



Eagle-Vail Property Owners' Association, Inc.

EAGLE VAIL PROPERTY OWNERS' ENFORCEMENT AND FINING PROCESS

STEP 1: Give Verbal notice to Homeowner, if at all possible. If not, place a Written Courtesy/First violation notice on the property or mail a copy to the Owner of record, including a copy of Enforcement and Fining Process giving the homeowner (5) five days to comply.

STEP 2: If violation has not been resolved within the five days, leave on the property or mail a copy to the owner of record a Second and Final Notice advising the owner that if the violation is not complied with within the next (10) ten days that they will be afforded the opportunity to appear at a Hearing with the Board of Directors, on the next regularly scheduled meeting. Such notice will also be sent to the property owner by certified mail, return receipt requested.

STEP 3: After the 10 days in Step 2: Mail Certified a Request to appear at a Hearing of the Fines Rules Committee whereas the owner has a right to be heard as to why the violation has not been rectified. No such hearing shall be held sooner than thirty (30) days after the Posting of the first Notice Of Alleged Violation. Failure to attend can and will result in fines of \$100.00 per day being assessed to the owners account until the violation is resolved. Fines will accrue as long as the violation exists.

Fines assessed must be paid within 30 days of imposition and notification.

STEP 4:1.01 Right to Cure. After adequate notice is provided to the Owner, the Association may, but is not obligated to, enter upon an Owner's property and cure such violation at the Owner's cost and expense. If the Association cures any such violation, the Owner shall pay to the Association the amount of all costs incurred by the Association in connection therewith, plus an administration fee.

STEP 5: After (10) ten days of Accrued fines, or up to \$1000.00, a Lien will be filed on the property and a Lien packet will be sent to the homeowner. The fines will continue to accrue as long as the violation exists even if resolved once and the same violation is repeated again the fines will start where they left off.

STEP 6: The Board of Directors may take any further action needed as required by law to collect the fines including Administrative/Legal expenses if not paid within the 30 days as stated in the Rules and Regulations, (1.03, 1.04, 1.05 and Steps 1-4).

STEP 7: If you disagree with the Rules Committee's decision, you may appeal that decision to the Association's Board of Directors, during which time the fine will be held in abeyance. Your failure to appear at the appeal will result in the denial of your appeal.

Eagle County 2005
County



Commissioner Gates moved adoption
of the following Resolution:

BOARD OF COUNTY COMMISSIONERS
COUNTY OF EAGLE, STATE OF COLORADO

RESOLUTION NO. 27

RESOLUTION REPEALING AND RESTATING
RESOLUTION NO. 96 - 23
CONCERNING THE CONTROL AND LICENSING OF DOGS AND
IMPOUNDMENT AND DISPOSITION OF ANIMALS

WHEREAS, S 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. 96-23 adopted March 11, 1996, entitled "Eagle County Animal Control Resolution of 96"; and

WHEREAS, the Board finds that dogs running at large within the unincorporated territory constitute a menace to the public property and to the health, welfare, peace and safety of the citizens of Eagle County; and

WHEREAS, the board finds that the Eagle County Animal Control Resolution of 1996 requires certain additions, modifications and clarifications in order to adequately provide for the control of pet animals and other reasonable or necessary regulations pertaining thereto; and

WHEREAS, this Resolution is intended to repeal and restate the Eagle County Animal Control Resolution of 1996.

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 Owners be responsible for their Pet Animals' conduct, that they exercise control with respect to their Pet 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 Pet 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 a person other than an animal control officer.

- 2.2 "ANIMAL" means any living dumb creature.
- 2.3 "ANIMAL CONTROL OFFICER" means any person empowered by Eagle County to enforce the provisions of this Resolution pursuant to S30-15-105, C.R.S., Eagle County Sheriff's Department personnel and peace officers as defined in S18-1-901, C.R.S.
- 2.4 "ANIMAL SHELTER" means all facilities and premises authorized by the Board to care for Pet Animals impounded 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 S18-9-204.5, C.R.S.
- 2.5 "ATTACK" means aggressive behavior such as in biting, injuring or chasing a person or animal that may result in bodily injury, serious bodily injury, or the death of a person or animal.
- 2.6 "BITE" means the piercing, laceration, or breaking of the skin by the teeth or jaws of any Animal.
- 2.7 "CAT" means any animal of the species Felis Domesticus or any hybrid thereof.
- 2.8 "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.
- 2.9 "DANGEROUS ANIMAL" means any Pet Animal or Working Dog that has inflicted Serious Physical Injury to a human being without provocation on public or private property; 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, or whose owner or relation to that animal, violated any provisions of the chapter relating to Potentially Dangerous Animals; or, is a venomous Animal or has caused the death of a person.

