



Ordinance No. 22-06

**BEFORE THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GILPIN
AN ORDINANCE PERTAINING TO THE WELFARE, CONTROL, AND LICENSING OF DOGS**

WHEREAS, the keeping of dogs within Gilpin County has proven to be a potential hazard and annoyance to the residents of the County;

WHEREAS, a dog owner should assume the full and complete responsibility for the safety and actions of any dog owned, kept, harbored, or in the custody of the dog owner;

WHEREAS, C.R.S. §30-15-401(1)(e) authorizes the Board of County Commissioners to enact an ordinance regulating unleashed dogs and dogs running at large;

WHEREAS, C.R.S. §30-15-101 authorizes the Board of County Commissioners of any county to adopt a resolution for the control and licensing of dogs as provided therein;

WHEREAS, this Board finds that the adoption of this dog control and licensing ordinance is necessary to preserve and protect the health, safety, and welfare of the residents and visitors of the County and this Ordinance shall be effective upon adoption by the Board of County Commissioners;

WHEREAS, the County previously enacted Ordinance No. 93-2, which was as amended later by Ordinance No. 95-1, known as the "Dog Control and Rabies Licensing Ordinance," and Ordinance No. 16-01, known as "Pertaining to the Welfare, Control, and Licensing of Dogs Ordinance," and Resolution No. 99-13, "Resolution for the Control & Licensing of Dogs". All of these prior ordinances and resolutions shall be superseded and repealed contemporaneously herewith by the adoption of this Ordinance No. 22-06.

WHEREAS, the County encourages all dog owners have their dogs receive identification microchip implants. This microchip is not harmful to the dog, very small in size (grain of rice size), should not require replacement and does not have a battery, and best of all greatly improves chances that the dog owner will get their dog back if the dog is lost or stolen. Dog shelters and veterinarians can scan dogs for the microchip to easily identify the dog, its owner, and owner's telephone number for purposes of contacting the owner to recover the dog.

NOW THEREFORE BE IT ORDAINED, by the Board of County Commissioners of the County of Gilpin that the following Ordinance regulations shall be enacted:

03/30/2023 03:59 PM
SAHARI MCCORMICK GILPIN COUNTY CO
Receipt #51081 Page 9 of 35
COMMISSIONERS MINUTES
174155





ORDINANCE REGULATIONS

1. INTENT

It is the intent of the Board of County Commissioners of Gilpin County, by adopting this Dog Welfare, Control, and Licensing Ordinance, to declare as a matter of policy that the keeping of a dog in Gilpin County is a potential hazard and annoyance to the residents of the County. A dog owner, therefore, must assume full responsibility for the safety and actions of any dog owned, kept by, harbored by, or in the custody of, the dog owner.

It is also the intent of the Board of County Commissioners to fully enforce the Colorado state statutes preventing cruelty to animals under C.R.S. §§18-9-202 or 35-42-109(2), as amended.

2. DEFINITIONS

- 2.1. **Sheriff** means the Gilpin County Sheriff and any and all of the Sheriff's officers, deputies, and/or reserves.
- 2.2. **Control** means the actual physical and immediate control of a dog, either by means of leash, cord, or chain, except for those dogs on private property owned by the dog owner and/or acting as service animals within the definitions of Title II Sec. 35.136 of the Americans with Disabilities Act [42 U.S.C. 12101, et seq.], that are individually trained to do work or perform tasks for people with disabilities, dogs actually working livestock, dogs lawfully locating, pursuing, or retrieving wild game in season when accompanied by and under the control of a licensed hunter, dogs assisting search and rescue or law enforcement personnel, dogs housed in licensed facilities such as kennels, training facilities, or veterinary facilities, dogs participating in obedience training, trial, dog show, or other sanctioned event or being trained for any of the above pursuits, while accompanied by and under the control of an owner or handler.
- 2.3. **County** means unincorporated portion of Gilpin County.
- 2.4. **Dog** means any domesticated animal related to the fox, wolf, coyote, or jackal.
- 2.5. **Dog Owner** means any person eighteen (18) years of age or older or an emancipated minor, firm, corporation, or organization who owns, possesses, keeps, harbors, or has custody of a dog, or the parent, guardian, or custodian, of a child under the age of eighteen (18) years, which child owns, keeps, harbors, or has custody of a dog, or any other person who has financial or property interest in a dog.
- 2.6. **Running at Large** means when a dog is off the premises of the dog owner and not under control as defined above, provided that no dog shall be deemed to be running at large when a dog is acting as a service animal within the definition of Title II Sec. 35.136 of the Americans with Disabilities Act [42 U.S.C. 12101, et seq.], that are individually trained to

