challenging such designation.

11.9 Failure to Comply with Potentially Dangerous Animal Restrictions – Any animal that has been previously classified as Potentially Dangerous and is found in violation of the restrictions concerning Potentially Dangerous Animals may be classified as a “Dangerous Animal” in accordance with the terms of this Resolution.

12. DESTRUCTION OF DANGEROUS ANIMAL

12.1 It shall be unlawful to own a Dangerous Animal.

12.2 Any Pet Animal or Working Dog that is classified as Dangerous shall be humanely euthanized after being quarantined for the period provided by law.

13. FAILURE TO COMPLY WITH CERTAIN TERMS OF A SALES OR ADOPTION CONTRACT

13.1 It shall be unlawful to fail to comply with any of the terms of an adoption or fostering contract when the animal is obtained from the Eagle County Animal Shelter pursuant to such contract.

14. IMPOUNDMENT OF STRAY, ABANDONED ANIMALS OR THOSE OTHERWISE IN VIOLATION OF PROVISIONS OF THIS RESOLUTION

14.1 An Animal Control Officer may impound any Animal that is not under Control as required by this Resolution, or when it and/or its Owner are in violation of any of the provisions of this Resolution.

14.2 An Animal Control Officer may impound any Potentially Dangerous or Dangerous Animal that is not under Control as provided in these regulations. An Animal Control Officer may perform such impoundment prior to notifying the Owner, if such Owner is not immediately present to exercise Control of such animal.

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

15. OWNER'S DUTY TO REDEEM ANIMAL AND PAY FEES

15.1 The Owner of any impounded Animal shall be held responsible for all the costs of impoundment, including medical treatment and boarding, and such costs shall be fully paid prior to the release of the animal. In addition, prior to the release, the Owner shall pay for rabies inoculation or provide proof of efficacious rabies vaccination.

15.2 Prior to release of any impounded dog the Owner shall pay for an Eagle County dog license or provide proof of current licensure in Eagle County or the place the Animal regularly is kept.

15.3 It shall be unlawful for any Owner to fail to make arrangements for the redemption or surrender of any Animal impounded pursuant to the provisions of this Resolution, or to fail to pay any fees associated with the redemption or surrender of such animal.

16. DISPOSITION OF IMPOUNDED ANIMALS

16.1 Except for impoundment as provided by Section 8(C) herein, any Animal impounded pursuant to the other provisions of this Resolution, shall become the property of the Eagle County Animal Control after 5 days of impoundment, after which the Animal Services Department may humanely euthanize the animal. For purposes of this section, a "day" means a 24-hour period beginning at the time of the day at, and on the date on, which the animal was taken into Public Custody.

16.2 Eagle County Department of Animal Services may humanely euthanize any Animal at any time prior to the expiration of the 5-day impoundment period if the animal is seriously injured or ill, or if the Animal poses a risk to the health of any person.

16.3 After the required time period, in lieu of having an Animal destroyed, the Eagle County Animal Services Department may release an Animal which is not diseased to a bona fide animal welfare organization or to a person having no previous interest in the animal. Upon release of the animal, the recipient shall pay a fee as established by the County, including but not limited to fees for adoption, rabies inoculations, dog license, and sterilization costs.

16.4 All Animals adopted from the Eagle County Animal Shelter are required to be sterilized at the time of adoption unless such surgery would be dangerous to the animal due to its age or physical condition, as determined by the selected Veterinarian of record. Transfer of Ownership shall not occur until sterilization has been performed although possession may be given to the adopting person upon his or her written promise to have the sterilization performed by a specified date.

17. THREATENING OF LIVESTOCK OR WILDLIFE

17.1 It shall be unlawful to fail to control any Pet Animal so as to prevent such animal from running after, chasing, pursuing, biting, attacking, or in any other way threatening livestock or wildlife.

17.2 Any Pet Animal threatening livestock or wildlife may be immediately destroyed at the discretion of any Animal Control Officer. If not destroyed, the animal may be immediately impounded and/or designated Dangerous or Potentially Dangerous in accordance with these regulations.

17.3 A violation of this section may also require a mandatory court appearance by the Owner. Upon conviction, if the Animal was not destroyed at the time of the incident, the court may order it destroyed under the supervision of the Animal Services Department; if the court does not order the animal destroyed, the court may deem the animal a Potentially Dangerous Animal, and possession shall be returned to the Owner subject to the regulations applicable to Potentially Dangerous Animals under this Resolution and other state law. Upon a second conviction of a violation of this section with respect to a specific Animal, the court shall order the animal to be Dangerous and the animal destroyed under the supervision of the Animal Services Department.

17.4 Upon conviction of any violation of this section, the Owner shall be required by the court to pay restitution for any livestock or wildlife injured or killed by the Owner's Animal.

18. NUISANCE ANIMAL NOISE AND FECES

18.1 It is unlawful for any Owner to fail to prevent his Pet Animal from disturbing the peace of any other person by habitual or persistent barking, howling, yelping, or whining, or any other unprovoked noise, whether the animal is on or off the Owner's property.

18.2 It is unlawful for any Owner to permit the accumulation of a Pet Animal's feces

on the property on which the animal is kept such that it is detectable visually or odorously by neighbors.

18.3 It is unlawful for any Owner to fail to confine Pet Animal feces, and any part thereof, within the perimeters of the property on which the animal is kept, regardless whether such failure to confine is the result of natural causes, such as surface water flow, or other causes.