- 2.10 "DOG" means any animal related to the wolf, fox, coyote or jackal.
- 2.11 "HABITUAL OFFENDER" means any Pet Animal 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.
- 2.12 "IMMEDIATE CONTROL" means Control of a Pet Animal by the physical presence of the Owner or Responsible Person within ten feet (10') of the Animal and such person can exhibit voice control over the Pet Animal.
- 2.13 "MINOR PHYSICAL INJURY" means physical pain or minor impairment of physical condition.
- 2.14 "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.
- 2.15 "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.
- 2.16 "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 S35-80-102 (10), C.R.S., as that may be amended from time to time. As used herein, "livestock" includes 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 on a farm or ranch. "Pet Animal" does not include an Animal used for working purposes on a farm or ranch or a Working Dog.
- 2.17 "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.
- 2.18 "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 Responsible Person, or confinement within a vehicle or Secure Animal Enclosure.
- 2.19 "POTENTIALLY DANGEROUS ANIMAL" means any Pet Animal or Working Dog that without provocation, threatens to attack, or bites causing minor physical injury to, a human being or domestic animal; or without

provocation, chases 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 domestic animals; or, is owned or harbored primarily or in part for the purpose of fighting or is trained for fighting.

- 2.20 **"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.
- 2.21 **"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.
- 2.22 **"PUBLIC CUSTODY"** means the confinement of an Animal in an Animal Shelter, or in the physical control of an Animal Control Officer performing duties pursuant to the provisions of the Resolution.
- 2.23 **"QUARANTINE"** means the confinement of a Pet Animal in Public Custody for observation to detect symptoms of disease.
- 2.24 **"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.
- 2.25 **"SERIOUS PHYSICAL INJURY"** means such injury which, either at the time of the attack or at a later time, involves a substantial risk of injury that results in long term or permanent physical disability, impairment, or a disfigurement; or, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures or burns of the second or third degree; or, death.
- 2.26 **"TETHER"** means to securely tie, chain or leash a Pet Animal To an inanimate object
- 2.27 **"TRESPASS"** means the entry by a Pet Animal upon any private property other than that of the animal's Owner, or upon public property which is posted as not permitting Animals or such Animals.
- 2.28 **"WORKING DOG"** means a dog which is actually working livestock, 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 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 Pet Animals and Working Dogs shall be vaccinated when the animal reaches the age of three 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.

4. **ANNUAL DOG LICENSING** All 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 three months shall have a valid Eagle County Pet Animal 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 31st 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.
- 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 Control 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 Control 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 PET ANIMAL** It shall be unlawful, considered a failure to Control a Pet Animal, 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 is allowed to become a danger to any person or property;
- 6.3 A Pet Animal 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 reaches past the perimeter of the Owner's Premises with its teeth or claws causing or threatening 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 is left in circumstances which constitute Abandonment.
- 6.9 A Pet Animal is allowed to enter Private Property not that of the Owner's or on public property which is posted as not permitting such Animals.

7. **INTERFERENCE WITH AN OWNER'S CONTROL OF A PET ANIMAL** 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.

8. **INTERFERENCE WITH AN ANIMAL CONTROL OFFICER**

- 8.1 No person shall interfere with, molest, hinder, prevent, or obstruct an Animal Control Officer in his/her performance of duty pursuant to this Resolution.
- 8.2 No person shall remove any animal from the Public Custody without the consent of an Animal Control Officer.

