

RESOLUTION NO.2012 - 17

A RESOLUTION AMENDING RESOLUTION NO. 1-2010 DECLARING IT TO BE UNLAWFUL FOR ANY PERSON TO OWN, KEEP, HARBOR OR POSSESS A DOG THAT IS NOT UNDER CONTROL AND PROVIDING FOR IMPOUNDMENT OF SUCH DOGS AND CRIMINAL PENALTIES.

WHEREAS the Board of County Commissioners of Montezuma County, State of Colorado, finds that dogs not under control present a danger to the safety and peace and tranquility 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 C.R.S. 30-15-101 and 102, except as provided in C.R.S. 30-15-101(1)(b), that Resolution 1-2010 is amended as follows:

1. It shall be unlawful for any person to own, keep, harbor or possess a dog that is not under control.
2. (a) "Control" means as to a "vicious dog" as defined in paragraph 3 herein that said vicious dog (I) is physically restrained to the premises of its custodian, or (II) is in the immediate presence of said dog's custodian who is enforcing said dog's obedience to said custodian's commands.
(b) "Control" means as to any dog that is not "vicious" as defined in paragraph 3 herein that when said dog is away from and off the premises of its custodian that said dog (I) is physically restrained to prevent freedom of action, or (II) is in the immediate presence of said dog's custodian who is enforcing said dog's obedience to said custodian's commands.
(c) "Control" as to any dog or dogs also means that said dog or dogs shall not make unreasonable noise.
(d) Paragraphs (a), (b) and (c) are each separate and distinct control requirements, and the violation of either paragraph is a separate violation of paragraph 1 of this Resolution.
3. "Vicious dog" means a dog that is a clear and present danger to the safety of persons or property.
4. "Custodian" means any person owning, keeping, harboring or possessing a dog.
5. "Premises" means said custodian's vehicle or real property, except that "premises" does not include any public or county road right of way on said custodian's real property.
6. (a) Any violation hereof not involving bodily injury to any person shall be a class 2 petty offense, punishable, upon conviction, by a fine of not more than one thousand (\$ 1,000.00) 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 C.R.S. 16-2-201 may be followed for violations not involving bodily injury to any person as follows: the penalty assessment fine shall be fifty (\$50.00) dollars for the first violation, and one hundred (\$100.00) dollars for the second violation by the same person.

(b) Any violation hereof involving bodily injury to any person by a dog shall be a class 2 misdemeanor and punishable as provided in C.R.S. 18-1.3-501 for each separate offense.

7. The Sheriff of Montezuma County and his deputies shall enforce this resolution and may impound any dog not under control, and further, whenever said officer has probable cause to believe that a violation has been committed, 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. Said citation or summons and complaint shall be 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 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 3rd day of Dec., 2012, at 1240 o'clock P.m.

BOARD OF COUNTY COMMISSIONERS
OF MONTEZUMA COUNTY, COLORADO

Steve D. Chappell

Heath W. Hargrave



Commissioners voting aye in favor of this Resolution were
Chappell, Koppenhaffer, and

Commissioners voting nay against this Resolution were
_____, _____, and
_____.

Kim Perrell Chief Deputy Clerk
Clerk and Recorder of Montezuma County