

ORDINANCE NO. 2409

AN ORDINANCE REPEALING AND REENACTING WITH AMENDMENTS SECTIONS 6-1 THROUGH AND INCLUDING 6-10 OF THE CITY CODE (ORDINANCE NO. 2170) PROVIDING FOR RABIES CONTROL; LICENSING OF DOGS; RESTRAINT OF ANIMALS RUNNING AT LARGE; RESTRAINT OF VICIOUS DOGS; RESTRAINT OF BARKING DOGS; IMPOUNDMENT AND DISPOSITION OF ANIMALS; ESTABLISHING PENALTIES FOR VIOLATION OF SUCH PROVISIONS; AND AUTHORIZING PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

Section 1 - INTENT

The City Council of Grand Junction, Colorado, intends by adopting this Animal Control Ordinance to declare as a matter of public policy that the keeping of dogs in the City of Grand Junction constitutes a potential threat to the health, safety, and welfare of the citizens of the City of Grand Junction; that dog owners must therefore assume full responsibility and strict liability for the actions and condition of their animals and dogs; that dogs at large, barking dogs, rabid dogs, vicious dogs, and similar animals constitute a public nuisance; that the regulation of animals and the actions of their owners through administrative regulation and civil and criminal enforcement is necessary to protect the citizens of the City of Grand Junction and their property; and that the provisions of this Ordinance should be liberally construed and are intended to implement the maximum authority for control of rabid animals under the home rule powers of this City and any statutes of the State of Colorado.

Section 2 - DEFINITIONS

When used in this Ordinance, the following words and terms have the following meaning:

2.1 Animal:

Any living vertebrae creature, domestic or wild, including dogs but excluding stray animals as defined in C.R.S. 35-44-101(1), as amended.

2.2 Animal Control Center

The facility or facilities designated by the City Council or the City Manager for the purposes of impounding, caring, or disposing of animals held under the authority of this Ordinance or state law.

2.3 Animal Control Supervisor

The Animal Control Supervisor of Animal Regulations as designated by the City Council, or his designees, including Animal Regulation

Officers.

2.4 Animal Regulation Officer

Any person so designated by the City Council or the City Manager.

2.5 At Large

To be off the premises of the owner and not under direct physical control by the owner or a responsible agent by means of either effective voice command or a leash. This definition does not apply to any dog while actually working livestock, locating or retrieving wild game in season for a hunter who is in possession of a valid Colorado hunting license, assisting law enforcement officers in the performance of their duties, participating in an obedience dog show or an obedience class, or while being trained for any of these pursuits. Dogs tethered to a stationary object within a public street, sidewalk, or right-of-way or within a private area open to the public shall be deemed to be at large if the owner of such dog is not in the immediate area.

B. Other Provisions:

This general provision of at large shall be superseded by the following if the animal is within the following geographic areas:

(1) Downtown Grand Junction: Defined as the area bounded on the east and west by 12th Street and 1st Street; and on the north and south by the north side of the pavement of Grand Avenue, and the south side of the pavement of Colorado Avenue respectively.

(2) The North Avenue Corridor: One half block north and south of North Avenue from 1st Street on the west to 29 Road on the east.

In these areas, "at large" is defined as an animal off the premises of the owner and not under direct physical control by the owner or a responsible agent by means of a leash.

2.6 Board of Animal Regulation

A three member advisory board as designated by the City Council.

2.7 Bodily Injury

Any physical pain, illness, impairment or physical or mental condition, or physical injury wherein the skin is broken, exterior bleeding occurs, bruising occurs, or bone(s), tissue(s), or muscle(s) damage occurs, or emergency medical or veterinarian treatment becomes reasonably necessary for a person or animal.

2.8 City

The City of Grand Junction, Colorado.

2.9 Dog

Any member of the canine species.

2.9a Dog of Wild Extraction

A dog that is by 1/6th or greater related genetically to wild canines such as, but not limited to, the wolf family (*canis lupis*), or the coyote family (*canis latrans*).

