AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: DRAFT BOCC Meeting Minutes; 9/4/18

Action Requested: Motion

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

The draft 9/4/18 Regular Meeting minutes are attached for consideration.

Fiscal Impact:

Submitted by: Liz Mense **Submitter's Email Address:** EMense@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:
ok db 9/28/18

Reveiwed by: GUNCOUNTY1\dBaumgarten Discharge Date: 9/28/2018 Certificate of Insurance Required

Yes ○ No ◉

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 9/28/2018

○ Consent Agenda ◉ Regular Agenda ○ Worksession Time Allotted: 1

Agenda Date: 10/2/2018

Revised April 2015

GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING MINUTES
September 4, 2018

The September 4, 2018 meeting was held in the Board of County Commissioners' meeting room located at 200 E. Virginia Avenue, Gunnison, Colorado. Present were:

Phil Chamberland, Chairperson (ABSENT)
Jonathan Houck, Vice-Chairperson
John Messner, Commissioner
Matthew Birnie, County Manager
Elizabeth Mense, Deputy County Clerk
Others Present as Listed in Text

CALL TO ORDER: Vice Chairperson Houck called the meeting to order at 8:31 am.

AGENDA REVIEW: There were no changes made to the agenda.

MINUTES APPROVAL: **Moved** by Commissioner Messner, seconded by Commissioner Houck to approve the meeting minutes of 8/7/18 as presented. Motion carried unanimously.

1. 8/7/18 Regular Meeting

CONSENT AGENDA: **Moved** by Commissioner Houck, seconded by Commissioner Messner to approve the Consent Agenda as presented with the exception of Consent Agenda item No. 13 which will be discussed separately. Motion carried unanimously.

1. Retail Liquor License Renewal; TRE Amici Corp dba Garlic Mike's
   September 14, 2018 – September 14, 2019
2. Retail Liquor License Renewal; Tassinong Farms LLC dba Tassinong Farms Food & Wine
   October 3, 2018 – October 3, 2019
3. Contract; Election Materials Printing Contract; Integrated Voting Systems, Inc.
4. Acknowledgement of County Manager's Signature; Healthcare Service Provider and Employer Participation Agreement; Heights Physical Therapy LLC; Effective July 16, 2018
5. Ratification of BOCC Signature; Federal Land and Water Conservation Fund Support Letter
6. Ratification of Commissioner Signature; Trout Unlimited Grant; Coldwater Land Conservancy Fund; Gunnison Angling Society #057; 9/30/18-9/30/20
7. Grant Offer; Airport Improvement Plan; Gunnison-Crested Butte Regional Airport; AIP 54 Federal Aviation Administration
8. Service Agreement; Flat Rate Inspection; Alternative Elevations, LLC; Gunnison-Crested Butte Regional Airport
9. Contract; Health & Human Services Core Services Program; Gunnison & Hinsdale Counties
10. Ratification of County Manger's Approval; Grant Application; Delta Dental & Gunnison County Department of Public Health
11. Grant Contract; Buell Foundation; Gunnison County Health & Human Services; Early Childhood Council
12. Grant Contract; Buell Foundation; Gunnison County Health & Human Services; Nurturing Parent Program
13. Release of Development Improvements Agreement; Riverwalk Estates Subdivision
14. Resolution; A Resolution Adopting the Allowances, Restrictions and Responsibilities Regarding Animals in County Facilities and on County Grounds Policy
15. Correspondence; Colorado Wildland Fire Conference; Silver Sponsorship
16. Correspondence; Letter of Support Request; Re: Long Lake

SCHEDULING:

Jonathan Houck-

1. Commissioner Houck will be present for the 9/18/18 Regular Meeting but will be out of office for the Work Session scheduled for 9/25/18.
2. The Colorado Counties, Inc. (CCI) meeting is scheduled for 9/28/18. The Gunnison Valley Transportation Authority (RTA) meeting is the same day.

John Messner-

1. Commissioner Messner stated that the Coal Mine Methane Working Group meeting on 9/11/18 may be rescheduled to a later date.
2. The Delta Energy Summit is scheduled for 9/17/18-9/18/18.
3. The Colorado River District Seminar is scheduled for 9/14/18.
4. Commissioner Messner plans on attending the upcoming Club 20 meeting in Chairperson Chamberland's absence.
5. There is a STOR Committee meeting scheduled for Thursday, 9/13/18.

