

## **RESOLUTION NO. 2024-30**

### **A RESOLUTION PROVIDING FOR THE LICENSING AND CONTROL OF DOGS IN MOFFAT COUNTY, COLORADO, AND REPEALING ALL RESOLUTIONS, OR PORTIONS THEREOF, IN CONFLICT THEREWITH**

#### **RECITALS**

A. The Moffat County Board of County Commissioners (the "Board") has the authority pursuant to Colorado Revised Statutes ("C.R.S.") § 30-15-101(1)(a), as amended, to adopt a resolution for the control and rabies vaccination of pet animals, and to establish such other reasonable regulations and restrictions as may be deemed necessary.

B. The Board has the authority pursuant to C.R.S. § 30-15-101, as amended, to adopt a resolution for the control of unleashed or unclaimed animals.

C. The Board recognizes there are existing provisions in previous Moffat County Resolutions concerning the control of dogs which sometimes conflict with each other in various areas of unincorporated Moffat County, particularly on public recreation lands and facilities owned by the County.

D. The Moffat County Sheriff and his deputies are authorized by C.R.S. § 25-4-612 as amended, to assist and cooperate with public health officials in capturing and impounding any dog or cat which has not been inoculated for rabies or is found running at large.

E. Sometime before June 20, 1978, the Moffat County Board of County Commissioners adopted an Ordinance regarding the keeping, licensing, and restraining of dogs, which was subsequently amended and the original Ordinance cannot be located.

F. On June 20, 1978, the Moffat County Board of County Commissioners adopted "Amended Ordinance No. \_\_\_\_\_", entitled AN ORDINANCE PURSUANT TO C.R.S. 1973, 30-15-101 *et seq.* PROVIDING FOR THE LICENSING OF ALL DOGS WITH THE BOUNDARIES OF THE COUNTY OF MOFFAT, STATE OF COLORADO; PROHIBITING THE RUNNING AT LARGE OF ANY DOG; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

G. On February 8, 1979, and on other dates as well, the Moffat County Board of County Commissioners has adopted several other resolutions amending ordinances with provisions pertaining to the licensing and control of dogs. These provisions can be confusing.

H. The Moffat County Sheriff has recommended that the previously adopted Resolutions, Amended Resolutions and portions of Resolutions addressing dogs, be repealed, and a Resolution providing for the licensing and control of dogs be approved and adopted as necessary in order to better enable the County to regulate the licensing and control of dogs. The Board finds that the licensing and control of dogs within the territory of unincorporated Moffat County are matters of local concern and that regulation is necessary for the protection of the health, safety, and welfare of the citizens of Moffat County.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Moffat County that the following rules and regulations governing animal safety, licensing and control are hereby adopted for application in the entire unincorporated area of Moffat County. Nothing herein shall prohibit the application of this Resolution to incorporated municipalities which contract with Moffat County for animal safety and control services if the governing body of such municipality has adopted these regulations as required by applicable law.

**SECTION 1. Applicability.** The control provisions of this Resolution shall apply to all dogs in the entire unincorporated area of Moffat County except for those dogs certified as assistance dogs for the physically handicapped, dogs actually working livestock, livestock protector dogs, dogs lawfully locating, pursuing or retrieving wild game in season when accompanied by and under the control of a licensed hunter, or dogs assisting search and rescue or law enforcement personnel, or dogs being trained in any of these pursuits. This Resolution shall also apply throughout any incorporated town or city which elects by ordinance or resolution to have the provisions hereof apply.

**SECTION 2. Definitions.** For the purposes of this Resolution, the following terms and words shall have the meanings set forth below.