03/30/2023 03:59 PM 174155
SAHARI MCCORMICK GILPIN COUNTY CO
Receipt #81081 Page 10 of 35
COMMISSIONERS MINUTES





do work or perform tasks for people with disabilities, dogs actually working livestock, dogs lawfully locating, pursuing, or retrieving wild game in season when accompanied by and under the control of a licensed hunter, dogs assisting search and rescue or law enforcement personnel, dogs housed in licensed facilities such as kennels, training facilities, or veterinary facilities, dogs participating in obedience training, trial, dog show, or other sanctioned event or being trained for any of the above pursuits, while accompanied by and under the control of an owner or handler.

- 2.6.1. Any unaccompanied dog injured or walking in the unincorporated portions of Gilpin County and any dog trespassing on private property shall be considered to be running at large.
- 2.7. **Dangerous Dog** means any dog that has inflicted bodily injury upon or caused the death of any person or domestic animal, or which has demonstrated tendencies that would cause a reasonable person to believe that the dog may inflict injury upon or cause the death of any person or domestic animal or which has engaged in or been trained for animal fighting as prohibited by C.R.S. §18-9-204 excluding any dog defined in C.R.S. §18-9-204.5(6).
- 2.8. **Barking Dog** means any dog, whether on or off the dog owner's premises, that disturbs the peace of any person by loud, habitual, or persistent barking, howling, yelping, or whining.
- 2.9. **Harboring** means occupying any premises on which an animal is kept, or to which an animal customarily returns for food, shelter, or care. Persons harboring a dog shall be subject to the provisions of this Regulation applicable to dog owners.
- 2.10. **Bodily Injury** means any physical injury that results in severe bruising, muscle tears, skin lacerations requiring medical treatment or fracture of any bone or injury that requires corrective or cosmetic surgery.
- 2.11 **Gilpin County Dogs** means all dogs found in Gilpin County, identified as belonging to a Gilpin County resident or deposited with an animal shelter by a Gilpin County resident.

3. LICENSING

- 3.1. All dogs over the age of six (6) months within the County of Gilpin shall have a current County dog license tag and a current rabies tag. A dog shall be considered unlicensed in the absence of either tag.
- 3.2. License tags shall be renewed in the event of residence change, ownership change, tag loss, loss of legibility due to wear or upon issuance of a new rabies tag. There shall be no fee for a dog tag or replacement.

03/30/2023 03:59 PM 174155
SAHARI MCCORMICK GILPIN COUNTY CO
Receipt #51081 Page 11 of 35
COMMISSIONERS MINUTES





- 3.3. Rabies tags shall be renewed and replaced upon expiration and a County license renewal shall be obtained within thirty (30) days.
- 3.4. Any dog not currently licensed as of the date of enactment of this Ordinance shall be licensed by the dog's owner on or before the 1st day of March, 2023. Any dog acquired and/or brought into the County shall be licensed within thirty (30) days thereafter. The owner of any dog not licensed on or before said date shall thereafter be deemed in violation of this Ordinance.
- 3.5. Each application for a County dog license tag, renewal, or replacement shall be accompanied by a current rabies tag or documentation (via certificate, receipt, or direct fax or email to the Sheriff's Office), provided by a veterinarian certifying rabies inoculation.
- 3.6. All County dog license tags shall be obtained at the office of the Gilpin County Sheriff.
- 3.7. The Gilpin County Sheriff's Department shall maintain a record of the date of issue of each dog license tag issued and the number of the tag. The dog license tag expiration date shall be the same as the rabies inoculation tag expiration.