COUNTY MANAGER'S REPORT: County Manager Birnie was present for discussion.

1. The Health and Human Services building renovation is complete, both schedule and budget goals were met.
2. CM Birnie stated that the design charrette for the Lot 22 property is in the works.
3. CM Birnie inquired about allowing use of the County property lot adjacent to Ohio Creek Road and Highway 135 RTA project.

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4. CM Birnie provided an update regarding the airport terminal renovation and RFQs that the County has received. He is currently working on the financing portion. There is a meeting scheduled the first week of October with the Federal Aviation Administration to discuss what resources are available.

DEPUTY COUNTY MANAGER'S REPORT: Deputy County Manager Marlene Crosby was present for the discussion.

1. DCM Crosby discussed the annual land fill inspection and the corrections that were made following the inspection.
2. DCM Crosby reminded the Board of the Snow & Ice Conference 9/6/18-9/7/18.

Correspondence; Colorado Counties, Inc.; CCI 2018 Legislative Committee Member Appointment & RSVP for Legislative Committee Meeting 10/12/18:
Moved by Commissioner Messner, seconded by Commissioner Houck to appoint Jonathan Houck as Gunnison County's CCI 2018 Legislative Committee Member. Motion carried.

Grant Agreement; State of Colorado & Gunnison County; REDI 18-148; Gunnison County One Valley Economic Diversification & Rural Entrepreneurial Engagement:
Moved by Commissioner Messner, seconded by Commissioner Houck to approve Grant Agreement REDI-18-148 as presented. Motion carried.

Boundary Line Adjustment; Gary & Johnnie Atwood; Fry Atwood Subdivision:
Beth Baker, Administrative Services Manager from Gunnison County Community Development was present for the discussion. She provided an explanation of the requested boundary line adjustment.
Moved by Commissioner Messner, seconded by Commissioner Houck to approve the boundary line adjustment requested by Gary and Johnnie Atwood in the Fry Atwood Subdivision. Motion carried.

BREAK: The Board took a break at 8:59 am. The meeting resumed at 9:04 am.

Resolution; A Resolution Repealing and Rescinding Prior Resolutions and Ordinances Governing the Control and Licensing of Dogs, and Adopting New Rules and Regulations Governing the Control and Licensing of Dogs in Unincorporated Gunnison, County, Colorado:
Deputy County Attorney Matthew Hoyt was present for the conversation. DCA Hoyt explained that this resolution consolidates and repeals two ordinances and five prior resolutions regarding the control and licensing of dogs in Gunnison County. The new resolution is easier to understand, allowing for better constituent understanding and easier enforcement. The resolution also updates the ordinances and resolutions so that they are consist with current Colorado state laws.
Moved by Commissioner Messner, seconded by Commissioner Houck to approve Resolution No. 2018-30; A Resolution Repealing and Rescinding Prior Resolutions and Ordinances Governing the Control and Licensing of Dogs, and Adopting New Rules and Regulations Governing the Control and Licensing of Dogs in Unincorporated Gunnison County, Colorado. Motion carried.

Resolution; A Resolution Establishing a Partial Seasonal Closure of County Road #317 ("Gothic Road"), and Identifying Certain Exceptions to Such Closure:
Deputy County Attorney Matthew Hoyt was present for the discussion. DCA Hoyt discussed the various drafts of the resolution that have been presented to the Board. He explained that the final draft provides clarity regarding the use of snowmobiles by real property owners north of the closure gate, allows permission for use of the road for certain agricultural purposes such as livestock maintenance, and addresses snowmobile use by the Rocky Mountain Biological Laboratory. The remainder of the resolution remains largely unchanged from previous drafts.
Moved by Commissioner Messner, seconded by Commissioner Houck to approve Resolution No. 32; A Resolution Establishing a Partial Seasonal Closure of County Road #317 ("Gothic Road"), and Identifying Certain Exceptions to Such Closure. Motion carried.

Resolution; A Resolution Implementing Stage 1 Fire Restrictions:
Moved by Commissioner Messner, seconded by Commissioner Houck to approve Resolution No. 2018-33; A Resolution Implementing Stage 1 Fire Restrictions. Motion Carried.