2.10 Harboring

The keeping or caring for an animal or providing premises to which the animal returns for food, shelter or care for a period of at least three consecutive days.

2.11 Health Department

The Mesa County or Colorado State Health Department.

2.12 Health Officer

The Health Officer of Mesa County, or any Health Department employee or other person authorized by the Health Officer.

2.13 Leash

A chain, cord, or tether not more than ten (10) feet in length which is securely attached to and capable of restraining the animal.

2.14 Owner

Any person, partnership, corporation, or an agent of the foregoing who owns, co-owns, possesses, keeps, harbors, or who has control or custody of an animal; or the person named as owner in current County licensing records or on the dog identification license or rabies tag; or any parent, guardian, or legal custodian of any unemancipated child under eighteen (18) years of age which child owns, co-owns, possesses, keeps, harbors, or has control or custody of an animal. References to the masculine gender of an owner include the feminine gender.

2.15 Premises

Property owned, leased, or expressly permitted to be used by an owner; or, any confined area or locality such as a residence, business, room, shop, building, or motor vehicle in which the animal's presence is authorized by the owner of the premises. The term "premises" includes the open bed of a motor vehicle.

2.16 Provocation

Harassment, teasing, threatening, striking, or attacking an animal

or its owner in the animal's presence, by either a person or another animal.

2.17 Public Nuisance

Each and every animal infected with rabies; any dog at large; barking dog which disturbs the peace of any human; vicious dog; or any unconfined dog in estrus, are hereby declared to be a public nuisance.

2.18 Serious Bodily Injury

Bodily injury to a person or animal which involves a substantial risk of death, serious permanent disfigurement, or a substantial risk of protracted loss or impairment of the function of any part or organ of the body.

2.19 Vaccination

The vaccination of an animal with an anti-rabies vaccine approved by the Colorado Department of Health and administered by a veterinarian licensed by the State of Colorado.

2.20 Vicious Dog

A dog which:

- a. causes serious bodily injury to a person; or which
- b. causes bodily injury to a person or animal on two or more occasions; or which is
- c. infected with rabies; or which
- d. a dog of wild extraction that on any occasion causes bodily injury to a person or animal by biting, whether or not provoked, or is known to be infected with rabies;
- e. causes bodily injury to a person or animal and the bodily injury occurs off the dog owner's premises; or which
- f. is at large and exhibits aggressive behavior; or which
- g. has engaged in a dog fighting contest with the owner's knowledge; or which
- h. has been specifically found to be vicious by any court or jury;

provided, however, that a dog which attacks, terrorizes, or causes bodily injury to a person or animal in immediate response to objectively unreasonable provocation shall not be found to be vicious, if the dog owner establishes such facts as an affirmative* satisfaction of the investigating Animal Regulation Officer. Any dog which is found to be vicious as defined by

Sections 2.20.a, 2.20.b, 2.20.c, or 2.20.d shall be destroyed in accordance with Section 9.3.a.

Section 3 - LICENSING AND VACCINATION

3.1 Licensing and Vaccination Required

No person shall own, keep or harbor in the City any dog over four months of age unless such dog is vaccinated against rabies and licensed. All dogs vaccinated at four months of age or older shall be revaccinated and relicensed one year from that date and each year thereafter. Any dog owner who moves into the City shall comply with this section of this Ordinance within thirty days afterwards. If any dog has bitten any person or animal within the prior ten days, the owner of said dog shall report that fact to the vaccinating veterinarian or to the animal control facility; no person shall administer a rabies vaccine to such a dog until after a ten-day observation period. The vaccination requirement shall not apply to any dog of wild extraction.

3.2 Certificate of License

Upon vaccination against rabies, or upon satisfactory proof of current rabies vaccination, a veterinarian or Animal Control Center shall execute and furnish to the owner of the dog upon payment of required fees a license certificate and a license tag. Fees to license neutered or unneutered dogs are \$4.00 per year.