4. IMPOUNDMENT OF DOGS, AND TERMS AND CONDITIONS FOR RELEASE

- 4.1. The Sheriff may take into custody and impound any dog found without a current County license tag or found running at large. The Sheriff may alternatively take into custody and transfer any dog to the nearest animal shelter with available space and resources for the dog. Gilpin County and Clear Creek County entered into an Intergovernmental Agreement (IGA) on January 1, 2018 that allows Gilpin County to utilize "Charlie's Place" a.k.a. the Clear Creek County and Gilpin County Animal Shelter located at 500 W. Dumont Rd, Dumont, CO. This may change in the future as animal shelter(s) availability and resources change, discontinue or move. The dog owner must contact the Gilpin County Sheriff's Office to determine where their dog is being kept.
- 4.2. The Sheriff may take into custody and impound any dangerous dog, provided that with respect to dogs which have bitten other animals, the Sheriff may utilize the confinement provision set forth in **Section 4.2.2** hereof.
 - 4.2.1. A dog impounded for biting a person shall not be released from impoundment prior to approval by a veterinarian and the Sheriff.
 - 4.2.2. A dog that has bitten another animal may be confined by the owner for a minimum of ten (10) days as approved by the Sheriff. A dog so confined by the owner shall not be released from confinement without approval of the Sheriff.
 - 4.2.3. The dog owner shall be responsible for all costs of impoundment, care, and

03/30/2023 03:59 PM 174155
SAHARI MCCORMICK GILPIN COUNTY CO
Receipt #51081 Page 12 of 35
COMMISSIONERS MINUTES



03/30/2023 03:59 PM 174155
SAHARI MCCORMICK GILPIN COUNTY, CO
Receipt #51081 Page 13 of 35
COMMISSIONERS MINUTES

provision, which costs also include all transport, transfer, and employee time costs for the same.

- 4.2.4. It shall be unlawful for the owner of a dog or any agent of the owner of a dog that has bitten a person or an animal, to have the dog euthanized by a veterinarian before it has been impounded under the direction of the Sheriff.
- 4.3. Subject to the requirements and exceptions in **Section 5** below, if an impounded dog is not claimed within ten (10) days by the owner, the dog may be transferred at the sole discretion of the Sheriff.
- 4.4. Notwithstanding the 10-day period specified herein, for a period of thirty (30) days beginning with the impoundment of a Gilpin County Animal, the animal will be regarded as being in the custody of Gilpin County, and disposition of the animal during that period will be at the discretion of Gilpin County; provided, however, that Clear Creek County may euthanize an animal during that period pursuant to court order or if in its judgment or that of the consulting veterinarian such disposition is appropriate in accordance with C.R.S. §35-80-106.3 and C.R.S. §12-315-117. In doing so, Clear Creek County shall be deemed to have custody of that animal and responsible for that animal and its disposition. Any custody decisions not involving these circumstances will be made by the County Sheriff of the respective parties or his/her designee(s).
- 4.5. Notwithstanding any other provision of this regulation, if the Sheriff has reasonable grounds to believe that a dog has bitten a person causing bodily injury or may be rabid, the Sheriff shall confine or cause or require the confinement of such dog for a minimum of ten (10) days and for such additional time as the Sheriff may deem necessary in the interest of the public health, safety, and welfare. If the dog owner has been cited for violation of C.R.S. §18-9-204.5, the dog may be impounded at the owner's expense pending final disposition of the charge against the owner.
- 4.6. The owner of any dog impounded pursuant to this Ordinance, shall be responsible for payment of all impoundment fees and costs. Impoundment fees and costs shall include any and all costs of transporting a dog to an impoundment facility, including reimbursement of mileage at the standard mileage reimbursement rate utilized by the County of Gilpin, for all mileage incurred on County vehicles in transporting the dog, together with documented costs of County employee time in transporting the dog. All such fees shall be paid and the Sheriff must verify payment to Gilpin County or to the animal shelter, whichever is applicable, before any dog shall be released from impoundment. In connection with any penalties assessed pursuant to **Section 6** of this Ordinance, the court shall order restitution to the County of any and all-impoundment costs, as defined and described herein, incurred in connection with impoundment of the dog(s) which are the subject of judicial proceedings.
- 4.7. Nothing in this Ordinance shall be construed to prevent the Sheriff, any other law



enforcement officer, or any member of the public from taking whatever action is reasonably necessary to protect their person or members of the public from injury by any dog.