- (a) “*Abandon*” means the leaving of a dog without adequate provisions for the dog's proper care for a period of twenty-four (24) hours or more, or leaving the dog with no intent of retrieving the dog by its owner, the person responsible for the dog's care or custody, or any other person having possession of such dog.
- (b) “*Animal*” means any living vertebrate creature, domestic or wild, except human beings and those animals defined in Section 35-44-101(1), C.R.S.
- (c) “*Animal*” (pet or domesticated). Pet animal or domesticated animal means dogs, cats, rodents, birds, reptiles, fish, pot-bellied pigs weighing less than seventy (70) pounds, and any other species of animal which is sold or retained as a household pet, but does not include skunks, nonhuman primates and other species of wild, exotic or carnivorous animals that may be further restricted in this chapter.
- (d) “*Attack*” means any violent or hostile physical contact with a person or other animal or any violent or hostile behavior that confines the movement of a person, including, but not limited to, chasing, cornering, or encircling a person.
- (e) “*Bodily injury*” means any physical pain, illness, or any impairment of physical or mental condition under C.R.S. § 18-1-901 (3)(c), as amended, and includes severe bruising, muscle tears, skin lacerations requiring professional medical treatment, or fracture of any bone, or injury that requires corrective or cosmetic surgery under C.R.S. § 18-9-204.5(2)(a), as amended; bodily injury that is “serious” means bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks or fractures under C.R.S. § 18-1-901(3)(p), as amended.

- (f) “*Caretaker*” means any person who keeps or harbors a dog or has the custody, charge, care, or possession of a dog, including the owner of the dog.
- (g) “*Certificate*” means a statement by a licensed veterinarian specifically describing the animal.
- (h) “*Confined*” means caged or restrained in a manner that prevents or precludes escape.
- (i) “*Control*” means:
  - (i) A dog which is actually working livestock, locating or retrieving wild game in season with a licensed hunter, or assisting law enforcement officers; or while being trained for any of these pursuits; or
  - (ii) A dog under physical control by means of a leash, cord, or chain not more than eight (8) feet in length, or confinement of such dog within the boundaries of the real property of its owner or caretaker; or
  - (iii) A dog whose owner prevents the dog from nuisance barking.
- (j) “*Custodian*” means any person who is in possession of or is keeping, harboring or caring for any animal.
- (k) “*Dangerous dog*” means any dog that:
  - (i) Inflicts bodily or serious bodily injury upon or causes the death of a person or domestic animal (dog, cat, or livestock); or
  - (ii) Demonstrates tendencies that would cause a reasonable person to believe that the dog may inflict bodily or serious bodily injury upon or cause the death of any person or domestic animal (dog, cat, or livestock); or
  - (iii) Engages in or is trained for animal fighting as described and prohibited in C.R.S. § 18-9-204.
- (l) “*Dog*” means any domesticated animal of the canine species, regardless of sex.
- (m) “*Dog harassing wildlife*” means any dog that unlawfully endangers, worries, impedes, annoys, pursues, disturbs, molests, rallies, concentrates, harries, chases, drives, herds, or torments wildlife as defined in C.R.S. § 33-1-102(24) and C.R.S. § 33-6-128(2).
- (n) “*Dog worrying livestock*” means any dog that runs after, chases, barks at, or injures livestock as defined in C.R.S. § 35-43-126.

- (o) “*Domestic animal*” means any animal owned or kept by a person for companionship or protection or for sale to others for such purposes, or livestock as defined in C.R.S. § 35-1-102(b).
- (p) “*Electronic control*” means the use of a device physically attached to the dog which is used to positively control the dog's behavior through electromagnetic signal transmitted to the device by the owner or through the use of a signal transmitted through an "invisible" fence.
- (q) “*Harbor*” means the act of keeping or caring for an animal or providing premises to which the animal returns for food, shelter, or care.
- (r) “*Impound*” means to take custody of and hold an animal at the Bear Creek Animal Hospital or other approved location.
- (s) “*Leash control*” means that a dog is firmly attached to a secured tether or leash not more than eight (8) feet in length which is being held by a person who is thereby in fact able to prevent the dog from charging, chasing or otherwise disturbing or interfering with any person, domestic animal or wildlife, irrespective of the presence of any distraction or provocation.
- (t) “*Livestock*” means cattle, sheep, goats, swine, mules, poultry, and such horses, mules, asses, and other animals used in the farm or ranch production of food, fiber, or other agricultural products.
- (u) “*Livestock protector dog*” means any dog which has been bonded to sheep or other livestock for the purpose of remaining with and protecting such livestock.
- (v) “*Nuisance animal*” means any animal that constitutes a nuisance by being a safety or health hazard, by damaging the property of another, or creating offensive odors, any of which materially interferes with or disrupts another person in the conduct of lawful activities at such person's home.
- (w) “*Nuisance barking*” means frequent, repeated, or continued barking, howling, yelping, screeching, moaning, crying, squawking, or other humanly audible noise made by a dog.
- (x) “*Owner*” means any person eighteen (18) years of age or older who owns, controls, keeps, harbors, or has custody of or cares for a dog. If a dog has more than one owner, each shall be considered an “owner” and subject to the provisions of this Resolution.
- (y) “*Possess*” or any derivation thereof, means exercising physical control over any animal.
- (z) “*Premises*” means the area of land surrounding the residence of the owner of any dog, which is owned, occupied or under the control of the owner of the dog, or any other confined area which is under the control or immediate supervision of the owner of the dog. “Premises” does not include any public right of way.



