Chapter 10 - ANIMALS [41]

(41) Cross reference— Predatory animal control committee, § 2-566 et seq.; undesirable plant and rodent advisory commission, § 2-646 et seq.

ARTICLE I. - IN GENERAL
ARTICLE II. - DOGS

(41) State Law reference— Dumping dead animals, C.R.S. § 25-1-612. (Back)

ARTICLE I. - IN GENERAL

Secs. 10-1—10-30. - Reserved.

Secs. 10-1—10-30. - Reserved.

ARTICLE II. - DOGS [42]

(42) State Law reference— Authority to adopt resolutions regarding control and licensing of dogs, C.R.S. § 30-15-101 et seq.

DIVISION 1. - GENERALLY
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DIVISION 1. - GENERALLY

Sec. 10-31. - Definitions.
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The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animas River Trail means the hard surface public trail and adjacent greenways designed for pedestrian, bicycle, and other non-motorized use that parallels or roughly follows the Animas River through the length of the City of Durango and into surrounding nonannexed but urbanizing areas.

At large means not under control.

Control means adequately restrained and subject to the dog owner's will. A dog shall be deemed under control only when:

(1) It is on a leash of sufficient strength to restrain the dog; or

(2) The dog is confined in a building, fence, enclosure, motor vehicle, or other structure in such a way that it cannot escape; or

(3) It is on property possessed by its owner and in the presence of its owner, possessor or keeper, or a family member of the owner, or any agent or servant of the owner; or

(4) The dog is not in an enclave or on the Animas River Trail and is within sight and hearing distance of its owner, a family member of the owner, or any agent or servant thereof and, upon voice command, such dog shall return to the immediate vicinity, not to exceed four feet, of such person; or

(5) The dog is in an enclave or on the Animas River Trail and is physically restrained by a structure or vehicle or is under the direct control of its owner, a family member of the owner, or any agent or servant thereof either by a leash, cord or chain, not more than eight feet long.

A dog shall be deemed not under control when:

(1) [6] The dog is in an enclave or on the Animas River Trail and is not physically restrained by a structure or vehicle and is not under the direct control of its owner, a family member of the owner, or any agent or servant thereof either by a leash, cord or chain of not more than eight feet long.

(2) [7] The dog inflicts damage or injury by biting, jumping upon, or by any other means whatsoever, to the person or property of another or harasses, chases or attacks persons, vehicles, cyclists, pedestrians, equestrians, livestock or wildlife. This subsection shall not be applicable if the dog is acting in defense of its owner, the owner's family or the property of the owner.
Dog means a domestic canine of either sex, including one neutered, spayed or sterilized.

Enclave means an area of La Plata County that has not been annexed by the City of Durango that is completely surrounded by land that has been annexed by the City of Durango.

Owner means any person, partnership, corporation or other legal entity who or which has a right of property in a dog, or who keeps or harbors a dog, or who has a dog in its care for a period of 72 hours or longer, or who acts as the custodian of a dog, or claims responsibility for a dog, or is documented through office of records as the party responsible for the dog. Except as expressly provided in this definition, the term "owner" shall include the immediate family of the owner and any agents or servants thereof.

Rabies vaccination means vaccination of a dog with an anti-rabies vaccine approved by the state department of health and administered by triennial booster shots thereafter.

Vicious dog means any dog found by the county court to have bitten or threatened to bite any person, including its owner, except:

1. A person trespassing or on the premises of its owner.
2. Any person intervening in a dog fight in which the dog is involved.
3. Any person willfully provoking the dog.

Sec. 10-32. - Application of article provisions.

This article shall apply throughout the unincorporated areas of the county until repealed or amended or until replaced or superseded by any competent governmental agreement.

Sec. 10-33. - Working livestock, retrieving game and assisting law enforcement officers.

The provisions of this article relating to the control of dogs and prohibiting dogs from running at large shall not apply to dogs while actually working livestock, locating or retrieving wild game in season for a licensed hunter, or assisting law enforcement officers or while actually being trained for any of these pursuits.

Sec. 10-34. - Keeping under control and not permitting to run at large.

(a) Each owner shall keep his dog under control at all times.

(b) The running at large of any dog in the county is hereby prohibited.
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Sec. 10-35. - Destruction of dogs threatening humans, livestock, wildlife or property.

(a) Any peace officer or any other person is hereby authorized to take appropriate measures, which may include destruction of the dog involved, to prevent death, injury or damage to persons or property under the following circumstances:

(1) The dog is biting or threatening to bite any person except:
   a. A person trespassing or otherwise unlawfully on the premises of its owner.
   b. Any person willfully provoking the dog.

(2) The dog is harassing or endangering livestock or wildlife.

(b) Destruction of the dog is authorized under this section only when no other means can reasonably be employed to prevent death, injury or damage to the persons, livestock, wildlife or property.


Sec. 10-36. - Disposition of fines and forfeitures.