- 4.8. Nothing in this Ordinance shall be construed to prevent the destruction or the killing of dogs to prevent death or injury to livestock, human life, big game animals other than bear or mountain lion, or small game animals, birds or mammals, as more specifically provided in C.R.S. §33-3-106, or for killing any dog running or worrying or injuring sheep, cattle, or other livestock, as provided in C.R.S. §35-43-126.
- 4.9. Nothing in this Ordinance shall be construed to prevent the removal of injured or sick dogs from private or public property. Injured dogs may be euthanized if it is determined by the Sheriff or veterinarian that the dog's injuries are such that there is a poor prognosis for recovery. The animal owner shall be liable for all costs and expenses which may be incurred by the County in the treatment, impoundment, and/or euthanizing of any such dog.

5. DISPOSITION OF IMPOUNDED DOGS

- 5.1. The disposition (sale, donation, return to owner, or euthanasia) of dogs impounded hereby in animal shelters or by the Gilpin County Sheriff shall be subject to this Ordinance No. 22-06. No transfer by sale or donation or euthanasia may occur during the ten (10) days after the date of impound, unless ordered by a court or with regard to euthanasia without court order if done by a licensed veterinarian in good faith for humane reasons voluntarily or at request of a state or local governmental officer or employee pursuant to C.R.S. §12-315-117 or unless otherwise lawful under C.R.S. §35-80-106.3.
- 5.2. In the event a dog impounded for running at large or for lack of a license tag is not claimed within this ten (10) day time period, after notice to the owner of such impoundment, when the owner is known, the dog shall be deemed to have been abandoned, the owner's rights therein forfeited and the Sheriff or animal shelter(s), whichever is applicable, may continue impoundment, transfer the dog by sale or donation, or cause the dog to be euthanized.
- 5.3. If a dog is transferred or disposed of in accordance with this Ordinance, the owner of such dog shall be obligated to pay all fees and costs associated with the disposal of the animal, which shall in addition to any and all impoundment fees and costs including transportation costs as defined in Section 4.6 of this Ordinance. In the event any dog owner who has failed to claim the owner's dog within the ten (10) day impoundment period nevertheless requests return of the dog prior to disposal, the owner shall be entitled to return of the dog upon payment of all impoundment fees and other fees and costs including transportation costs, as identified in this Ordinance. In connection with any judicial proceedings commenced pursuant to this Ordinance, the Court shall order



restitution by the owner of the dog, of all costs and fees of impoundment, including the transportation costs described in **Section 4.6** of this Ordinance.

6. VIOLATIONS, PENALTIES, AND ENFORCEMENT

6.1. Civil Infraction:

6.1.1. It shall be unlawful for a dog owner to keep a dog within the County without complying with the licensing provisions set forth in **Section 3** of this Ordinance.

6.1.2. It shall be unlawful for any dog owner's dog to run at large in the County.

6.1.2.1. Mitigating circumstances – In imposing sentence for violation of this **Subsection 6.1.2.** in the event a dog owner provides to the Court satisfactory evidence that an adequate physical or electric fence exists, or has been erected and is in good repair, such installation shall be considered in mitigation, after any convictions under this subsection (6.1.2.1.).

6.1.3. It shall be unlawful for any dog owner to knowingly permit the County license tag for one dog to be affixed to the collar or harness of another dog.

6.1.4. Habitual or persistent barking dog – It shall be unlawful for any dog owner to fail to prevent the owner's dog from disturbing the peace of any person by loud, habitual, or persistent barking, howling, yelping, or whining, whether the owner's dog is on or off the dog owner's property.

6.1.4.1. In the event the dog owner provides evidence satisfactory to the Court, demonstrating that the dog barking, howling, yelping, or whining has been and will continue to be adequately suppressed, such evidence will be considered by the Court in mitigation after conviction of a violation of this subsection (6.1.4.1.).

6.2. Affirmative Defenses – It shall be an affirmative defense to each of the offenses described above that at the time of the alleged violation, the owner's dog or dogs were working livestock, were dogs locating or retrieving wild game in season for a licensed hunter, were dogs assisting law enforcement officers, or were dogs being trained for any of the foregoing pursuits. Further, this Ordinance shall have no application to licensed kennels, breeding, boarding, or training facilities, or veterinarian offices and hospitals, so long as such facilities are in compliances with all applicable zoning, commercial, and business regulations, laws, and statutes.

