

Policy 17

Policy and Procedures Regarding Pets

The Board of Directors of Fairway Pines Estates Owners Association, Inc., a Colorado Nonprofit Corporation (the "**Association**"), hereby approves and adopts the following Resolution:

Resolved, that the following Policy of the Association related to Regarding Pets is hereby adopted and ratified:

Authority

This Policy is adopted pursuant to Article V, Sections 8 of the Declaration of Covenants, Conditions, Restrictions and Easements.

Policy

It is the policy of the Association to be a pet friendly community. This is contingent on pet owner controlling their pet in order to prevent damage to, property and vehicles, and injuries or death, to people, other pets, and the indigenous wildlife. This includes removal of pet feces from HOA owned property (including roadways) and privately owned lots, including removal of the feces and bag containing same. Lot owners may keep, not to exceed three (3), generally recognized house or yard pets provided they are appropriately fenced, leashed or otherwise kept within the Owner's control both on and off the Owner's lot. Owner's will adhere to the Ouray County RESOLUTION No. 2017-007, or as subsequently amended, ORDERING THE VACCINATION AND CONTROL OF DOGS, CATS AND DOMESTIC FERRETS. See attached resolution.

Procedure

1. If identified, an owner/handler not removing their pet's feces from HOA owned property (including roadways) and privately owned lots, including removal of the feces and bag containing same, there will be a \$50.00 fine for the first offence, \$100.00 for the second offence and \$200.00 for subsequent offences.
2. If you witness an uncontrolled dog harassing wildlife, take pictures if you can, document the time, location, description of the dog and owners if possible. Call the Colorado Division of Wildlife at, xxx-xxx-xxx, and report the incident.
3. If you are being harassed, (in accordance with the resolution) or have suffered injury, or your pet has suffered injury by a dog belonging to another person, you have these options to consider.
 - A. Contact the party yourself and solicit compliance/payment for injuries.
 - B. Contact the Ouray County Sheriff's Office who will send a deputy to document the incident and comply with your instructions. If it is **NOT** an emergency, call Western Colorado Region Dispatch Center (970) 249-9100. If it is an emergency, call 911.
 - a. If you desire the deputy to contact the party in violation, but do **not** want criminal action taken, however; the deputy will do so. The deputy creates a report of this incident, and it is maintained on file for future reference by you or another party.

- b. If you desire prosecution for the criminal violation, the deputy will respond, document the incident as indicated above and at your direction, initiate disciplinary action. This includes one of the following:
- i. Take a report and issue summons substantiating the violations or,
 - ii. If there is an injury to you or your pet, you have a level 2 misdemeanor, and the officer may issue a summons and complaint. However, if there are *exigent* circumstances, the deputy *may* make an arrest and take that person into custody.

Amended April ?, 2024

Mike Jones
Secretary

Proposed

Attachment
Ouray County RESOLUTION No. 2017-009

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO, ALSO SITING AS THE BOARD OF HEALTH FOR OURAY COUNTY, ORDERING THE VACCINATION AND CONTROL OF DOGS, CATS AND DOMESTIC FERRETS AND REPEALING RESOLUTIONS 2011-015 AND 2011-017

RESOLUTION No. 2017-009

WHEREAS, the Board of County Commissioners, also sitting as the Board of Health, has previously adopted Resolutions 2011-015 and 2011-017 pertaining to the Vaccination, control and impoundment of dogs and ordering the vaccination of cats in unincorporated Ouray County; and

WHEREAS, the Board desires to repeal those Resolutions and replace them with one updated Resolution combining the obligations of owners of all dogs, cats, ferrets, and other domestic pet mammals, for the sake of clarity and ease of compliance by the public; and

WHEREAS, the Board of County Commissioners is authorized pursuant to statute, including C.R.S. 30-15-101, et seq. to provide for pet animal control and licensing, and sitting as the Board of Health is authorized pursuant to statute, including C.R.S. 25-4-607 to require inoculation of dogs, cats, and other pet animals, or other mammals against rabies; and

WHEREAS, C.R.S. 30-15-101(1)(a) provides that the Board may "establish such other reasonable regulations and restrictions for the control of dogs and other pet animals as the board of county commissioners may deem necessary; and

WHEREAS, the Board finds that the vaccination of dogs, cats, ferrets, and other domestic pet animals is necessary for the preservation of the health, safety, and welfare of the citizens of Ouray County given the risks and dangers that the spread of rabies through unvaccinated domestic pets pose to the health and well-being of citizens of Ouray County; and

WHEREAS, the Board further finds that other reasonable regulations requiring owners to maintain control of their dogs, cats, ferrets, and other pets are necessary to preserve and maintain the health, safety and welfare of the citizens of and visitors to Ouray County;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, AND IN THEIR ADDITIONAL CAPACITY AS THE BOARD OF HEALTH OF OURAY COUNTY, COLORADO, AS FOLLOWS:

1. Definitions.

The following terms, when used herein, shall have the following meanings unless the context clearly requires otherwise:

- a. "Cat" shall mean any domesticated animal of the feline species, regardless of gender.
- b. "Control", with respect to a dog, means a dog that is:
 - i. On a leash or other physical restraining device, with sufficient strength to restrain the dog; or
 - ii. Confined in a building, within a fenced enclosure, motor vehicle, or other structure in such a way that it does not escape; or
 - iii. The dog is within sight and hearing distance of its Owner or a family member of the Owner, or any authorized agent or employee of the Owner, and upon command, the dog returns to the immediate vicinity (at least within four feet) of such person; or
 - iv. A dog shall be deemed not under control when the dog inflicts damage or injury by biting, jumping upon, or harasses, chases or attacks persons, vehicles, cyclists, pedestrians, equestrians, livestock, other domestic animals or wildlife; except that these behaviors shall not be deemed not under control if the dog is acting in defense of the Owner, Owner's family, or property of the Owner. Further, this definition does not apply to dogs while actually working livestock, locating or

RESOLUTION No. 2017-009

retrieving wild game in season for a licensed hunter, or assisting law enforcement officers or while being trained for any of these pursuits.

- c. "Dog" shall mean any domesticated animal of the canine species, regardless of gender.
- d. "Ferret" shall mean a domesticated ferret being maintained as a pet.
- e. "Nuisance dog" shall mean loud, habitual and persistent barking howling, yelping or whining by a dog, sufficient to interfere with any person in the reasonable and comfortable enjoyment of their life or property. Nuisance dogs shall be deemed to be dogs that are not under the control of their Owner.
- f. "Owner" shall mean any person or entity owning, keeping, harboring, possessing, or having custody or control of a dog, cat, ferret or other pet animal. The parent or guardian of an Owner under eighteen (18) years of age shall be deemed the Owner for purposes of this Resolution.
- g. "Pet animal" means and includes any animal owned or kept by a person for companionship or protection or for sale to others for such purposes; but does not include wildlife, livestock or strayed animals, as defined in C.R.S. 35-44-101, or animals that are owned or bought and sold through the efforts of those that are licensed or inspected, or both, by the United States Department of Agriculture, the Colorado department of agriculture, or both.
- h. "Rabies vaccination" means the vaccination of a dog, cat, ferret, or other pet animal using a vaccine approved by the Colorado Department of Public Health and Environment and administered according to the recommendation of a veterinarian licensed in the state of Colorado.
- i. "Running at Large" means a dog that is not under control.
- j. "Vicious Dog" means a dog that bites or attacks a person or another animal without provocation or a dog that approaches a person or other animal in a vicious or terrorizing manner in an apparent attitude of attack, on any public or private property except:
 - i. When the person attacked is engaged in the unlawful entry into or onto the dog Owner's property or vehicle where such dog is confined or kept; or
 - ii. When the person attacked is engaged in attacking or molesting another person.

2. Application.

The terms of this Resolution shall apply throughout the unincorporated areas of Ouray County until repealed, amended, replaced or superseded by a subsequent Resolution or by any competent governmental agreement.

3. Rabies Vaccination Required.

- a. The Owner of any dog, cat, ferret or other pet animal shall have such dog, cat, ferret or other pet animal inoculated by a licensed veterinarian against rabies, according to guidelines as recommended by the Colorado Department of Public Health and Environment and the Compendium of Animal Rabies Control prepared by the National Association of State Public Health Veterinarians ("Authorized Recommendation"). Upon vaccination the licensed veterinarian shall issue to the Owner a certificate of rabies inoculation for each animal that has been vaccinated. The veterinarian may also provide to the Owner a rabies tag that may be affixed to the animal's collar.
- b. The Owner of any dog, cat, ferret or other pet animal that is brought into Ouray County from another jurisdiction shall, within thirty (30) days of bringing such animal into Ouray County, have the animal inoculated against rabies as provided by the Authorized Recommendation, or in the alternative, may provide evidence that the animal has been inoculated in another jurisdiction, including a certificate of inoculation issued by a veterinarian from another jurisdiction, and such certificate shall be evidence of compliance with the provisions of this Resolution ~ such inoculation is compliant with the Authorized Recommendation.
- c. A veterinarian, with the written consent of the animal's Owner, may issue a written waiver to the requirement of vaccination if the veterinarian, in his or her professional opinion, determines that the rabies inoculation is contraindicated due to the animal's medical condition.

4. Obligations and Prohibitions.

- a. Owning or possessing a dog, cat, ferret, or other pet animal that has not been vaccinated for rabies and required herein is prohibited.
- b. Dogs shall be kept under control by the Owner at all times.
- c. The running at large of any dog is hereby prohibited.
- d. It shall be unlawful to maintain or keep a vicious dog.
- e. It shall be unlawful to willfully and knowingly keep or maintain a nuisance dog. An Owner willfully and knowingly maintains or keeps a nuisance dog if the Owner has received a warning, in writing, within the prior six months by a law enforcement officer notifying the Owner that the dog is considered a nuisance.