- (aa) “*Provocation*” means threatening, tormenting, teasing, or striking a dog.
- (bb) “*Quarantine*” means confinement of a dog for a minimum period of ten (10) days when such dog's bite has caused bodily injury.
- (cc) “*Rabies vaccination*” means the inoculation of a dog or cat with a vaccine licensed by the United States Department of Agriculture for use in the prevention of rabies.
- (dd) “*Running at large*” means a dog which is off of or away from the premises of its owner or keeper and not under the control of any person.
- (ee) “*Shelter*” means the Bear Creek Animal Hospital, located at 2430 East Victory Way, Craig, CO 81625, or any successor facility.
- (ff) “*Stray dog*” means any unlicensed dog, or licensed dog found unaccompanied by a person who has control, anywhere in unincorporated Moffat County.
- (gg) “*Tether*” means to tie up or chain to a fixed or heavy, inanimate object so as to restrict the free movement of an animal to a distance no greater than the length of its leash or chain.
- (hh) “*Vicious dog*” means any dog which has bitten or attempted to bite any person, without provocation, or has bitten a domestic or wild animal without being attacked or threatened with attack first.
- (ii) “*Wildlife*” means wild vertebrates, mollusks and crustaceans and includes mammals, birds, fishes, and reptiles that are not domesticated, as defined in C.R.S. § 33-1-102(51).

### **SECTION 3. Dog License Requirements and Fees.**

- (a) Any owner of a dog residing within unincorporated Moffat County whose dog is over the age of three (3) months shall, on or before the first day of April for the current year, pay a required license fee as set forth by Moffat County.
- (b) At the time that a dog owner makes application for a license, the owner shall state (upon printed forms provided for such purpose) the name, address and telephone number of the dog owner, the dog's name, and the breed, age, color and sex of the dog. A current valid rabies vaccination certificate for the dog is also required as stated hereafter.
- (c) The provisions of this section are not intended to apply to dogs whose owners are non-residents temporarily residing within Moffat County. For purposes of this section, a person shall be deemed to be a resident if he or she remains in Moffat County for at least thirty (30) continuous days.
- (d) Upon payment of the license fee, a receipt for payment and a tag for each dog so licensed shall be issued. Each owner shall be required to provide his or her dog(s) with a durable collar to which the license tag must be affixed. The dog license tag must be constantly worn

by the dog to which the tag was issued, except when such dog is securely confined on the property of the owner. If a dog licensing tag is lost, destroyed, or mutilated, then a duplicate will be issued upon payment of \$2.00 (or as hereafter required by Moffat County) and presentation of the receipt showing payment of the license fee for the current year. Dog licensing tags shall not be transferable from one dog to another, and no refunds shall be made on any dog license fees for any reason.

- (e) Registration and licensing of dogs shall be done at the Moffat County Sheriff's Office.
- (f) The annual licensing fee is to be paid not later than April 1 of the year for which the license is issued; however, no license shall be issued unless and until the owner of the dog shall exhibit a current valid rabies vaccination certificate showing that the dog has been vaccinated against rabies by a licensed veterinarian.