9.
APPEALS

CLASSIFICATION OF ANIMALS, APPEALS, RESTRICTIONS PENDING

- 9.1 The court, the Director of Animal Control or his designate shall have the sole authority to determine, based on probable cause, that a Pet Animal or Working Dog is Potentially Dangerous or Dangerous.
- 9.2 Written notice of a Pet Animal'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 state the restrictions applicable to such Pet Animal by reason of its classification. The notice shall also state that, if a written request for an administrative hearing is filed with the Director of Animal Control within fourteen (14) days after receipt of the notice an administrative hearing will be conducted to review the classification of the Pet Animal. 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 their 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 animals behavior does not support the designation of 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 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 is Potentially Dangerous, the owner or person responsible shall comply with the requirements of this Section applicable to Potentially Dangerous animals.

- 9.6 During the pendency of any hearing and any appeal therefrom on the classification of a Potentially Dangerous Pet Animal, the Director of Animal Control may require that the animal be kept securely confined on the premises of the Owner or Responsible Person, or other location acceptable to the Director of Animal Control.
- 9.7 During the pendency of any hearing and any appeal therefrom on the classification of a Pet Animal as Dangerous, the Pet Animal shall be quarantined at the County Animal Shelter at the Owner's or Responsible Person's expense.
- 9.8 Should the Hearing Officer determine that the Pet Animal is neither Dangerous nor Potentially Dangerous, no costs shall be charged for quarantine of the Pet Animal during pendency of the hearing.

10. **ON-PREMISES CONFINEMENT**

- 10.1 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 Pet Animal from escaping by climbing, burrowing, or otherwise. The Potentially Dangerous Pet Animal must be securely confined indoors at all times until such enclosure is available. Such enclosure must have minimum dimensions of four (4) feet by eight (8) feet and must have 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. **OFF-PREMISES RESTRAINT**

- 11.1 A Potentially Dangerous Pet 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 Pet Animal shall be under the actual physical control of a person suitable for controlling the Pet Animal at all times. Such Pet Animal shall not be leashed to inanimate objects such as trees, posts, buildings, etc.

12. **NOTIFICATION OF CHANGE OF STATUS**

- 12.1 The Owner or Responsible Person shall immediately notify the Eagle County Department of Animal Control if a Potentially Dangerous Pet 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 Pet Animal has been sold or given away the Owner or Responsible Person shall provide the Department of Animal Control with the new Owner or Responsible Persons name, address and telephone number. If the new Owner or Responsible Person maintains the Pet 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.

13 **SIGNS**

13.1 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 Pet 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 Pet Animal.

13.2 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.

14. **SPECIAL LICENSE AND TAG**

14.1 The Owner or Person Responsible for any Potentially Dangerous Pet Animal shall obtain an annual special license for such animal, which license shall expire on December 31st of the year for which the license is issued.

14.2 An application for a special license shall be made to the Eagle County Department of Animal Control which shall include the information required by Section 4 of this Resolution.

14.3 All Potentially Dangerous Pet Animals shall be issued a special license identification tag which shall be worn by the Pet Animal at all times.

15. **SPAY OR NEUTER REQUIREMENT FOR POTENTIALLY DANGEROUS PET ANIMALS** Within Fourteen (14) calendar days after its classification as a Potentially Dangerous Pet Animal, the Owner or Responsible Person shall have the Pet Animal spayed or neutered and present proof of that fact to the Eagle County Department of Animal Control.

16. **DESTRUCTION OF DANGEROUS PET ANIMAL**

16.1 It shall be unlawful to own a Dangerous Pet Animal.

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

17. **DUTY TO REPORT ANIMAL BITES AND INJURY CAUSED BY ANIMALS**

It shall be unlawful for any medical personnel who provide treatment to a person or animal for animal bite or injury caused by a Pet Animal, to fail to report to the Eagle County Animal Control Department any information known to him regarding the animal bite or injury. The report shall be made within twenty-four (24) hours after such information is received by him, 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 Control Office on voice mail.

18. **DUTY TO PRODUCE BITING ANIMAL FOR INSPECTION OR QUARANTINE**

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 a person or is suspected of biting a person.

18.1 If the Quarantine of a Pet Animal is deemed necessary, the place of Quarantine shall be determined by the Animal Control Department.

18.2 All costs of a Quarantine shall be the responsibility of the Owner.

18.3 If the Quarantine of a Pet Animal is deemed necessary, the disposition of the animal will be at the discretion of the Animal Control Department.

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

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.