6.3. Penalties:

6.3.1. All violations of this Ordinance shall be a Civil Infraction. The penalty assessment





procedure provided in C.R.S. §16-2-201 may be followed by the Sheriff for any violation of this Ordinance, provided that the Board of County Commissioners first adopts a graduated fines schedule pursuant to C.R.S. §30-15-102(1). Whenever the Sheriff has probable cause to believe that a violation of this Ordinance has occurred, the Sheriff may issue a citation or summons and complaint to the violator stating the nature of the violation with sufficient particularity to give notice of the said charge to the violator.

6.3.2. All persons who acknowledge guilt or are found guilty of a civil infraction pursuant to this Ordinance shall be punishable by fines as follows: Subject to the exception set forth in subsection (6.3.2.6.) below, the court shall have no discretion to suspend any fine here established. The minimum fines specified shall be mandatory in addition, a surcharge of ten dollars (\$10.00) shall be paid to the clerk of the court by the guilty party, which shall be transmitted to the court administrator of the judicial district in which the offense occurred for credit to the victims and witnesses' assistance and law enforcement fund established in that judicial district pursuant to C.R.S. §24-4.2-103.

6.3.2.1. First offense – mandatory fine of \$50.00 (Fifty Dollars).

6.3.2.2. Second offense (any violation of this Ordinance within 18 consecutive months of the first offense) – mandatory fine of \$100.00 (One Hundred Dollars).

6.3.2.3. Third offense (any violation of this Ordinance within 18 consecutive months of the first offense) – mandatory fine of \$300.00 (Three Hundred Dollars).

6.3.2.4. Fourth offense (any violation of this Ordinance within 18 consecutive months of the first offense) – any dog owner convicted of a fourth violation of this Ordinance shall be deemed a persistent offender and shall be subject to a fine of \$600.00 (Six Hundred Dollars).

6.3.2.5. Upon conviction of a first, second, third, or fourth offense, the court shall have no authority under this Ordinance to imprison the offender in the county jail and punishment shall be limited to the fine(s) specified herein.

6.3.2.6. Exception to mandatory fine – In the event a dog owner has provided proof of bark suppression as described in **Section 6.1.4.1** of this Ordinance or proof of confinement as described in **Section 6.1.2.1** of this Ordinance, the court may suspend all or a portion of any fine in connection with that offense.

03/30/2023 03:59 PM 174155
SAHARI MCCORMICK GILPIN COUNTY CO
Receipt #51089 Page 16 of 35
COMMISSIONERS MINUTES





7. EMERGENCY CLAUSE

7.1. The Board of County Commissioners finds that uncontrolled dogs pose a threat to the health and safety of Gilpin County residents, domestic animals, and wildlife and it is the determination of the Board that it is necessary for the immediate protection of public health and safety that this Ordinance shall become effective immediately upon adoption.

Introduced and first read this 20th day of December, 2022, and ordered published in full in a newspaper of general circulation published in Gilpin County at least ten (10) days prior to final adoption on second reading by a vote of 3 to 0.

Approved and adopted upon second reading by a vote of 3 to 0 this 24th day of January, 2023.

ADOPTED this 24th day of January, 2023, by a vote of 3 to 0.

BOARD OF COUNTY COMMISSIONERS
OF GILPIN COUNTY

Marie Mornis, Chair

03/30/2023 03:59 PM 174155
SAHARI MCCORMICK GILPIN COUNTY CO
Receipt #51081 Page 17 of 35
COMMISSIONERS MINUTES





CERTIFICATION AND ATTESTATION OF THE COUNTY CLERK

Sharon McCormick AKA Sahari McCormick, Gilpin County Clerk and Recorder, hereby certifies and attests that the foregoing Ordinance was introduced and publication in full ordered by the Board of County Commissioners of the County of Gilpin on first reading on the 20th day of December, 2022 at a regularly scheduled meeting of the Board of the County Commissioners, and approved on second reading on the 24th day of January, 2023, at a regularly scheduled meeting of the Board of County Commissioners, Gilpin County, Colorado and that said Ordinance was published in full in the Newspapers of Record at least ten (10) days prior to final adoption.

Sharon "Sahari" McCormick

Sharon McCormick, AKA Sahari McCormick
Clerk and Recorder
Gilpin County

03/30/2023 03:59 PM 174155
SAHARI MCCORMICK GILPIN COUNTY, CO
Receipt #51081 Page 18 of 35
COMMISSIONERS MINUTES