(a) All fines and forfeitures for violations of the provisions of this article shall be paid into the treasury of the county upon payment of such fines and forfeitures.

(b) All impound, licensing and boarding fees pursuant to the provisions of this article shall be paid to the La Plata County Humane Society.


Sec. 10-37. - State statutes control.

If any statute of the state or the United States government gives or confers upon any person power to deal with dogs running at large or dogs endangering persons or property, which powers are greater than those set forth in this article, this article shall not be construed to reduce or modify the powers granted by statute.

(Res. No. 1997-46, § 17.1, 7-14-1997)

Sec. 10-38. - Fees.

(a) Impound fee. The La Plata County Humane Society impound fee shall be $40.00 with license or proof of license. The impound fee shall be $60.00 without a license. In either case, a $20.00 increase will be attached to each subsequent impoundment within a calendar year, and shall be cumulative for each subsequent impoundment, whether the dog is brought to the La Plata County Humane Society by an animal control officer, peace officer, or a civilian.

(b) Licensing fee. The fee for dog licenses shall be $10.00 per license for altered dogs (i.e., spayed or neutered) and $25.00 per license for unaltered dogs. License fees shall be waived for dogs serving persons with medical disabilities, law enforcement agencies, and senior citizens over the age of 62, provided that such dog is spayed or neutered.

(c) Boarding fee. The daily boarding fee shall be $20.00 to help defray the cost of caring for the homeless animals.
Sec. 10-61. - Authorized enforcement personnel.

(a) Any peace officer, including any person carrying a reserve or special deputy sheriff's commission from the county sheriff, is authorized to enforce all provisions of this article.

(b) Any person designated as a dog control officer by the board of county commissioners is authorized to enforce all provisions of this article.

(c) Any person, whether or not a peace officer or dog control officer, is authorized to restrain dogs running at large, as provided in section 10-112(c).

(d) The board of county commissioners, their agents and employees, any impoundment facility, its agents and employees, and any person authorized to enforce any provision of this article shall not be held responsible for any accident or subsequent disease that may occur in connection with the administration or enforcement of this article.

(Res. No. 1997-46, § 7.4, 7-14-1997)

Sec. 10-62. - Issuance of summons and complaint.

(a) Whenever any person designated as a dog control officer by the county pursuant to section 10-61(b) has personal knowledge of any violation of C.R.S. § 30-15-101 et seq., or whenever such person has personal knowledge of any violation of any provision of this article, such person may issue a summons and complaint to the violator, stating the nature of the violation with sufficient particularity to give notice of such charge to the violator.

(b) A summons and complaint issued by a dog control officer shall contain the name of the defendant, shall identify the offense charged, including a citation of the statute or resolution section alleged to have been violated, shall contain a brief statement or description of the offense charged, including the date and approximate location thereof, and shall direct the defendant to appear before a specified county court at a stated time, date and place. A summons and complaint containing the information specified in this subsection shall be deemed prima facie compliance with the particularity requirement of subsection (a) of this section.

(c) Any peace officer may issue a summons and complaint pursuant to C.R.S. § 16-2-104, as
amended, and Colorado Rule of Criminal Procedure, Rule 4.1(c)(3) for any violation of C.R.S. § 30-15-101 et seq., or for any violation of this article. Any summons and complaint issued pursuant to this subsection shall contain the information specified in subsection (b) of this section.

(d) A summons may be issued by the clerk of the county court upon the filing of a sworn complaint, pursuant to the provisions of C.R.S. § 16-2-105, as amended, and Colorado Rule of Criminal Procedure 4.1(c)(1). Any summons so issued shall conform to the requirements of Colorado Rule of Criminal Procedure 4.1(c)(1).

(e) A summons and complaint issued for the first or second violation of the provisions of this article, except section 10-64, shall also contain a penalty assessment notice pursuant to C.R.S. § 16-2-201, as amended, as the same may from time to time be amended, requiring the defendant to appear at the place, time and date specified or, in lieu thereof, to pay the specified fine in person or by mail at the place and within the time specified in the notice. Payment of the specified fine shall constitute acknowledgement of guilt of the offense charged.

(f) If the summons and complaint charges a violation of section 10-64 or charges a third violation of any other provision of this article, the defendant shall be required to appear before the county court at the place, time and date specified.

(Res. No. 1997-46, § 10.6, 7-14-1997)

Sec. 10-63. - Penalty for violation of article.

Violation of any provisions of this article not involving bodily injury to any person shall be a class 2 petty offense and shall be punishable as follows:

(1) For the first violation, the owner shall be assessed a fine of $20.00.

(2) For the second offense, the owner shall be assessed a fine of $60.00.

(3) For the third or any subsequent offense thereafter, the owner shall be punished by a fine of not less than $100.00 but not more than $300.00, or imprisonment in the county jail for not more than 90 days, or both such fine and imprisonment, for each separate offense.

(Res. No. 1997-46, § 11.1, 7-14-1997)


Sec. 10-64. - Offenses involving bodily injury; violations and penalties.