Such license certificates shall contain the following information:

- a. the name, street address, and telephone number of the owner of the vaccinated dog; and
- b. the veterinarian's name, rabies tag number and expiration date; and
- c. the breed, age, color and sex of the vaccinated dog; and
- d. the license number, license year, date of issue, license fee, and licensing agent.

Vaccination of dogs of wild extraction is not required; nor is such information required in the license.

3.3 License Tags

Concurrent with the issuance and delivery of the license referred to in Section 3.2 of this Ordinance, the dog owner shall cause to be attached to the collar or harness of the vaccinated dog a metal tag serially numbered and bearing the year of issuance, the name of Mesa County, and the telephone number of the Animal Control Center. This license tag is distinct from a metal rabies tag, which the Department of Health may separately required to be issued to an owner and worn by the dog. No dog owner shall fail to

place upon his dog the collar or harness to which the tag is attached, and no dog owner shall fail to insure that the dog at all times wears the collar or harness displaying the license tag, unless the dog is participating in a sanctioned dog show, or is securely confined within the owner's premises or is aiding law enforcement officers in the performance of lawful duties, or is actually training to hunt or retrieve game in circumstances where attachment of a license tag would constitute a clear danger to the dog.

3.4 Duplicate Tags

In the event of loss or destruction of the original license tag provided for in this section, the dog owner shall obtain a duplicate from the Animal Control Center for the fee of \$2.00 and comply with the requirements set forth above.

3.5 Proof of Licensing

No person shall own or harbor a dog and fail or refuse to exhibit a license certificate or license tag within a reasonable time upon demand by any Animal Regulation Officer.

3.6 Harboring Unvaccinated Dogs

No person shall harbor any dog which has not been vaccinated against rabies as provided herein, or any dog which cannot be identified as having a current rabies vaccination or license tag. This section shall not apply to licensed dogs of wild extraction.

3.7 False and Stolen License Documents

No person shall possess or make use of a stolen, counterfeit or forged license certificate or license tag.

3.8 Transferability

Dog license certificates and license tags are not transferable. No person shall attach or cause to be attached any license tag to any dog other than the dog for which the tag was originally issued.

3.9 Records

The Animal Control Center and any veterinarian practicing in the City shall create a record of the contents and date of issuance of each license certificate and license tag. Such records shall be deemed to be public records for purposes of admissibility in any proceeding for violation of this Ordinance. Such records and the absence of entries in such records shall constitute prima facie evidence of dog ownership and compliance or noncompliance with the licensing and vaccination provisions of this Ordinance.

Section 4 - DOGS RUNNING AT LARGE

4.1 Confinement by Owner

A dog owner has a duty to confine his or her dog to the owner's premises.

4.2 Dogs at Large

No dog owner shall fail to prevent his dog from being or running at large, as defined at Section 2.5. Any dog off its owner's premises shall be under leash control by its owner.

4.3 Dogs in Common and Public Areas

No dog owner shall fail to prevent his or her dog from running at large in the yard of any multiple occupancy building which is occupied by other persons; or in the common areas of mobile home complexes, apartments, or condominium developments; or in open space areas of subdivisions; or in public or county parks or fairground, unless permission is posted by public authorities allowing dogs at large.

4.4 Confinement During Estrus

Any unspayed female dog in the state of estrus (heat) shall be confined during estrus in a house, building, or secured enclosure constructed so that no other dog may gain access to the confined animal. Owners who do not comply with this subsection may be ordered to remove the dog to a boarding kennel, veterinary hospital or the Animal Control Center. All expenses incurred as a result of such confinement shall be paid by the owner. Failure to comply with the removal order of an Animal Regulation Officer shall be a violation of this Ordinance, and any unspayed female dog in estrus may be summarily impounded in the event of noncompliance with such a removal order.

4.5 Evidence of Running at Large

It shall be prima facie evidence that a dog is running at large if the dog is out of its owner's sight, or if the dog goes upon public or private property without the property owner's or manager's consent.

Section 5 - VICIOUS DOGS

5.1 Vicious Dogs Prohibited

No person shall own or harbor a vicious dog within the City, except as provided in this Ordinance. Such dog shall be impounded as a public nuisance pursuant to the procedures set forth in Section 8, and shall be subject to disposition as provided by Section 9.3, 9.4, and 9.5.

