

ORDINANCE NUMBER SIX FOR THE CONTROL OF UNLEASHED OR
UNCLAIMED ANIMALS

Resolution 2022-090

WHEREAS, the Board of County Commissioners is expressly authorized by § 30-15-401(1)(e), Colorado Revised Statutes (C.R.S.), as amended, to adopt an ordinance for the control of unleashed or unclaimed animals; and,

WHEREAS, the Board of County Commissioners is also expressly authorized by § 30-15-101, *et. seq.*, C.R.S., as amended, to adopt a resolution establishing reasonable regulations and restrictions concerning the control, licensing, and impoundment of dogs and other animals; and,

WHEREAS, Adams County has developed this Ordinance to function harmoniously with the Animal Control Code Resolution enacted pursuant to §30-15-101 et seq.; and,

WHEREAS, Adams County aggregates animal-related regulations enacted by resolution and ordinance in the Animal Control Code; and,

WHEREAS, the provisions of this Ordinance shall also be incorporated into the Animal Control Code; and,

WHEREAS, Adams County Animal Management (“ACAM”) has recommended revisions to previously implemented animal control regulations that better enable ACAM to regulate the control of unleashed and unclaimed animals and comply with recent legislative changes; and,

WHEREAS, the Board of County Commissioners concurs with the recommendations of ACAM, and finds that the control of unleashed or unclaimed animals within the territory of unincorporated Adams County is a matter of local concern that is necessary for the protection of the health, safety, and welfare of the citizens of Adams County.

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners, County of Adams, State of Colorado, that, Ordinance No. 6: Pet Animal Licensing and Control enacted by the Board of County Commissioners on November 15, 2016 is hereby amended and re-enacted effective March 1, 2022 as follows:

ARTICLE I: DEFINITIONS

Pursuant to § 2-4-101, C.R.S., as amended, all words and phrases contained in this Ordinance shall be read in context and construed according to the rules of grammar and common usage, unless otherwise particularly defined herein.

- 1-1. **“Adams County Animal Management (ACAM)”** means the work unit within the Adams County Community Safety and Well-Being Department, tasked with the duties and responsibilities associated with the management, control, and enforcement of pet animal issues.
- 1-2. **“Animal”** means any living creature other than a human being or those defined in 35-44-101 (1), C.R.S.
- 1-3. **“Animal Management Officer”** means any employee of Adams County who is employed for the purpose of animal control.
- 1-4. **“Caretaker” or “Custodian”** means any person who harbors an animal or has the custody, charge, care, or possession of a pet animal, including the owner of the animal.
- 1-5. **“Control”** means:
 - (a) Physical restraint of an animal by means of a leash, cord, or chain or confinement of an animal within the boundaries of the real property of its owner or caretaker; or
 - (b) Physical or verbal command, domination, or regulation of certain animals such as working livestock, retrieving wild game in season with a licensed hunter, assisting law enforcement officers, or being trained for any of these pursuits; or
 - (c) Prevention of noise or disturbance that constitutes a violation of the Animal Control Code.
- 1-6. **“Dog” or “domestic dog”** means any animal of the genus and species *Canis Familiaris* or that is related to the wolf.
- 1-7. **“Harboring”** means occupying any premises on which an animal is kept or to which an animal customarily returns for food and care. Persons harboring an animal shall be subject to the provisions of this Code as it applies to animal owners, caretakers, and custodians.
- 1-8. **“Impound”** means to take custody of and hold an animal at the Riverdale Animal Shelter (RAS).

- 1-9. **“Owner”** means any person who is eighteen (18) years of age or older, or the parent or guardian of any child under the age of eighteen (18) years, that has, possesses, controls, harbors, keeps, has a financial interest in, or has custody of an animal, including a vicious animal as the term is defined in this Ordinance.
- 1-10. **“Person”** means any individual human being or any firm, corporation, or other organization.
- 1-11. **“Pet animal”** means:
- (a) Any animal owned or kept by a person for companionship or protection or for sale to others for such purposes, as defined by § 30-15-101(3), C.R.S., as amended.
 - (b) The definition of “pet animal” does not include feral cats, wildlife, livestock used for any purposes or that is stray as defined in § 35-44-101, C.R.S., as amended, or animals that are owned or bought and sold through the efforts of those that are licensed, inspected, or both, by the United States Department of Agriculture, the Colorado Department of Agriculture, or both.
- 1-12. **“Rabies vaccination tag”** or **“vaccination tag”** means a valid metal tag issued by a licensed veterinarian evidencing a current rabies vaccination.
- 1-13. **“Riverdale Animal Shelter (RAS)”** means the animal shelter owned and operated by Adams County for the impoundment of animals, pursuant to § 30-15-101(1)(a)(IV), C.R.S., as amended, the Pet Animal Care and Facilities Act, § 35-80-101, *et seq.*, C.R.S., as amended, and § 35-80-106.6, C.R.S. titled the Care of Dogs and Cats in Animal Shelters and Pet Animal Rescues
- 1-14. **“Running-at-large”** or **“at-large”** means an animal that is not on the property of its owner, caretaker, or custodian and/or is not under the control of a person.
- 1-15. **“Vicious animal”** or **“dangerous animal”** means:
- (a) Any pet animal that has inflicted bodily injury upon or has caused the death of a person, another animal, or livestock; or
 - (b) Any pet animal that has demonstrated tendencies that would cause a reasonable person to believe the animal may inflict bodily injury upon or cause the death of any person, another animal, or livestock; or
 - (c) Any pet animal that has engaged in or been trained for animal fighting as described and prohibited in § 18-9-204, C.R.S., as amended; or
 - (d) A dangerous dog, as defined in § 18-9-204.5, C.R.S., as amended.