**SECTION 4. Rabies Inoculation Required.**

- (a) The owner of every dog in unincorporated Moffat County shall have such dog inoculated by a licensed veterinarian against rabies at three (3) months of age, one year thereafter and every year thereafter (unless the veterinarian specifically recommends scheduling vaccinations once every three years for dogs), so as to provide inoculation during the period of effectiveness of the vaccination.
- (b) Upon vaccination of a dog, a licensed veterinarian shall execute and furnish to the owner a certificate of rabies inoculation which shall include the following information:
  - (i) The name, physical and mailing addresses, and telephone number(s) of the owner;
  - (ii) The name and address of the veterinarian administering the vaccination;
  - (iii) The breed, age, color, name, sex and reproductive status of the vaccinated animal;
  - (iv) The date of vaccination and expiration thereof;
  - (v) The type of vaccine used, lot number and manufacturer; and
  - (vi) The rabies vaccination tag number. The veterinarian shall also furnish a rabies tag, which shall be firmly affixed to the collar of the dog.
- (c) Any dog which has bitten a person so as to cause any abrasion and/or break of the skin and which dog has no verification of a valid rabies inoculation may be impounded or quarantined in the shelter, or any approved private veterinary hospital, for observation for at least ten (10) days in order to determine whether the dog has rabies. The Moffat County Sheriff or his designated representative shall give notice of such impoundment to the owner, if known. If no owner appears to claim the animal after the quarantine period has passed, the dog will be put up for adoption or humanely destroyed pursuant to local policy. Before a dog can be released from the impoundment facility, the owner or prospective

owner must show proof of a valid rabies inoculation or make specific arrangements with the Moffat County Sheriff or his designated representative who will verify rabies inoculation after release. Any dog which the owner establishes had a current rabies inoculation prior to the time of the incident in which the dog bit a person may, alternatively, be quarantined on the premises of the owner.

**SECTION 5. Barking Dogs.**

- (a) It shall be unlawful for any person owning or keeping a dog to fail to prevent such dog from disturbing the peace of any other person by nuisance barking or loud, persistent or habitual barking, howling, yelping, or making any other loud, persistent, or habitual noise as described in Section 2(x), whether the dog is on or off the owner's premises. Dogs guarding livestock shall not be exempt from the application of this section unless such barking is related to the presence of a predator, intruder, or unconfined animal.
- (b) Provocation of a dog whose noise is complained of, whether by a person or an unconfined animal, shall be a defense to any complaint brought under this section.
- (c) If the Moffat County Sheriff or his designated representative determines that a violation of this section has occurred for the first time, the Moffat County Sheriff or his designated representative may either give the violator a written warning for the violation or issue a penalty assessment notice. If a warning is given, the violator shall be entitled to a period of three (3) days after the date on which the written warning is given in order to correct the violation. If the violation persists or recurs after the three (3) day period, then the violator shall be subject to enforcement action under this Resolution. No enforcement action for a Violation of this section shall be taken more than one calendar year after the date on which written warning for that violation was given.
- (d) The warning process to be employed by the Moffat County Sheriff is as follows:
  - (i) The Moffat County Sheriff or his designated representative may give a written warning of the violation after any of the following circumstances occurs: a complaint which the Moffat County Sheriff or his designated representative investigates; two complaints from different households; or a complaint from a single household if it is the only household within a quarter mile of the source of the complaint.
  - (ii) Complainants must clearly identify themselves and the dog complained of by either the name of the dog owner or the address at which the dog is located.
  - (iii) Such warning is sufficient if it is identified as coming from the Moffat County Sheriff's Office, refers to this Section 5, states that a complaint has been received, and that the owner's dog is disturbing the peace of another person.
  - (iv) A warning is given under this section if it is personally served on the dog's owner, posted on the owner's premises, or placed in the U.S. mail, postage prepaid, and

addressed to the owner of the dog at the address contained in the licensing records, rabies inoculation records, or at an address based on the best information available.