(a) It shall be unlawful for any owner of a dog to allow, suffer, permit or sanction infliction of bodily injury to any person by such dog, except under the following circumstances:

(1) The dog injures a person trespassing or otherwise unlawfully on the premises of its owner.

(2) The person injured intervenes in a dog fight in which the dog is involved.

(3) The person injured willfully provokes the dog.

(4) The dog is acting in defense of its owner, the owner's family or the property of the owner.

(b) A person shall be deemed to have allowed, suffered, permitted or sanctioned his dog to cause
bodily injury within the meaning of this section if such bodily injury occurs while the dog is running at large.

(c) Any violation of this section shall be a class 2 misdemeanor, and the owner of the dog shall be punished as provided in C.R.S. § 18-1-106, as amended, for each separate offense.

(d) An impound fee and daily board fee shall be required regardless of any fine, fee or other penalties levied by the county court for violation of this article. Such impound fees and daily board fees shall be determined by separate article of the board of county commissioners after consultation with the county Humane Society.

(Res. No. 1997-46, § 12.4, 7-14-1997)

Secs. 10-65—10-85. - Reserved.

DIVISION 3. - LICENSING

Sec. 10-86. - Licensing required.

Any owner of a dog, three months of age or older, shall procure a license for such dog on an annual basis; however, dogs housed at an animal shelter facility licensed by the state department of agriculture or a commercial kennel licensed by the state department of agriculture shall be exempt from licensing. New residents of the county must license their dogs within 30 days of relocation to the county.

(Res. No. 2003-11, § 2, 4-14-2003)


Sec. 10-87. - License tag display.

The license tag shall be worn by the licensed dog at all times and attached to a durable collar or harness. In the event of the loss or destruction of the original license tag, the owner shall obtain a duplicate license tag from the county humane society within 30 days. It shall be unlawful for any person to make use of a stolen, counterfeit or forged dog license receipt or license tag. Dog licenses are not transferable, and it shall be unlawful for any person to use any license or rabies tag for any dog other than the dog for which such tag was originally issued.

(Res. No. 2003-11, § 3, 4-14-2003)

Sec. 10-88. - Vaccination.

No person shall own or harbor any dog over the age of three months unless the dog has been vaccinated against rabies by a veterinarian licensed by the state with a valid, licensed vaccine certified effective and approved by the USDA, and licensed and otherwise authorized for use by the state department of health for the subject animal according to the following schedule:

(1) Primary vaccination, three months;
(2) First booster, one year and three months; and
(3) Follow-up boosters, every three years thereafter.

Vaccinations administered by a licensed veterinarian of another state, and in compliance with the schedule provided herein, will be accepted for dogs of new residents of the county who have relocated from another state.


Secs. 10-89—10-110. - Reserved.

DIVISION 4. - IMPOUNDMENT

Sec. 10-111. - Designated facilities.

The county Humane Society is hereby designated to operate impoundment facilities for the purposes of this article. All animal shelters operated by the Humane Society are hereby designated as impoundment facilities and are authorized to impound animals pursuant to the provisions of this article.

(Res. No. 1997-46, § 9.1, 7-14-1997)

Sec. 10-112. - Animals subject to; procedures.

(a) At-large dogs. Any dog found to be running at large may be impounded by any person authorized by section 10-61(a)—(c) to enforce the provisions of this article.

(b) Vicious dogs. Any dog found by the county court to be a vicious dog shall be impounded until its owner presents evidence satisfactory to the court that suitable provisions have been made to protect the public from the dog.

(c) Restraint. Any person, whether or not authorized to enforce the provisions of this article, may, by humane means, restrain a dog which is running at large for pickup by a person authorized to enforce the provisions of this article or may deliver the dog to any designated impoundment facility. No dog so restrained shall be left unattended for more than 24 hours. Use of a live trap for restraint shall be presumed to be restraint by humane means.
(d) Notice to owner. The impoundment facility, or any representative thereof, shall give notice of impoundment to the owner by one of the following methods:

1. If the dog is wearing a collar with an identification tag attached, the impoundment facility shall call the phone number appearing thereon. If there is no answer, the impoundment facility shall then address a letter, postage prepaid, to the address shown on such tag. Notification by letter shall be complete upon mailing.

2. If the dog has no identification or license tag, a notice of impoundment giving a general description of the dog and the time and general location the dog was taken up shall be posted at the impoundment facility. Notification under this subsection shall be complete upon posting.

3. Notification by the means described in subsections (1) and (2) of this subsection (d) shall be deemed compliance with the requirements of this section. Records of such notification shall be kept by each impoundment facility.

4. If no owner appears to claim the dog and pay the cost of impoundment and any fines or penalties due within four days after notification, the dog shall be deemed abandoned and be disposed of by placement for adoption or euthanasia. Euthanasia may be by any humane means but may not be by means of decompression.

(Res. No. 1997-46, § 6, 7-14-1997)