18.4 No person shall be charged with a violation of this section unless a written warning for a separate violation has been given at least seventy-two (72) hours prior to the issuance of the citation. The name and address of the complainant shall appear on the written warning.

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

20. ENFORCEMENT Animal Control Officers have the authority to issue a Summons and Complaint or penalty assessment to any alleged violator of this Resolution. The fine or other penalty shall be as provided in the Eagle County Animal Control Resolution or as otherwise provided by law.

21. PENALTIES: The fines, in the amounts prescribed in the attached Exhibit A, shall apply to any such violation of these regulations, and shall be applied either through the penalty assessment procedure of § 16-2-201, C.R.S., or by the court after conviction, in which case the court shall also assess the appropriate court costs.

22. POWER OF THE COURT: In addition to any penalties which may be provided for in this Resolution, the court shall have the authority, upon making a finding that an animal constitutes a nuisance or that an Animal constitutes a real or present danger to the citizens of the County, to order that the Animal be destroyed in a humane fashion.

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

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

25. ENFORCEMENT: The provisions of this Resolution shall be enforced by the County Sheriff and peace officer of jurisdiction.

26. HOT PURSUIT: An Animal Control Officer in hot pursuit of an animal that is suspected of inflicting Bodily or Serious Bodily Injury to a human being or other animal may enter onto private property for the purposes of enforcing this Resolution, including for the purpose of effecting an Impoundment and/or Quarantine and, removing the animal from the property, ascertaining the identity of the animal, it's owner, and/or the currency or existence of dog tags, or issuing a citation. This section, however, does not grant any Animal Control Officer authority to enter into any dwelling.

27. ANIMAL CONTROL OFFICERS

27.1 There is hereby created the position of Eagle County Animal Control Officer who shall be employed by the County and appointed as such by the Board of County Commissioners, acting directly or through the County's chief administrative officer, at such compensation and such qualifications as from time to time shall be fixed by order of the Board.

27.2 Pursuant to § 30-15-105, C.R.S., personnel engaged in animal control, however titled or administratively assigned, may issue citations or enforce this Resolution. Personnel so engaged shall be included in the definition of "Peace Officer or Fireman" in § 18-3-201 (2), C.R.S. Nothing herein is intended to vest authority in any person so engaged to enforce any resolution or statute other than this Resolution.

28. DISPOSITION OF FINES AND FORFEITURES: All fines and forfeitures for violation of any provisions of this Resolution and all moneys collected by the County for licenses shall be paid over to the County Treasurer immediately upon their receipt.

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

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

31. SEVERABILITY: If any provisions of this Resolution or the application thereof to any party or circumstance shall to any extent be invalid or unenforceable, the remainder of this Resolution and the application of such provision to parties or circumstances other than those to which it is invalid or unenforceable, shall not be affected thereby, and each provision of this Resolution shall be valid and be enforced to the fullest extent permitted by law.

32. REPEALER: Upon the effective date of this Resolution, the Eagle County Animal

Control Resolution of 2010, Resolution No. 2010-126, shall be repealed and replaced by this Resolution. That repeal shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this Resolution.

33. TITLE: This Resolution shall be known as the Eagle County Animal Control Resolution of 2017.

34. EFFECTIVE DATE: All provisions of this Resolution shall be effective upon its execution by the Board of County Commissioners for Eagle County, Colorado.

MOVED, READ AND ADOPTED by the Board of County Commissioners of the County of Eagle, State of Colorado, at its regular meeting held the 7 day of MAR, 2017.

COUNTY OF EAGLE, STATE OF COLORADO, By and Through Its BOARD OF COUNTY COMMISSIONERS



ATTEST:

Kathleen O'Brien
Clerk to the Board of
County Commissioners

BY: [Signature] Deputy

By: [Signature]

Jillian H. Ryan
Chair

[Signature]
Kathy Chandler-Henry
Commissioner

[Signature]
Jeanne McQueeney
Commissioner

Commissioner McQueeney seconded adoption of the foregoing resolution. The roll having been called, the vote was as follows:

Commissioner Ryan Ay
Commissioner Chandler-Henry Ay
Commissioner McQueeney Ay

This resolution passed by 3/0 vote of the Board of County Commissioners of the County of Eagle, State of Colorado

EXHIBIT A
Department of Animal Services
Fee & Fine Schedule

FEES:

Dog License:	\$10.00 per year
	\$5.00 Replacement Tag
Potentially Dangerous Dog License:	\$200.00 per year
Adoption:	Cats - \$70.00
	Dogs - \$100.00
Adoption Small Animal other than Dog or cat:	\$10.00
Impounds:	\$30.00
Boarding:	\$15.00 per dog per day
	\$10.00 per cat per day
After Hours Emergency Reclaim:	\$100.00
Dog Surrender:	\$40.00
Cat Surrender:	\$50.00
Litter Surrender/Puppies:	\$40.00 plus \$10.00 per puppy
Litter Surrender/Kittens:	\$50.00 plus \$10.00 per kitten
Cat/Dog Traps:	\$65.00 refundable deposit
Transport within County:	\$40.00
Out of County Transport	\$100.00 per day plus \$1.00 per mile

FINES

For all violations not involving a Dangerous or Potentially Dangerous Animal:

Offense:	1st Offense	2nd Offense	3rd Offense	Subsequent
Fines:	\$40.00	\$100.00	\$250.00	Court

For all violations involving a Potentially Dangerous Animal:

Offense:	1st Offense
Fines:	\$250, plus Court

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