5.2 Control of Dogs

No owner of a dog shall fail to prevent it from causing bodily injury to, or biting without provocation, any person or animal, including pets, domestic livestock, fowl, or wildlife.

5.3 Guard Dogs

No person shall own or allow any dog which has been specifically trained to attack people to be placed in any area for the protection of persons or property, unless the following conditions are met:

- a. the dog is confined to an area from which it cannot escape or the dog is under the complete control of the handler at all times; and
- b. warning signs bearing letters not less than ten (10) inches high are conspicuously posted about the area of confinement indicating the presence of a guard dog.

Section 6 - BARKING DOGS

6.1 Barking Dogs Prohibited

No owner of a dog shall fail to prevent it from disturbing the peace and quiet of any other person by loud and persistent barking, baying, howling, yipping, crying, yelping, or whining, whether the dog is on or off the owner's premises.

6.2 Provocation Defense

Provocation of a dog whose noise is complained of is an affirmative defense to any charge for violation of Section 6.1.

6.3 Warning Required

No person shall be charged with a violation of Section 6.1 unless written warning as provided in Section 6.4 has been given at least seven days but not more than thirty-seven days preceding the charge.

6.4 Warning Process

The warning process to be employed prior to a charge being instituted for notification of Section 6.1 shall be substantially as follows:

- a. The warning must relate to a barking incident separate from the charged violation.
- b. The Animal Regulation Officer may issue a warning after either receiving a phone-in complaint and investigating the complaint in the field, or after receiving two phoned-in complaints from different households.

c. All complainants must clearly identify themselves by stating their name, address and telephone number. The complainant shall further state, if known, the name of the dog's owner, the owner's address and telephone number, a description of the dog, description of the offense, the date, time, place and duration of the offense.

d. A record or incident report shall be kept of any such complaint and investigation.

e. A warning to a dog owner shall fully cite Section 6.1 and advise the owner of penalty for the violation of Section 6.1. The warning shall also state that a complaint has been received, recite the date of the alleged offense, and conclude that the owner's dog may have disturbed the peace of another individual. The warning must be identified as being issued by an Animal Regulation Officer empowered by the City Council to enforce the provisions of this Ordinance.

6.5 Notice and Evidence of Warnings

An owner shall be deemed to have been issued and received a warning under Section 6.4 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 of the dog according to the last address given by the owner at the time such owner obtained a license certificate or license tag.

6.6 Complainant Rights and Responsibilities

a. The identity of a complainant(s) shall be kept confidential until a violation of this section is charged.

b. If a violation of this section is charged, the complainant(s) shall sign an affidavit on the citation attesting to the violation, or shall verify in writing the allegations of a complaint prior to its service upon the owner.

c. No person or owner shall be convicted at trial for violation of this Section unless testimony is presented by at least two complaining witnesses or by one complaining witness when there is only one occupied residence within three block or one quarter (1/4) mile in any direction. An Animal Regulation Officer may testify as a complaining witness.

Section 7 - ABANDONED, ABUSED OR NEGLECTED ANIMALS

7.1 Abandonment, Abuse or Neglect Prohibited

No owner shall abandon, physically mistreat or abuse, or neglect to provide proper care to any animal.

7.2 Warning Required

A warning process substantially similar to that set forth in Section 6.4 shall be utilized by an Animal Regulation Officer prior to charging any owner with a violation of this Section 7.

Section 8 - SEIZURE AND IMPOUNDMENT

8.1 Impoundment of Dogs Authorized

An Animal Regulation Officer may seize and impound any dog which: is at large, or is otherwise a public nuisance; is required to be vaccinated against rabies; is off the owner's premises not wearing a current license tag; required to be observed for rabies symptoms; is abandoned, abused or neglected; is an unconfined, unspayed female dog in estrus; or any animal being kept or maintained contrary to the provisions of this Ordinance. If a dog found running at large is properly licensed, the Animal Regulation Officer may, in his discretion, return the dog to its owner in lieu of impounding the dog upon payment of any seizure or release fee which may be required.