ARTICLE II: DUTIES AND POWERS OF ANIMAL MANAGEMENT OFFICERS

- 2-1. Pursuant to § 30-15-402.5(1) C.R.S., as amended, Animal Management Officers shall hereby have the duty and authority to enforce all sections of this Ordinance as it pertains the control of unleashed or unclaimed animals.
- 2-2. It shall be lawful for an Animal Management Officer to enter upon private property to capture an animal to be impounded for violation of this Code if:
- (a) The Animal Management Officer has obtained a search warrant; or
 - (b) The Animal Management Officer has obtained the consent of the owner or resident of the property; or
 - (c) The Animal Management Officer is in pursuit of an animal that has been running-at-large, except that the Animal Management Officer shall not enter into any enclosed building or structure on private property without a search warrant or the consent of the owner or resident of the property upon which the enclosed building or structure is located.
- 2-3. Animal Management Officers may be appointed to the State Bureau of Animal Protection pursuant to § 35-42-107, C.R.S. and nothing in this Ordinance shall abrogate their powers and duties thereunder.
- 2-4. Nothing in this Code shall be construed to prevent any Animal Management Officer from taking whatever action is reasonably necessary to protect his or her person or members of the public from injury by any animal.

ARTICLE III: RECORDS

- 3-1. It shall be the duty of ACAM to keep, or cause to be kept, accurate, detailed, and complete records of all summonses, complaints, warnings, and violations issued under this Code.

ARTICLE VI: PROHIBITED OR UNLAWFUL ACTS

- 4-1. **Animals-at-large prohibited.** It shall be unlawful for the owner or custodian of any animal to permit the same to run, go, or be at-large on any street or public place within the county, or upon the premises of any other person, without prior written permission of such other person.
- (a) Exceptions: This section shall not apply to areas designated by the county as dog training areas or off leash dog park sites. At such sites, owners or custodians may allow dogs to run, go, or be at large off leash, subject to the conditions listed below. Violation of any of the following conditions shall constitute a violation of this section:

1. Owners and custodians shall not bring their dogs into an off-leash site, or remain at the site with their dogs, after sunset or before sunrise.
2. Owners and custodians shall keep their dogs leashed when entering or leaving the fenced enclosure of the off-leash site and must have a visible leash with them at all times.
3. Dogs must be accompanied by a person at least eighteen (18) years of age when inside the enclosure.
4. Children under the age of 18 must be supervised by a person eighteen (18) years or older.
5. Owners and custodians shall not allow their dogs to chase or harass wildlife or other dogs.
6. Owners and custodians shall not leave their dogs unattended.
7. Owners and custodians shall immediately remove their dog's waste.
8. Pinch (prong) and spike collars must be removed prior to entering the enclosure.
9. No more than two (2) dogs per owner or custodian are allowed.
10. Owners/custodians shall not bring any of the following dogs into the off-leash site:
 - i. Dangerous or aggressive dogs;
 - ii. Female dogs in heat;
 - iii. Dogs without a current vaccination tag attached to the collar worn by the dogs;
 - iv. Dogs without a current identification tag attached to the collar worn by the dog or a traceable microchip;
 - v. Unvaccinated dogs;
 - vi. Dogs known to be ill or exhibiting signs of illness; or
 - vii. Dogs not under voice command, unless in areas at the site designated for training.
11. Any person who brings a dog to an off-leash dog park or dog training site designated by the county shall be treated as the owner or custodian of the dog for purposes of this section.

12. Anyone entering an off-leash dog park or dog training site designated by the county assumes the risk of injury and property damage caused by their own dog, other dogs, other persons, or any of the facilities at the site. By entering this site, every person agrees to release the County of Adams and its employees from liability for injuries or property damage caused by any act or omission of the county or its employees. The owner or custodian assumes liability for any injury or property damage to persons or other dogs caused by their dog.

- (b) A vicious or dangerous animal in violation of 4-1 shall be subject to separate penalties.
- (c) It shall be a separate unlawful offense of Habitual Ordinance Violations for an owner or caretaker of any animal to violate this Ordinance after being convicted for violating this Ordinance three (3) or more times during any consecutive twelve (12) -month period of time.