20. **IMPOUNDMENT OF ANIMALS**

20.1 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 is in violation of any of the provisions of this Resolution.

20.2 An Animal Control Officer may impound any Potentially Dangerous or Dangerous Animal that is not under Proper Control. An Animal Control Officer may perform such impoundment prior to notifying the Owner, if such Owner is not immediately present to exercise Proper Control of such animal.

20.3 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.

21. **OWNER'S DUTY TO REDEEM ANIMAL AND PAY FEES**

- 21.1 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.
- 21.2 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.
- 21.3 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.

22. **DISPOSITION OF IMPOUNDED ANIMALS**

- 22.1 Any Animal impounded pursuant to the provisions of this Resolution, shall become the property of the Eagle County Animal Control after 5 days of impoundment, after which the Animal Control Department may humanely euthanasia 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.
- 22.2 Eagle County Animal Control 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.
- 22.3 After the required time period, in lieu of having an Animal destroyed, the Eagle County Animal Control Department may release an Animal which is not diseased to a bona fide humane society 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.
- 22.4 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 promise to have the sterilization performed by a specified date.

23. THREATENING OF LIVESTOCK OR WILDLIFE

- 23.1 It shall be unlawful to fail to control any Animal so as to prevent such animal from running after, chasing, pursuing, biting, attacking, or in any other way threatening livestock or wildlife.
- 23.2 Any Animal threatening livestock or wildlife may be immediately destroyed at the discretion of any Animal Control Officer. If not destroyed, the animal shall be immediately impounded.
- 23.3 A violation of this section shall 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 Control Department; if the court does not order the animal destroyed, the court shall 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 Control Department.
- 23.4 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.

24. NUISANCE ANIMAL NOISE AND FECES

- 24.1 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.
- 24.2 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.
- 24.3 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.

24.4 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.

25. **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 Control Department, along with any other penalties imposed by the Court.

26. **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.

27. **PENALTIES** The following fines shall apply to any such violation and shall be applied either through the penalty assessment procedure of S 16-2-201, C.R.S., or by the court after conviction, in which case the court shall also assess the appropriate court costs:

- A. For all violations not involving a Dangerous or Potentially Dangerous animal:
- | | |
|---------------------------------------|--|
| First offense: | \$40.00 to \$100.00 fine |
| Second offense: | \$100.00 to \$150.00 fine within 18 months |
| Subsequent offenses within 18 months: | \$150.00 to \$300.00 fine |

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

28. **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 and present danger to the citizens of the County, to order that the Animal be destroyed in a humane fashion.

29. **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.

30. **NOTICE AND EVIDENCE OF WARNINGS** 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.

31. **ENFORCEMENT** The provisions of this Resolution shall be enforced by the County Sheriff and respective deputies, the Eagle County Animal Control Officers and by any peace officer of jurisdiction.

32. **HOT PURSUIT** An Animal Control Officer in hot pursuit of an animal that is suspected of inflicting minor or serious 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, its 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.

33. **ANIMAL CONTROL OFFICERS**

33.1 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.

33.2 Pursuant to S 30-15-105, C.R.S., personnel engaged in animal control, however titled or administratively assigned, may issue citations or summonses and complaints enforcing this Resolution. Personnel so engaged shall be included in the definition of "Peace Officer or Fireman" in S 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.

34. **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.

35. **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.

36. **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.

37. **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.

38. **REPEALER** Upon the effective date of this Resolution, the Eagle County Animal Control Resolution of 1996, Resolution No. 96-23, 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.

39. **TITLE** This Resolution shall be known as the Eagle County Animal Control Resolution of 1998."

40. **EFFECTIVE DATE** All provisions of this Resolution shall be effective on _____, 1998.

MOVED, READ AND ADOPTED by the Board of County Commissioners of the County of Eagle, State of Colorado, at its regular meeting held the 23rd day of February, 1998:

ATTEST:



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

Sara J. Fisher
Clerk to the Board of County Commissioners

James E. Johnson, Jr.
James E. Johnson, Jr. - Chairman

Johnette Phillips
Johnette Phillips - Commissioner

George A. Gates
George A. Gates - Commissioner

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

Commissioner Gates
Commissioner Phillips
Commissioner Johnson

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ayl

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