8.2 Impoundment of Vicious Dogs

An Animal Regulation Officer shall forthwith investigate any credible complaint that a dog is vicious. In the event that a dog is determined by the officer to be vicious, it shall be immediately seized and impounded as a public nuisance. If impoundment of a vicious dog cannot be made with safety to the Animal Regulation Officer or other persons, the vicious dog may be summarily destroyed without notice or liability to its owner.

8.3 Notice of Impoundment and Dispositional Alternatives

When any dog has been impounded, the Supervisor shall as soon as feasible give notice in person, by letter, telephone, or service of a Citation upon the owner, of the fact of the dog's impoundment and dispositional alternatives. If the dog's owner is unknown at the time of impoundment, the Supervisor shall take all reasonable steps to identify the owner and provide such notification. If the dog's owner still cannot be established, the Supervisor may proceed with any disposition authorized by this Ordinance. The Supervisor shall maintain records of the time, dates and manner of any such notification, and such records shall constitute prima facie evidence of notification or attempted notification.

8.4 Length of Impoundment

a. Minimum Period - Except as otherwise provided herein, an impounded animal shall be held at the Animal Control Center for seventy-two (72) hours after impoundment, or for forty-eight (48) hours after notification to the owner of the animal's impoundment, whichever is shorter. If the owner does not properly claim and redeem the animal within these periods of impoundment, the animal shall be subject to disposition under Section 9.

b. Sick or Injured Dog - An impounded dog which is sick or injured and in pain or contagious to other animals, and whose owner is not known is not subject to a minimal impoundment period and may immediately be humanely disposed of through euthanasia. If the owner of a sick or injured dog which is in pain or is contagious to other animals is known, the Supervisor shall diligently attempt to contact the owner within twenty-four (24) hours after impoundment, after which time the dog may be disposed of is still unclaimed.

c. Vicious Dog - A vicious dog shall not be released from impoundment during the pendency of any criminal proceeding for violation of Section 5 of this Ordinance. If no such action has been or will be commenced, such dog shall be disposed of with Section 9.

d. Observation Period - Notwithstanding any other provision herein to the contrary, any dog, except a dog of wild extraction, or cat, which is known or credibly alleged to have bitten any person shall be immediately impounded or quarantined for observation for rabies and infection until ten (10) days after the date of the bite, and for such further time as deemed necessary by the Director.

8.5 Liability for Seizure and Impoundment Expenses

An owner shall be obligated to reimburse the Animal Control Center for all expenses incurred as a result of seizure or impoundment of an animal. Such fees shall be assessed against the owner of any impounded animal, and shall be payable upon redemption, release or abandonment of the animal. Owners of unwanted animals and persons in custody of abandoned animals may bring in and release them to the Animal Control Center at no cost to the owner or person in custody.

8.6 Removal of Impounded Animals

No owner shall remove any impounded animal from the Animal Control Center or from the official custody of an Animal Regulation Officer without the consent of the Supervisor or Officer.

8.7 Impoundment Alternatives

Nothing in this Section 8 shall be construed to prevent an Animal Regulation Officer from taking whatever action is reasonably necessary to protect his person or members of the public from injury by any animal.

Section 9 - REDEMPTION AND DISPOSITION

9.1 Redemption Fees Authorized

Any dog or animal may be claimed and redeemed from impoundment by the owner and released from the Animal Control Center only upon a timely demand at the Animal Control Facility by a properly

identified owner and upon payment of all seizure fees, impoundment fees, license fees, veterinary charges, charges for unusual care and feeding, redemption fees, and such other costs or fees as may be reasonably set by the Supervisor or as may be authorized by the several provisions of this Ordinance.

9.2 Disposition of Impounded Animals

Any animal not properly redeemed by the end of any required impoundment or observation period shall become the property of the City. The animal may then be disposed of by the Supervisor by sale, donation, adoption to a suitable owner, or by humane euthanasia.