- (v) The Moffat County Sheriff's Office shall maintain records of a "such warnings given", and such records shall be *prima facie* evidence that the warnings were given.
- (e) No person shall be convicted at trial of violating this section unless at least one witness testifies to the loud, persistent, or habitual nature of the noise. The Moffat County Sheriff, or his designated representative, may be relied upon as a witness in meeting this requirement.
- (f) All presently existing and properly approved veterinary hospitals, animal shelters, commercial kennels, or commercial boarding facilities and any such facilities which are approved in the future by the Board of County Commissioners shall be exempt from the provisions of this section.
- (g) Violations of this section are "strict liability" offenses, and it shall not be necessary to prove a culpable mental state on the part of any person with respect to any material element of such offenses. Violations shall be proved by establishing beyond a reasonable doubt that a person voluntarily acted, or failed to perform an act which such person was capable of performing, and that such act or omission is contrary to the provisions of this section.

#### **SECTION 6. Dogs Running at Large.**

- (a) It shall be unlawful for the owner of any dog to fail to prevent the dog from running at large in any unincorporated area of Moffat County. Any dog off the owner's premises or on private property without the permission of the property owner must be under control as defined in Section 2(i) of this Resolution, inside a vehicle, or physically confined so that said dog does not have access to passers-by. If injury, damage, or trespass has occurred, there shall be a presumption that the dog was not under control.
- (b) It shall be unlawful for the owner of a dog to allow such dog to attack or chase any person or domestic animal, harass any species of wildlife, or worry any livestock.
- (c) After apprehending a dog at large, the Moffat County Sheriff or his designated representative may impound the dog or return the dog to its owner. The Moffat County Sheriff or his designated representative may also issue a penalty assessment notice or a summons and complaint to the dog's owner. The Moffat County Sheriff or his designated representative shall have the right to enter upon private property when it is necessary to apprehend any dog that has been running at large. Such entrance upon private property shall be in reasonable pursuit of said dog and shall not include entry into a domicile or enclosure which confines a dog, unless it is at the invitation of the owner of the premises.

## **SECTION 7. Vicious or Dangerous Dogs.**

- (a) Running at Large.
  - (i) It shall be unlawful for the owner of a dangerous or vicious dog as defined in Section 2(k) to fail to prevent said dog from going off the premises of the owner unless said dog is under leash control so as to prevent it from injuring any person, animal, or property.
  - (ii) It shall be unlawful for the owner of a vicious dog to allow such dog to chase or attack any person, domestic animal or species of wildlife.
  - (iii) Provocation by a person or attack (actual or threatened) by a domestic or wild animal shall be an affirmative defense to such an offense if the actions of any person or animal provoke the dog to such an extent that a dog of normal temperament would react viciously.
- (b) On the Owner's Premises.
  - (i) It shall be unlawful for the owner of a dangerous or vicious dog as defined in Section 2(k) to fail to confine said dog on the owner's premises in a secure enclosure which has secure sides and a secure base so as to effectively prevent the dog from escaping by digging or climbing or any other means and which enclosure must be of such material and closed in such a manner that the dog cannot exit the enclosure on its own.
  - (ii) This provision shall not apply to any dog which has been trained by qualified instructors for guard or police purposes.
  - (iii) No provision of this section relieves the owner of a dangerous or vicious dog from the obligation to comply with other provisions of this Resolution nor from the obligation to comply with any rule or regulation concerning building permit requirements or fences.
  - (iv) Nothing herein shall be construed so as to limit the application of C.R.S. § 18-9-204.5 concerning the unlawful ownership of dangerous dogs.

## **SECTION 8. Miscellaneous Provisions.**

- (a) **Removal of Animal Excrement.** No person owning or keeping any dog shall fail to prevent such animal from defecating upon any property other than the premises of the owner or keeper. It shall be unlawful for any owner to allow excessive animal feces to accumulate. The accumulation of feces shall be deemed to be excessive if there is a sufficient quantity to generate odors off the premises of the dog owner or to otherwise generate a health and safety hazard in the opinion of the Moffat County Sheriff or his designated representative.