ARTICLE V: PENALTIES FOR VIOLATIONS

- 5-1. Pursuant to § 30-15-402(1), C.R.S., as amended, any violation of this Ordinance shall be a civil infraction and shall be punishable by a fine of not more than one thousand dollars (\$1000).
- 5-2. Pursuant to § 30-15-402(1), C.R.S., as amended, Animal Management Officers, and/or any arresting law enforcement officers, are hereby authorized to assess penalties for violations of this Code in accordance with the penalty assessment procedures of § 16-2-201, C.R.S., as amended, and as otherwise specified herein.
- 5-3. Accordingly, a graduated fine schedule for violations of this Ordinance shall be imposed as follows:

VIOLATION	NUMBER OF OFFENSES	FINE
Animal-at-large	1	\$75
	2	\$150
	3 or more	\$300
Vicious or dangerous animal-at-large	1 or more	\$1000
Habitual Ordinance violations	1 or more	\$1000

- 5-4. The graduated fines enumerated above shall be imposed when any caretaker, custodian or other person violates this Ordinance.
- 5-5. Pursuant to §§ 30-15-402(1), and § 16-2-201, C.R.S., whenever an Animal Management Officer has probable cause to believe a violation of this Ordinance

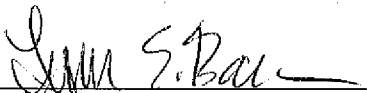
- has occurred, the officer shall issue a penalty assessment notice to the alleged offender, which shall be in the form of a summons and complaint.
- 5-6. Pursuant to § 16-2-201(2), C.R.S., as amended, the summons and complaint shall identify the alleged offender, state with specificity the sections of this Ordinance that were allegedly violated by the offender, state the applicable fine for the offense or each offense, and state that the alleged offender must pay the fine(s) by a date certain or appear to answer the charge(s) at a specified time and place. A duplicate copy of the summons and complaint shall be sent to the County Court Clerk of the 17th Judicial District.
- 5-7. Pursuant to § 16-2-201(3), C.R.S., as amended, if the person given a summons and complaint chooses to acknowledge guilt, the person may pay the assessed fine by mail, in person or online, within the time specified in the summons and complaint.
- 5-8. If the person given a summons and complaint chooses not to acknowledge guilt and to contest the violation(s) alleged, the person shall appear in court at the date, time, and place specified in the summons and complaint.

ARTICLE VI: ADDITIONAL PROVISIONS

- 6-1. **Disposition of fines.**
- a) Pursuant to § 30-15-408, C.R.S., as amended, all fines for violations of this Ordinance shall be paid into the treasury of the County, and deposited into the County's general fund, as such fines and fees are collected.
 - b) Pursuant to § 3-15-402(2), in addition to the penalties prescribed above, persons convicted of a violation of this Ordinance No. 6 shall be subject to a surcharge of ten dollars that shall be paid to the clerk of the court by the defendant. Each clerk shall transmit the moneys to the court administrator of the 17th Judicial District for credit to the victims and witnesses assistance an law enforcement fund established in that judicial district pursuant to § 24-4.2-103, C.R.S.
 - c) Court costs, if any, will be paid directly to the court.
- 6-2. **Limitation on suits.** Pursuant to § 30-15-409, C.R.S., prosecutions for the commission of any violation of this Ordinance shall be barred one (1) year after the commission of the offense.
- 6-3. **Severability.** If any section, paragraph, clause, or provision of this Ordinance shall be adjudged to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining sections, paragraphs, clauses, or provisions of this Ordinance, it being the intention that the various parts hereof are severable.

6-4. **Effective Date.** Pursuant to § 30-15-405, C.R.S., as amended, this Code shall take effect on February 25, 2022.

Adopted this 25th day of January, 2022.



Lynn Baca, Chair
Board of County Commissioners
Adams County, Colorado

Upon motion duly made and seconded the foregoing Ordinance was adopted by the following vote:

Henry _____ Aye
Tedesco _____ Aye
Pinter _____ Aye
O'Dorisio _____ Aye
Baca _____ Aye
Commissioners

CERTIFICATE OF ATTESTATION

STATE OF COLORADO)
County of Adams)

CERTIFICATE OF ATTESTATION

I, Josh Zygielbaum, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Adams County, now in my office.

The foregoing text is the authentic text of Adams County Ordinance No. 6. The first reading of said Ordinance took place on January 11, 2022 at a regular Board of County Commissioners meeting. It was published in full in a newspaper of general circulation at least ten days before its adoption; to wit, in the Thornton/Northglenn Sentinel and the Westminster Window on January 13, 2022. The Ordinance was adopted on second reading at a regular Board of County Commissioners meeting on January 25, 2022 and shall become effective on February 25, 2022.

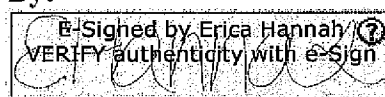
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Brighton, Colorado this 25th day of January, 2022.

County Clerk and ex-officio Clerk of the Board of County Commissioners
Josh Zygielbaum:

Josh Zygielbaum:



By:



Deputy