9.3 Disposition of Vicious Dogs

a. A dog found to be vicious by any Court, the Supervisor, or by the Animal Regulation Board, as defined by sub-sections a, b, c or d of Section 2.20 of this Ordinance, shall be disposed of by humane euthanasia. The owner of the dog shall be assessed and shall be liable for all applicable costs and fees pursuant to Section 11.

b. The owner of a dog which is found to be vicious as defined by sub-sections e, f, g or h of Section 2.20 of this Ordinance shall be subject to any reasonable sentencing orders or administrative conditions prior to or after redemption of the dog. These orders and conditions may include but are not limited to delayed release of the dog, the posting of bond, construction of secure areas of confinement, restrictions on travel with the dog, neutering the dog, muzzling the dog, compensation of victims, restrictions on sale or transfer of the dog, destruction, and any other terms or conditions deemed necessary to protect the public or to abate a public nuisance. These orders and conditions shall require payment of all fines and expenses for seizure, impoundment, redemption, together with penalties and Court costs if any. In the event of non-compliance with these conditions, the dog may be summarily impounded by the Supervisor and disposed of in his discretion, or in accordance with Court order. Such disposal shall be in addition to any other civil or criminal remedies, including contempt proceedings for non-compliance with any sentencing orders or with administrative conditions for release of a vicious dog.

c. A dog not found or declared to be vicious shall thereupon be forthwith returned to its owner, subject to payment of redemption fees for licensing and veterinarian care, but excluding liability for boarding expenses.

d. In no event shall a dog expressly or impliedly found to be vicious in any Court proceeding be released and returned to its owner without the consent of the Supervisor.

9.4 Appeal of Vicious Dog Administrative Disposition

Where no criminal proceeding for violation of Section 5 for harboring a vicious dog is pending or will be commenced, the supervisor is authorized to dispose of the vicious dog in accordance with Section 9.3 of this Ordinance. Written notice of the intended disposition of the dog shall be mailed to the dog owner's last known address. A dog owner may contest the intended disposition by filing a written appeal with the Health Officer within two business days after notification of the intended disposition. Administrative appeal of the intended disposition shall be required before judicial review of the intended disposition may be had.

9.5 Administrative Appeal Conduct and Procedure

The administrative appeal hearing shall be conducted before the Board of Animal Regulation, sitting as the Hearing Board. At the hearing on the administrative appeal of intended disposition of a vicious dog, the issues shall be limited to whether the Supervisor's determination that a dog is vicious is erroneous, excess of the Supervisor's jurisdiction. The burden of persuasion shall be upon the owner. Hearings shall be conducted to insure simplicity of procedure and fairness to all parties. The Colorado Rules of Evidence and the Colorado Rules of Civil or Criminal Procedure may guide but shall not govern the conduct of the hearing. The dog owner, the Supervisor, and all complaining witnesses will be provided with written notice of the hearing on appeal, to be conducted within two weeks after filing of the appeal. All such parties may participate in the hearing and may present testimony and argument and call and cross-examine witnesses, who shall be sworn by the Hearing Board Chairman. A record shall be made of the hearing. The Hearing Board's decision shall be final for purposes of judicial review under Rule 106 of the Colorado Rules of Civil Procedure. The Hearing Board is authorized to modify any terms or conditions of redemption of a vicious dog, or to modify the intended disposition of the vicious dog, as proposed by the Supervisor.

9.6 Adoption of Dogs and Cats

No person may adopt a dog or cat from the Animal Control Center until such person has guaranteed sterilization of the dog or cat. A deposit shall be required to insure the sterilization. Transfer of ownership of the dog or cat shall not be effected until sterilization has occurred. Failure of the person adopting a dog or cat to sterilize it shall be a violation of this Ordinance. Other animals may be adopted at the discretion of the Supervisor, and subject to such conditions as may reasonably be prescribed.

Section 10 - ENFORCEMENT

10.1 Enforcement Responsibility

The provisions of this Ordinance shall be enforced within the City by those persons designated by Ordinance of the City Council.