- (b) **Habitual Offender.** A dog owner who violates any section of this Resolution three (3) or more times in any twelve (12) month period may be subject to special sanctions under Section 11. Time shall be calculated as running from the date of the violation and not from the date the case was disposed of or tried.

**SECTION 9. Seizure and Impoundment.**

- (a) Any dog found in violation of this Resolution is subject to seizure and impoundment. The Moffat County Sheriff or his designated representative shall apprehend and impound any dog found running at large, any dog required to be vaccinated against rabies which is either not vaccinated or not wearing a current rabies vaccination tag, any dangerous or vicious dog not properly confined, any dog which has bitten a person or is sick or injured or unaltered or abandoned, and any dog being kept or maintained contrary to the provisions of this Resolution.
- (b) When the Moffat County Sheriff or his designated representative has apprehended a dog, he or she may take appropriate action, including returning the dog to its owner, impounding the dog at the Bear Creek Animal Hospital, or issuing a penalty assessment or summons and complaint.
- (c) If the dog is impounded, then the Moffat County Sheriff or his designated representative shall give notice of such impoundment to the owner, if known. If no owner appears to claim the dog within five (5) days of receipt of the notice to the owner, then the dog will be deemed abandoned and will be disposed of by sale, adoption or humane destruction in accordance with local policy. Upon good cause shown, the Moffat County Sheriff or his designated representative may cause a dog to be impounded for more than five (5) days.
- (d) Before a dog can be released from the impoundment facility, the owner or prospective owner must show proof of a valid rabies inoculation or make specific arrangements with the Moffat County Sheriff or his designated representative who will verify rabies inoculation after release. The owner must pay the costs of impoundment, including any veterinarian costs and expenses incurred by the Moffat County Sheriff's Office. The quarantine provisions for a dog which has bitten a person so as to cause an abrasion or break of the skin and which have no verification of a valid rabies inoculation are set forth in Section 4.
- (e) Impoundment fees are as follows:
  - (i) Altered Animal (Spayed/Neutered): First offense: \$10.00; Second offense: \$20.00; and
  - (ii) Unaltered Animal: First offense: \$25.00; Second offense: \$50.00.



- (f) The Moffat County Board of County Commissioners, the Moffat County Sheriff's Office, agents, or employees or any other person authorized to enforce the provisions of this Resolution shall not be held responsible for any accident or subsequent disease or illness that may occur to the animal in connection with the administration of this Resolution.

#### **SECTION 10. Enforcement.**

The term "Moffat County Sheriff or his designated representative" includes any employee of Moffat County who is authorized to engage in animal control, including all Sheriff's deputies. Pursuant to C.R.S. § 30-15-105, as amended, any Moffat County Employee engaged in animal control, however titled or administratively assigned, may issue citations or summonses and complaints enforcing this Resolution on behalf of the Moffat County Sheriff's Office and shall be included in the definition of a "peace officer" under C.R.S. § 18-3-201 (2), as amended, as it pertains to assaults upon peace officers. It shall be unlawful for any person to interfere with, hinder, or prevent the Moffat County Sheriff or his authorized representatives in the discharge of their duties as herein prescribed.

#### **SECTION 11. Penalties.** The following penalties shall apply to this Resolution:

- (a) Any violation of this Resolution **not** involving bodily injury to any person shall be a petty offense as provided for in C.R.S. § 30-15-102(1), punishable by a fine of not more than three hundred (\$300.00) dollars or imprisonment in the county jail for not more than ten (10) days, or by both such fine and imprisonment for each separate offense.
  - (i) Pursuant to C.R.S. § 30-15-102(3), whenever the Moffat County Sheriff or his designated representative has probable cause to believe that a violation of this Resolution has occurred, he or she may issue a penalty assessment or summons and complaint to the violator stating the nature of the violation with sufficient particularity to provide notice to the violator. In the discretion of the Moffat County Sheriff or his designated representative, for third and subsequent violations, the summons and complaint procedure may be used instead of the penalty assessment procedure.
  - (ii) The Moffat County Sheriff or his designated representative may use the penalty assessment procedure described under C.R.S. § 16-2-201(1) for those violations referenced in Section 12(a)(iii), below. The statute permits the Moffat County Sheriff or his designated representative to give a person arrested for a petty offense a penalty assessment notice and release the person upon its terms, or take the person before a county court judge. The penalty assessment notice shall contain the identification of the violator, the specification of the violation (including location of the violation), the applicable fine, and the amount of pending fines on the violator's prior offenses, if any.
  - (iii) The penalty assessment procedure shall incorporate the schedule of fines attached hereto at Appendix A.

