

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF MONTEZUMA
STATE OF COLORADO

At a regular meeting of the Board of County Commissioners of Montezuma County, Colorado, duly convened and held the 1st day of February, 1988, with the following persons in attendance:

Commissioners: W. C. Bauer, ~~Thomas K. Colbert~~,
and Robert L. Maynes

Commissioners absent: *Thomas K. Colbert*
County Attorney: Bob D. Slough

County Administrator: Thomas J. Weaver
County Clerk: Jean DeGraff

the following proceedings, among others, were taken:

RESOLUTION 2-88

A RESOLUTION DECLARING IT TO BE UNLAWFUL FOR ANY PERSON TO OWN, KEEP, HARBOR OR POSSESS A VICIOUS DOG THAT IS NOT UNDER CONTROL AND PROVIDING CRIMINAL PENALTIES AND ALSO PROVIDING FOR IMPOUNDMENT OF SUCH DOGS.

WHEREAS the Board of County Commissioners of Montezuma County, State of Colorado, finds that vicious dogs not under control present a clear and present danger to the safety of persons and property and that persons and property must be protected from such dogs;

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Montezuma County pursuant to 30-15-101 and 102, C.R.S., except as provided in 30-15-101(1)(b), C.R.S., that:

1. It shall be unlawful for any person to own, keep, harbor or possess a vicious dog that is not under control.
2. "Vicious dog" means a dog that is a clear and present danger to the safety of persons or property.
3. "Control" means (a) that the dog is physically restrained to the premises of its custodian, or (b) the presence of the custodian of said dog enforcing the dog's obedience to said custodian's commands.
4. "Custodian" means any person owning, keeping, harboring or possessing a dog.
5. "Premises" means the custodian's real property or vehicle.
6. (a) Any violation hereof not involving bodily injury to any person shall be a class 2 petty offense, and punishable, upon conviction, by a fine of not more than three hundred (\$300.00) dollars or by imprisonment in the county jail for not more than ninety (90) days, or by both such fine and imprisonment for each separate offense. The penalty assessment procedure provided in section 16-2-201, C.R.S., may be followed for violations not involving bodily injury to any person as follows: the penalty assessment fine schedule shall be twenty-five (\$25.00) dollars for the first violation, fifty (\$50.00) dollars for the second violation by the same person, and one hundred (\$100.00) dollars for the third violation by the same person.

(b) Any offense involving bodily injury to any person by a dog shall be a class 2 misdemeanor and punishable upon conviction as provided in 18-1-106, C.R.S., for each separate offense.

7. The Sheriff of Montezuma County, Colorado, and his deputies shall enforce this resolution by impounding a vicious dog not under control, and further, whenever said officer has probable cause to believe that a violation of section 6(b) hereof has been committed or has personal knowledge of any other violation hereof, he may issue a citation or summons and complaint to the violator stating the nature of the violation with sufficient particularity to give notice of said charge to the violator.

8. All proceedings hereunder shall be commenced by Summons and Complaint filed in the County Court in and for Montezuma County, Colorado. The District Attorney shall be the prosecuting attorney. All fines, forfeitures and other moneys collected shall be paid to the Montezuma County Treasurer at once.

9. This resolution is necessary for the immediate preservation of the public health and safety from vicious dogs not under control.

10. This resolution shall be effective immediately upon adoption.

NOW THEREFORE BE IT RESOLVED THAT THIS RESOLUTION IS HEREBY ADOPTED.

Adopted this 1st day of February, 1988, at 2:45 o'clock P m.

BOARD OF COUNTY COMMISSIONERS
OF MONTEZUMA COUNTY, COLORADO

Robert L. Maynes

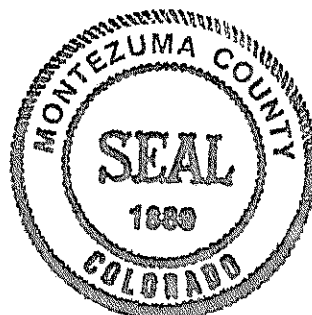
W.C. Bauer

Commissioners voting aye in favor of the Resolution were:

Robert L. Maynes, W.C. Bauer

and _____.

[Signature]
County Clerk and Recorder
Montezuma County, Colorado

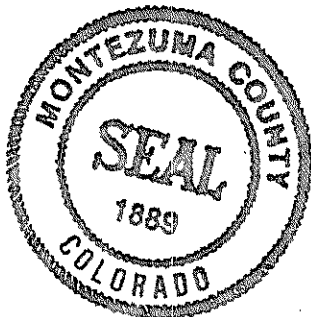


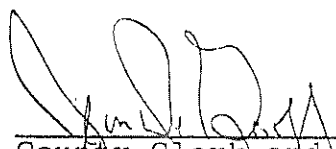
CERTIFICATE AND ATTESTATION

I certify and attest that this Resolution 2-88 was introduced and read in full at the preceding regular meeting of the Board of County Commissioners of Montezuma County, Colorado, on January 25, 1988, and that this resolution was published in full at least ten (10) days before its adoption in the following newspapers of general circulation published in Montezuma County: in the Montezuma Valley Journal on January 20, 1988, and in the Mancos Times Tribune on January 21, 1988, and in the Dolores Star on January 21, 1988.

DATED this 15th day of February, 1988.

(SEAL)



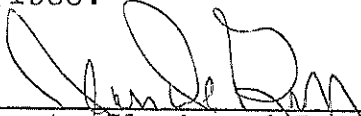


County Clerk and Recorder
Montezuma County, Colorado

I certify that the above and foregoing Resolution is a true and correct copy of same as it appears in the minutes of the Board of County Commissioners of Montezuma County, Colorado, and the votes upon same are true and correct.

Dated this 19th day of February, 1988.

(SEAL)



County Clerk and Recorder
Montezuma County, Colorado

