COUNTY OF ARCHULETA

STATE OF COLORADO

ORDINANCE NO. 2

AN ORDINANCE FOR THE CONTROL OF DOGS RUNNING AT LARGE

Be It Ordained By The Board of County Commissioners of the County of Archuleta, State of Colorado, as follows:

SECTION 1.00 TITLE

1.01 This Ordinance shall be known as the Archuleta County Dog Control Ordinance.

SECTION 2.00 PURPOSE

2.01 This Ordinance is for the purpose of protecting the citizens of Archuleta County, Colorado, from the nusance, and potential danger of dogs running at large.

SECTION 3.00 DEFINITIONS

3.01 DOG: The word "dog" as used in this ordinance shall be construed to mean any dog whether male, female or neutered of any age.

3.02 OWNER: A person who claims possession of or title to a dog or permits a dog to remain on his or her premises for ten (10) or more days.

3.03 CUSTODIAN OR KEEPER: A person, other than the owner, who, on behalf of the owner has the care, custody, and control of a dog or a persons who permits a dog to come upon his or her property for care and/or nourishment for a period of ten (10) or more days.

3.04 RUNNING AT LARGE: For the purpose of this ordinance a dog shall be deemed to be running at large anytime the dog is off the premises of its owner and/or custodian

or keep and is not controlled or restrained by a leash. Dogs in vehicles shall not be deemed running at large unless said dogs shall leave the vehicle and are not then controlled or restrained by a leash.

3.05 PERSON: For the purposes of this ordinance the word "Person" shall mean and include any legal entity.

SECTION 4.0 PROHIBITION

4.01 Dogs shall be prohibited from running at large, as defined herein, within the jurisdictional confines as set forth in this ordinance.

4.02 Owners, Custodians and/or Keepers of dogs shall be prohibited from permitting their dogs or dogs under their care, custody and control as defined herein from running at large.

4.03 Owners, Custodians and/or Keepers of dogs running at large shall be cited by proper summons and complaint for their violation of this ordinance.

4.04 Dogs apprehended while running at large whose Owners, Custodians and/or Keepers are unknown at the time of apprehension shall be impounded at the facility designated for such purpose by the Board of County Commissioners of the County of Archuleta, State of Colorado. Such dogs shall be kept at the impoundment facility for a period of five (5) days after which time they shall be destroyed in a humane manner unless sooner claimed or adopted. Persons claiming as Owners, Custodians and/or Keepers shall pay all expenses incurred by such impoundment and shall be cited for their violation of this ordinance.

Dogs not claimed within the first three (3) days of impoundment shall be eligible for adoption. Persons wishing to adopt an impounded dog shall pay all expenses incurred by the impoundment and shall pay for the neutering

of such dog. No dog impounded shall be permitted to be adopted unless said dog is neutered.

4.05 All persons are prohibited with interfering with the enforcement of the provisions of this ordinance and all such persons deemed to be interfering with a party or parties authorized to enforce the provisions of this ordinance shall be cited by summons and complaint for their violation of this ordinance.

SECTION 5.00 ENFORCEMENT

5.01 The Sheriff of Archuleta County, Colorado, and duly authorized deputies of said Sheriff shall be charged with the enforcement of this ordinance.

5.02 The Pagosa Public Safety Office and its members shall have concurrent authority to enforce this ordinance within the confines of the boundaries of Pagosa In Colorado, the development of Eaton International Corp.

5.03 The director of the impoundment facility shall have authority to enforce the provisions of this ordinance as set forth in Section 4.04 hereof.

5.04 Any peace officer of the State of Colorado shall have concurrent authority to enforce the provisions of this ordinance.

SECTION 6.00 PENALTY

6.01 The summons and complaint issued to persons for the violation of this ordinance shall be filed in the County Court of Archuleta County, Colorado, and the persons so cited shall be tried in said Court. All persons found guilty of violating this ordinance shall be fined an amount not to exceed Three Hundred and No/100 Dollars ($300.00) in the discretion of the Judge of the County Court, of Archuleta County, Colorado, plus the costs of Court.

6.02 All fines collected from violations of the provisions of this ordinance shall be directed to the Treasurer of Archuleta County, Colorado, who shall deposit said sums in a fund entitled "Dog Control Fund" which such fund shall be used to assist in the payment of the implementation and enforcement of the provisions of this ordinance. None of these funds shall be distributed without the approval of the Board of County Commissioners of the County of Archuleta, State of Colorado.

SECTION 7.00 JURISDICTIONAL AREA

7.01 The provisions of this ordinance shall apply to all unincorporated areas within the boundaries of the County of Archuleta, State of Colorado.

SECTION 8.00 LIABILITY

8.01 The County of Archuleta, State of Colorado, The Board of County Commissioners of the County of Archuleta, State of Colorado, the Sheriff of Archuleta County, State of Colorado, all deputies, peace officers or other parties authorized to act in the enforcement and administration of the provisions of this ordinance shall not be responsible for any accident or subsequent disease which may occur in the enforcement and administration of this ordinance.

SECTION 9.00 EXCEPTIONS

9.01 There is excepted from the prohibition of this ordinance dogs actually engaged in the herding of cattle, sheep and other livestock on public or private property provided said dogs are under the control of the owner, custodian and/or employee of the cattle, sheep or other livestock.

SECTION 10.00 AUTHORITY

10.01 This ordinance for the control of dogs is promulgated under the authority of the Colorado Revised Statues, 1973, amended 30-15-101 through 105 granted to Boards of County Commissioners within the State of Colorado and the provisions of 30-15-104 and 30-15-105 are specifically incorporated herein by reference and shall not be limited by any language contained in this ordinance.

SECTION 11.00 CONFLICTS

11.01 This ordinance does not conflict with any statute or provisions thereof of the State of Colorado.

SECTION 12.00 VALIDITY AND SEVERABILITY

12.01 Should any section, clause, sentence or part of this ordinance be adjudged by any Court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 13.00 WHEN EFFECTIVE

13.01 This ordinance shall be in full force and effect from and after the date of adoption by the Board of County Commissioners of the County of Archuleta, State of Colorado.

SECTION 14.00 EMERGENCY

14.01 In the opinion of the Board of County Commissioners of the County of Archuleta, State of Colorado, an emergency exists for the immediate preservation of the health and safety of the citizens of the County of Archuleta State of Colorado, therefore this ordinance shall become effective upon final adoption.

Adopted this 15 day of May 1980.

BOARD OF COUNTY COMMISSIONERS
COUNTY OF ARCHULETA, STATE OF COLORADO

W. H. [illegible]
Chairman

ATTEST:

Mary Ann Callan
County Clerk

CERTIFICATION

I, Mary Ann Callan, Clerk and Recorder of the County of Archuleta, State of Colorado, do hereby attest and certify that Ordinance No._____, known as the Archuleta County Dog Control Ordinance was introduced and read to the Board of County Commissioners of the County of Archuleta, State of Colorado, at a Co. Comm. Meeting meeting held on May 15 1980 and that ordinance was published in the Pagosa Springs Sun on_____ and that the Board of County Commissioners of the County of Archuleta, State of Colorado, at a _____ meeting held on May 15 1980 had final reading of said ordinance and adopted same at said meeting in accordance with the law.

Certified this 15 day of May 1980.

Mary Ann Callan
Mary Ann Callan
Clerk and Recorder
County of Archuleta
State of Colorado