- (b) Pursuant to C.R.S. § 30-15-102(3), whenever the Moffat County Sheriff or his designated representative has probable cause to believe that any violation of this Resolution involving bodily injury has been committed, he or she may issue a penalty assessment or summons and complaint to the violator stating the nature of the violation with sufficient particularity to provide notice to the violator.
- (c) Any violation of this Resolution **involving** bodily injury to any person shall be a class 2 misdemeanor as provided in C.R.S. § 30-15-102(2) and C.R.S. § 18-1.3-501(1), punishable by a maximum sentence of imprisonment for one hundred twenty (120) days, not more than a seven hundred fifty dollars (\$750.00) fine, or both, for each separate offense.
- (d) In recognition of the serious nature of violations involving bodily injury to persons and habitual offenders, and in the interest of protecting and promoting public safety, the Moffat County Sheriff's Office and/or the District Attorney's Office has the authority to recommend to the court that a special sanction be imposed against a dog owner convicted of one or more offenses under this Resolution. The recommendation for a special sanction may be presented to the court as a proposed condition of sentencing upon conviction, which may be in lieu of or in addition to the specified fine, at the discretion of the court. The court may take into consideration the severity of the incident and the prior history of the dog and the dog owner when fashioning a sentence. The following is a non-exclusive list of potential sanctions which the court may order to be completed within a specified time:
  - (i) Construct a secure enclosure for the dog, as defined in Section 7(b)(i) or to the specifications of the Moffat County Sheriff or his designated representative, or confine the dog to the house or existing secure enclosure;
  - (ii) Require signage on the owner's property warning of the presence of a dangerous or vicious dog;
  - (iii) Spay or neuter the dog;
  - (iv) Attend and successfully complete dog obedience training;
  - (v) Perform community service work at an animal sheltering facility;
  - (vi) Require use of a short (2') hand-held leash and/or muzzle if the dog is taken off the owner's premises; or
  - (vii) Humanely euthanize the animal.

The Moffat County Sheriff or his designated representative will be responsible for conducting follow-up visits with the dog owner to ensure compliance with court-ordered sanctions and will report back to the court in a timely manner.

**SECTION 12. Fines; Fees; and Surcharges and Proceeds.**

All license fees, penalty assessments, fines, impoundment fees, proceeds from sales, or other moneys collected pursuant to this Resolution shall be paid into the Moffat County Treasury. No fine or penalty or assessment levied by the court for any violation of this Resolution shall be suspended by the court. Any person who pleads guilty to or is convicted of any violation of this Resolution shall pay an additional surcharge of eight dollars (\$8.00) for the victims and witnesses assistance and law enforcement fund pursuant to C.R.S. § 16.2.3-102 (1)(b)(III) and C.R.S. § 24-4.2-104(1)(b)(III) and an additional surcharge of two dollars and fifty cents (\$2.50) for the offender identification fund pursuant to C.R.S. § 16.2.3-102 (1)(b)(III) and C.R.S. § 24-33.5-415.6 (11).

**SECTION 13. Severability Clause.**

If any provision of this Resolution or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provisions or applications and, to this end, the provisions of this Resolution are declared to be severable.

**SECTION 14. Liability Clause.**

The Board of County Commissioners of Moffat County, the Moffat County Sheriff's Office, agents or employees or any other person authorized to enforce the provisions of this Resolution shall not be responsible for any accident or subsequent disease or illness that may occur to an animal in connection with the administration of this Resolution.

