

EXHIBIT A

DOG CONTROL RESOLUTION OF GARFIELD COUNTY

Pursuant to the provisions of Section 30-15-101, et. seq., C.R.S., as amended, the Board of County Commissioners of Garfield County, herein adopts the following provisions for the control of dogs within Garfield County, Colorado.

SECTION 1. DEFINITIONS

For the purposes of this resolution, the following definitions shall apply:

- A. **Dog**: Any animal of the canine species, regardless of the sex.
- B. **Dog, Male**: A dog of the masculine gender, either castrated or not castrated.
- C. **Dog, Female**: A dog of the female gender on which no surgery of the genital organs has been performed.
- D. **Dog, Stray**: A dog which does not appear to have an Owner or whose Owner is unknown, or which is found unattached or loose anywhere within Garfield County.
- E. **Guard Dog**: Any dog that has completed a formalized course of training under the direction of someone other than its Owner designed to teach the dog to protect people, property or livestock.
- F. **Kennel**: A person, entity, or operation which is, by law, required to be licensed under the laws of the State of Colorado and/or the County, for the purpose of housing, keeping, or care for dogs.
- G. **Owner**: A person who owns, possesses, controls, maintains, keeps or harbors a dog, or knowingly permits a dog to remain for seven consecutive days on or about property or premises owned, controlled or occupied by him or her.
- H. **Rabies**: A communicable disease of both wild and domestic animals, especially dogs, transmittable to humans, as defined by the United States Department of Agriculture.
- I. **Running at Large**: A dog off the premises of the Owner and not under the (1) physical, or (2) visible and audible, control of a person competent to restrain a dog by those methods. ~~A dog entering the private property of any person other than the Owner shall be considered to be running at large, unless such intrusion is done with the specific permission of the property owner. A dog within~~

or upon any automobile or other vehicle shall not be deemed to be running at large.

- J. Vicious Dog: Any dog that bites or attacks any person, livestock or wildlife or threatens to attack or terrorize a person, livestock or wildlife on public or private property or in any public place. A dog will not be considered vicious; if such animal meets the following criteria:
 - (1) Such animal meets the definition of Guard Dog set forth herein; and
 - (2) If the threatened attack or terrorization of people or animals takes place during the course of protection of people or property.

SECTION 2. RUNNING AT LARGE RESTRICTED

- A. Prohibition. It shall be unlawful for an Owner to permit his or her dog to run at large, as defined in Section 1. Violation of this Section 2 shall be punished as provided in Section 11.
- B. Exceptions. The provisions of Section 2.A shall not apply to dogs while actually working and protecting livestock, locating or retrieving wild game in season for a licensed hunter, or assisting law enforcement officers or while actually being trained for anyone of these pursuits. ~~The provisions of Section 2.A shall apply to all dogs not actively engaged in the foregoing activities.~~

SECTION 3. RABIES VACCINATION

It shall be unlawful and a violation of this resolution to own any dog within Garfield County unless said Owner shall be able to produce a valid rabies certificate indicating that the dog has been vaccinated against rabies by a licensed veterinarian, when such production is requested by the Garfield County Sheriff.

SECTION 4. QUARANTINE OF DOGS.

- A. Grounds for Quarantine. A dog which is known to have bitten or injured any person so as to cause an abrasion of the skin, or a dog which, in the opinion of the County Sheriff, or his deputy, or a licensed veterinarian, appears to be affected or infected with rabies, or a dog which is known to have been bitten by or exposed to a rabid animal, shall be closely confined by the Owner in accordance with the directions of the Sheriff, or his deputy, or, if the dog has a valid rabies vaccination and if confinement facilities are arranged to the satisfaction of the Sheriff, or his deputy on the Owner's

property, for a period of not less than fourteen days. Any dog so confined and not demonstrating evidence of rabies after fourteen days shall be released upon visual inspection by the Sheriff, or his deputy after such period.