Animal Regulation Officers, as designated by ordinance of the City Council, shall be deemed "peace officers" without regard to certification requirements, as authorized by C.R.S. 30-15-105. The City Attorney may prosecute any violation of this Ordinance.

10.2 Enforcement Procedure

Whenever an Animal Regulation Officer has personal knowledge or probable cause to believe that a violation of this Ordinance has occurred, he may arrest the alleged violator, and/or issue a penalty assessment notice, and/or issue a Summons and Complaint pursuant to applicable law.

10.3 Penalty Assessment procedure

a. Upon arrest of a violator of this Ordinance or with his consent, a penalty assessment notice shall be personally served upon the violator, who may be released upon the terms of the notice or taken before a Municipal Court Judge. The penalty assessment procedure may be followed when a violation of this Ordinance is punishable pursuant to Sections 3, 4, 6, 7, 9.6, 10.4, 10.5, and 12 of this Ordinance. In no event shall this procedure be used when a person is known to have been issued three or more penalty assessment notices for violation of this Ordinance within the last two years, or in cases involving bodily injury to any person or serious bodily injury to any animal.

b. Penalty assessment notice shall consist of a Summons and Complaint on the same document sworn to by the arresting officer and verified by a complaining party, if any. The notice shall identify the offender, specify the offense and applicable fine, the amount of pending fines on the alleged violators prior offenses, identify any victim(s), briefly summarize the circumstances of the event, characterize the alleged violator's attitude. The notice shall also require that the alleged violator pay the fine or appear to answer the charge at a specified time and place.

10.2 Interference with Animal Regulation Officers

No person shall interfere with, molest, hinder, or prevent the Supervisor or any Animal Regulation Officer from discharging their duties as prescribed by this Ordinance or other law.

Section 11 - ANIMAL CONTROL CENTER CHARGES AND FEES

11.1 Charges and Fees Authorized and Required

Charges and fees for seizure, impoundment, boarding, licensing, veterinarian care, and adopting of an animal shall be cumulatively assessed to any animal owner according to the following schedules. Payment of all applicable fees shall be a condition of release, redemption or adoption of any animal. These fees shall be fully assessed against an owner as a condition of sentencing or

probation in any proceeding for violation of this Ordinance.

11.2 Impound Fees:

- a. Dog . . . \$20.00
- b. Cat . . . \$20.00
- c. Other Animals . . . \$10.00

11.3 Boarding Fees:

- a. Dogs . . . \$5.00/day
- b. Cats . . . \$5.00/day
- c. Others, Actual Cost with (minimum) . . . \$3.50/day
- d. Quarantine Animals . . . \$7.50/day

11.4 Adoption Fees:

- a. Dogs . . . \$5.00
- b. Cats . . . \$5.00

11.5 License Fees:

- a. Original . . . \$4.00
- b. Lost Tag Replacement . . . \$2.00

11.6 Euthanasia Fee: . . . \$15.00

11.7 Deposits:

- a. Spay/Neuter . . . \$25.00
- b. Rabies Vaccination . . . \$10.00
- c. Deposit of both a spay/neuter deposit and a rabies vaccination deposit shall be required for adoption of an animal.
- d. Deposit of a rabies vaccination shall be required for redemption of an unvaccinated animal.
- e. Deposits shall be returned upon proof of spay/neuter and vaccination as applicable. If no proof of the required action is presented to Animal Control by the date prescribed on the sterilization contract and/or vaccination contract, the deposit shall be forfeited.

Section 12 - VIOLATION UNLAWFUL; PENALTIES

12.1 Violations Unlawful:

No person, partnership or entity shall violate any provision of this Ordinance as amended. Any such violation is unlawful, and upon conviction of any violation, the offender shall be punished as hereinafter set forth.