**SECTION 15. Safety Clause.**

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

**SECTION 16. Other Remedies.**

Nothing in this Resolution is intended to limit or prohibit the application of, or charges and prosecution under C.R.S. Titles 18, 33, 35, or other provisions of state law in appropriate cases.

**SECTION 17. Effective Date.**

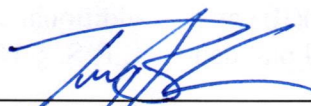
The Board of County Commissioners hereby finds, determines and declares that this Resolution shall take effect on the 28th day of February, 2024. Until that time, any previous resolutions or ordinances concerning animal control shall remain in effect.

**SECTION 18. Revocation of Previous Resolutions.**

By adoption of this Resolution, any and all Moffat County Animal Control regulations, including any portions of resolutions in conflict herewith are hereby revoked, rescinded, and repealed as of the effective date of this Resolution.

Upon motion duly made, seconded and adopted this 27<sup>th</sup> day of February, 2024, effective on the 28<sup>th</sup> day of February, 2024.

MOFFAT COUNTY BOARD OF COUNTY COMMISSIONERS


By:   
\_\_\_\_\_  
Tony Bohrer, Chairman

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF MOFFAT     )

I, Erin Miller, Deputy County Clerk and Ex-Officio to the Board of County Commissioners, do hereby certify that the above and foregoing is a true and complete copy of the resolution as adopted by the Board of County Commissioners on the date stated.

Witness my hand and the official seal of said County this 27<sup>th</sup> day of February, 2024.



  
\_\_\_\_\_  
Erin Miller, Deputy Clerk and Ex-Officio to the County  
Commissioners, Moffat County, Colorado

## **APPENDIX A TO RESOLUTION NO. 2024-30**

### **Failure to Vaccinate or Failure to Wear Rabies Tag**

*1<sup>st</sup> Offense:* Fine of \$50.00 on a penalty assessment ticket.

*2<sup>nd</sup> Offense & subsequent offenses* of any of the offenses within a 12-month period, a court appearance & a fine of not less than \$100.00.

### **Failure to License Dog**

*1<sup>st</sup> Offense:* Fine of \$50.00 on a penalty assessment ticket.

*2<sup>nd</sup> Offense & subsequent offenses* of any of the offenses within a 12-month period, a court appearance & a fine of not less than \$100.00.

### **Barking Dog**

*1<sup>st</sup> Offense:* Fine of \$50.00 on a penalty assessment ticket.

*2<sup>nd</sup> Offense & subsequent offenses* of any of the offenses within a 12-month period, a court appearance & a fine of not less than \$100.00.

### **Dog at Large**

*1<sup>st</sup> Offense:* Fine of \$50.00 on a penalty assessment ticket.

*2<sup>nd</sup> Offense & subsequent offenses* of any of the offenses within a 12-month period, a court appearance & a fine of not less than \$100.00.

### **Vicious or Dangerous Dog at Large or Not Properly Confined**

*1<sup>st</sup> Offense:* Court appearance and a fine of not less than (\$75.00).

*2<sup>nd</sup> & subsequent offenses:* court appearance & a fine of not less than \$150.00.

### **Unneutered or Unspayed Dog at Large<sup>1</sup>**

Unneutered: First Offense \$25.00; Second Offense \$50.00

Neutered: First Offense: \$10.00; Second Offense: \$20.00

### **Cruelty to Animals**

*First Offense:* \$100.00; *Second Offense:* \$300.00; & *Subsequent Offenses* and Maximum Penalty \$1,000.00

### **Failure to Remove Excrement**

*1<sup>st</sup> Offense:* Fine of \$50.00 on a penalty assessment ticket.

*2<sup>nd</sup> Offense & subsequent offenses* of any of the offenses within a 12-month period, a court appearance & a fine of not less than \$100.00.

### **Impoundment Fees:**

Altered Animal (Spayed/Neutered): *First offense:* \$10.00; *Second offense:* \$20.00;

Unaltered Animal: *First offense:* \$25.00; *Second offense:* \$50.00.

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<sup>1</sup> \*These fees are collected by Bear Creek Animal Hospital directly from the owner of the animal and not payable to Moffat County.