- B. Disposition of Quarantined Dog. If said dog is determined by a veterinarian to be suffering from rabies, it shall be destroyed immediately. If such dog is determined not diseased, it may be redeemed by its Owner.
- C. Duties with Regard to Suspected Rabid Dogs. It shall be unlawful for an Owner knowing or reasonably suspecting that his or her dog has rabies to allow such dog to be taken off his property or premises or beyond the limits of Garfield County without the written permission of the Sheriff, or his deputy. Every Owner, veterinarian, or other person, upon ascertaining a dog is rabid, shall immediately notify the Sheriff, or his deputy. Failure to comply shall be considered unlawful and a violation of this Resolution.

SECTION 5. POSSESSION OF VICIOUS DOG

It shall be unlawful for any person to own, harbor, or otherwise possess a vicious dog.

SECTION 6. DESTRUCTION OF VICIOUS DOG

In the event a Court of competent jurisdiction finds that a dog bit or attacked any person, livestock other than the Owner's, or wildlife in an unprovoked attack, said dog may be destroyed under direction of the Garfield County Sheriff or his designee if ordered by the Court.

If the County Sheriff, or his deputy, District Court, County or Municipal Court determines that a dog is or has been a vicious dog, the Sheriff, or his deputy may immediately destroy such dog, but only if it is running at large and if no other means of restraint can be accomplished without placing the Sheriff, or his deputy in jeopardy.

SECTION 7. RESTRAIN AND CONTROL OF GUARD DOGS

It shall be unlawful for anyone to maintain or harbor any guard dog without providing physical or verbal restraint sufficient to assure that such dog will not depart the property or control of the Owner.

SECTION 8. MUZZLING AND CONFINEMENT

Whenever it become necessary to safeguard the public from the dangers of rabies, the Board of County Commissioners, if it deems

- (2) Second conviction when violation occurs within one year of first conviction: ~~\$100.00~~ plus any Court costs.
- (3) A third conviction relating to a single dog and occurring within the life of that dog, as well as an any convictions thereafter, shall result in a fine of not less than ~~\$250.00~~ plus costs. The third conviction and any conviction thereafter shall additionally result in a mandatory appearance before the Court.
- (4) When a dog which is the subject of a violation is determined to be a vicious dog as defined herein, the fine shall be three (3) times the amount otherwise provided, subject to limitations provided by law.

it necessary, shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on his property or premises unless such dog shall have a muzzle of sufficient strength to prevent it from biting any person.

SECTION 9. NUISANCE

- A. **Disturbance.** It shall be unlawful for a dog owner to allow a dog to bark continuously (barking occurring regularly for at least one (1) hour) in such a manner that the animal can be heard beyond the property line of the Owner.
- B. **Evidence of Nuisance.** No violation of provisions A. of this Section shall be alleged unless the law enforcement official serving the summons and complaint has obtained a written verified statement from a private citizen complaining of the activities set forth in subparagraph A. above and such statement contains fact sufficient to demonstrate probable cause to proceed.

SECTION 10. ENFORCEMENT

The provisions of this resolution shall be enforced by the Garfield County Sheriff or that Officer's respective deputies, which individuals shall be determined to be Sheriff, or his deputy pursuant to the provisions of Section 30-15-102 and Section 30-15-105, ~~et. seq., C.R.S., as amended.~~

SECTION 11. PENALTIES FOR VIOLATIONS

- A. **Offenses Involving Bodily Injury.** A dog Owner found violating any provisions of this Resolution where such violation involves bodily injury to any person by such dog shall be guilty of a Class 2 misdemeanor and upon conviction shall be punished for each such offense as provided in the provisions of Section 30-15-102(2), C.R.S., as amended.
- B. **Offenses Not including Bodily Injury.** A dog Owner found violating any provision of this Resolution, other than one involving bodily injury, shall be subject to a summons and complaint issued pursuant to the provisions of Section 16-2-201, C.R.S., as amended, and may be assessed a penalty in accordance with graduated fines schedule for violations set forth below.
- C. **Fine and Penalty Schedule.** The following maximum penalties shall apply to all violations of this Resolution not involving bodily injury:

- (1) First Conviction: \$40.00 plus any Court costs.