RESOLUTION No. 2017-009

5. Impoundment of Dogs and Cats.

Any dog or cat found to be running at large and out of the control of its Owner may be impounded by anyone authorized in subsection 6 below to enforce the provisions of this Resolution.

a. Impounded animals will be taken to the designated impoundment shelter, which is Second Chance Shelter, or such other shelter as the County may designate. Animals will be kept for seven days, after which they may be determined to be abandoned and may be placed for adoption or euthanized. An Owner of an impounded dog or cat may claim the animal by paying the fees for care and shelter within the seven-day holding period. Second Chance will use whatever means it uses in the normal course of business to contact an Owner to advise that an animal has been impounded. The County accepts no responsibility or liability for notification to an Owner that an animal has been impounded.

b. Any impounded dog or cat may not be released to the Owner unless and until the Owner can provide evidence that the animal has been vaccinated for rabies. If an animal has not been vaccinated, the Owner must pay for vaccination at the impoundment shelter prior to taking possession of the animal.

c. Any animal not claimed by its Owner may not be adopted or otherwise released until it has been vaccinated for rabies, or evidence of a valid and current vaccination has been provided.

6. Authorized Enforcement Personnel.

a. Any peace officer is authorized to enforce the provisions of this Resolution.

b. Any person designated as an animal control officer by the Board of County Commissioners of Ouray County is authorized to enforce the provisions of this Resolution.

c. The Board of County Commissioners of Ouray County, their agents and employees, other elected officials of the county and their agents and employees, and any person authorized to enforce the provisions of this resolution shall not be held responsible or liable for any accident or subsequent disease that may occur to an animal in the administration or enforcement of this Resolution.

7. Enforcement.

a. Whenever any person designated as authorized enforcement personnel in subsection 6 of this Resolution has probable cause to believe that any violation of this Resolution has occurred, said person may issue a summons and complaint to the violator, stating the nature of the violation with sufficient particularity to give notice of said charge to the violator.

b. A summons and complaint issued pursuant to this Resolution shall contain the name of the defendant, shall identify the offense charged, including a citation of the section of this Resolution alleged to have been violated, and shall contain a brief statement or description of the offense charged, including the date and approximate location thereof, and shall direct the defendant to appear before the Ouray County Court at a stated time, date and place. A summons and complaint containing the information specified in this subsection shall be deemed prima facie compliance with the particular requirement of subsection 7.a. above.

c. Any peace officer may issue a summons and complaint pursuant to C.R.S. 16-2-104, as amended, and Colorado Rules of Criminal Procedure 4.1 (c)(3) for any violation of this Resolution. Any summons and complaint issued shall contain the information specified in subsection 7.b. above.

d. A summons and complaint may also contain a penalty assessment notice pursuant to C.R.S. 16-2-201, as amended, requiring the defendant to appear at the place, time and date specified or, in lieu thereof, to pay the specified fine in person or by mail at the place and within the time specified in the notice. Payment of the specified fine shall constitute acknowledgement of guilt of the offense charged.

8. Fines and Penalties.

a. All violations of this Resolution shall be a class 2 petty offense, and shall be punishable as follows:

i. For a first violation, the Owner shall be assessed a fine of not less than \$50.00 and not more than \$100.00, except that if a penalty assessment is issued as provided in Section 7.d. above, the fine shall be the minimum.

ii. For a second offense, the Owner shall be assessed a fine of not less than \$101.00 and not more than \$150.00, except that if a penalty assessment is issued as provided in Section 7.d. above, the fine shall be the minimum.

iii. For a third or any subsequent offense, the Owner shall be punished by a fine of not less than \$151.00, but not more than \$1,000.00, or imprisonment in the Ouray County jail for not more than ninety (90) days, or both such fine and imprisonment, for each separate offense.

9. Disposition of Fines and Penalties.

All fines, fees and forfeitures for violations of this Resolution shall be paid into the treasury of Ouray County upon payment of said fines, fees and forfeitures.

RESOLUTION No. 2017-009

10. Repeal of Previous Ordinances and Resolutions.

All previous Resolutions, including 2011-015 and 2011-017, on issues contained herein are repealed and shall have no further force or effect.

11 . Preemption.

If any statute of the State of Colorado or the United States gives or confers upon any person power to address those matters set forth in this Resolution, which powers are greater than those set forth in this Resolution, this Resolution shall not be construed to reduce or modify the powers granted by statute.

12. Severability.

If a Court of competent jurisdiction shall hold any part of this Resolution void or unconstitutional, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining provisions of the Resolution.

13. Effective Date.

This Resolution shall take effect and become effective twenty-four hours after a notice of its adoption is published in the *Ouray County Plaindealer*.

Voting for: *COMMISSIONERS TISDEL, BATCHELDER + PETERS*
Voting against: *NONE*



Hollnbeck
Michelle Nauer, Clerk and Recorder
By: Hannah Hollenbeck, Deputy Clerk of the Board

BOARD OF COUNTY COMMISSIONERS,
ALSO SITTING AS THE BOARD OF HEALTH
OF OURAY COUNTY, COLORADO

[Signature]
Ben Tisdal, Chair

[Signature]
Dan Batchelder, Vice-Chair

[Signature]
John E. Peters, Commissioner Member

Approved as to Form:

[Signature]
Martha P. Whitmore
Ouray County Attorney