12.2 Violations Without Bodily Injury:

Any violation of Sections 3, 4, 5, 6, 7, 8, 9 or 10 of this Ordinance and any subsections thereof which do not involve bodily injury to any person shall be punishable upon conviction by a fine of not more than three-hundred dollars (\$300.00), or by imprisonment in the County jail of not more than ninety (90) days, or by both such fine and imprisonment for each separate offense. The Court may order destruction of the dog when its owner has been convicted of three or more violations of any section of this Ordinance within any one year period.

12.3 Violations With Bodily Injury:

Any violation of Sections 5 and 8 of this Ordinance and any subsections thereof which involves bodily injury to any person by a dog shall be punishable upon conviction by a fine of not less than two-hundred fifty dollars (\$250.00) nor more than one-thousand dollars (\$1,000.00), or by imprisonment of not more than ninety (90) days, or by both such fine and imprisonment for each separate offense. In addition, the Court may order the destruction of the dog upon conviction of the owner of any violation with bodily injury.

12.4 Penalty Assessment - Fine Schedule:

If the penalty assessment procedure is used by the Animal Regulation Officer or any arresting law enforcement officer, the following graduated fine schedule shall be applied for violations of any section of this Ordinance which are committed or repeated by the same person within one (1) year from the date of any prior conviction for violation of any provision of this Ordinance:

First Offense . . .	\$25.00
Second Offense . . .	\$50.00
Third Offense . . .	\$100.00
Fourth and subsequent offenses . . .	\$300.00

12.5 Probationary Conditions and Other Costs:

a. In addition to payment of any fine or other punishment, a violator shall be required to pay to the Animal Control Center all applicable fees and charges pursuant to Section 11.

b. Suspension of any penalty or punishment may be conditioned upon compliance with any reasonable order or condition designed to protect the public or abate a public nuisance caused by an owner's animal. Such conditions may include but are not limited to those set forth in Section 9.3.

Section 13 - SEVERABILITY CLAUSE

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

Section 14 - LIABILITY CLAUSE

The City Council, the Mesa County Board of Commissioners, the Health Officer, Supervisor, Animal Regulation Officers, or any other employees, persons, or agents authorized to enforce the provisions of this Ordinance shall not be held responsible for any accident or subsequent disease or for any loss or damages resulting from administration of this Ordinance.

Section 15 - EFFECTIVE DATE AND SAFETY CLAUSE

This Ordinance shall take effect upon adoption by the City Council. The City Council hereby finds and declares that adoption of this Ordinance is necessary for the immediate preservation of the public health, safety and welfare.

Section 16 - REPEALER

By adoption of this Ordinance and upon its taking effect, all Ordinances and Resolutions or parts thereof in conflict with this Ordinance are hereby revoked and repealed in their entirety.

PASSED and ADOPTED this 16th day of November, 1988.

John W. Bennett

President of the Council

Attest:

Theresa F. Martinez

City Clerk, Deputy

ORDINANCE NO. 2409

I HEREBY CERTIFY that Ordinance No. 2409 entitled AN ORDINANCE REPEALING AND REENACTING WITH AMENDMENTS SECTIONS 6-1 THROUGH AND INCLUDING 6-10 OF THE CITY CODE (ORDINANCE NO. 2170) PROVIDING FOR

RABIES CONTROL; LICENSING OF DOGS; RESTRAINT OF ANIMALS RUNNING AT LARGE; RESTRAINT OF VICIOUS DOGS; RESTRAINT OF BARKING DOGS; IMPOUNDMENT AND DISPOSITION OF ANIMALS; ESTABLISHING PENALTIES FOR VIOLATION OF SUCH PROVISIONS; AND AUTHORIZING PUBLICATION IN PAMPHLET FORM was introduced, read and ordered published in pamphlet form by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 2nd day of November, 1988.

Notice of publication in pamphlet form was published in The Daily Sentinel, a newspaper published and in general circulation in said City, on November 4, 1988, at least ten days before its final passage on November 16, 1988.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City this 17th day of November, 1988.

Neva B. Lockhart, CMC

City Clerk

BY:

Theresa F. Martinez

Deputy City Clerk

Published: November 4, 1988
Final Publication: November 18, 1988
Effective Date: December 18, 1988