Discussion; Re: Resolution Opposing Ballot Initiative No. 97 & 108:
The Board discussed Ballot Initiatives No. 97 and 108 that will be on the November 2018 ballot. Commissioner Messner provided an overview of what the two initiatives consist of. Commissioner Messner indicated that in his opinion these ballot initiatives are not in the best interest of Gunnison County or the State of Colorado. Commissioner Houck agreed. The Board elected to table this item until a future meeting when Chairperson Chamberland will be present. In addition, they indicated that further research is necessary to determine whether the ballot initiative numbers have changed.

COMMISSIONER ITEMS: This item occurred earlier than scheduled due to being ahead in the meeting.

John Messner-

1. Commissioner Messner is tentatively scheduled to fly to Texas with Scott Truex, RTA Director, on 11/5/18 for meetings with American Airlines.
2. Commissioner Messner is tentatively scheduled to be in Chicago, Illinois with RTA 12/2/18-12/4/18 for meetings with United Airlines.
3. Commissioner Messner provided an update regarding the Coal Mine Methane Working Group.
4. Commissioner Messner attended a Gallagher Interim Committee meeting regarding short-term rentals in Summit and Gunnison counties.
5. Commissioner Messner was invited to meet with House Majority Leader, KC Becker in Denver on 9/12/18.

Jonathan Houck-

1. Commissioner Houck participated in a recent CCI conference call which discussed current legislative issues. He also attended the Western District Meeting for CCI.
2. On Wednesday, 8/29/18 Commissioner Houck attended a meeting in Denver with the Governor and other individuals that represent local Government. The meeting discussed the Colorado the Beautiful Initiative.
3. Commissioner Houck attended the Community Builders Task Force meeting on 8/30/18. Housing was one of the main topics along with Boards & Commissions. Community Development Director, Cathie Pagano, explained that it was suggested that once a year, perhaps on an annual basis, that managers organize a one day event where the President and/or Executive Director of each Board present a presentation to Elected Officials providing an overview of the Board they represent.
4. Commissioner Houck discussed the Fish & Wildlife Sage Grouse five-year review.

Discussion; Re: Submission of Comments by the Gunnison County BoCC Re: The Bureau of Land Management's Preliminary Environmental Assessment for December 2018 Competitive Oil & Gas Lease Sale:

Deputy County Attorney Matthew Hoyt was present for the discussion. Commissioner Messner explained that the BoCC submitted comments specific to Gunnison County and the North Fork area regarding the proposed lease sale during the scoping period. DCA Hoyt explained that the County was not notified by the Bureau of Land Management (BLM) when the preliminary Environmental Assessment (EA) was released and additionally the request for additional time to submit comments to the BLM during the scoping period was denied. The published EA included 157 pages and allowed 15 days to respond. The deadline is currently Tuesday, 9/11/18. The County Attorney's Office (CAO) and Board does not feel that the County's comments were thoroughly and accurately addressed. DCA Hoyt discussed several legal inaccuracies contained within the EA. He explained that it is the recommendation of the CAO to address both the factual and legal inaccuracies contained within the EA and request that the BLM defer the lease sale until a proper Resource Management Plan is enacted and followed. The Board agreed with the recommendation from the CAO.

Discussion; Grand Mesa Uncompahgre & Gunnison National Forest (GMUG) Plan Revision; Wilderness Inventory:

Commissioner Houck provided an overview of the GMUG Plan Revision and Wilderness Inventory. He pointed out that the purpose of the inventory is not to change any forest designations, rather it questions whether the forest inventory itself is accurate, complete and thorough. The Board is in agreement with the comments submitted by the Gunnison Public Lands Initiative (GPLI) regarding the accuracy of the Wilderness Inventory. Maddie Rehn, Gunnison Public Lands Initiative Coordinator, provided comments and addressed questions from the Board.

Moved by Commissioner Messner, seconded by Commissioner Houck to approve the submittal of comments on the GMUG Forest Plan Revision Draft Wilderness Inventory Report as presented. Motion carried.

UNSCHEDULED CITIZENS: There were no Unscheduled Citizens present

ADJOURN: **Moved** by Commissioner Houck, seconded by Commissioner Messner to adjourn the meeting. The meeting adjourned at 10:18 am.

_____
Phil Chamberland, Chairperson

_____
Jonathan Houck, Vice-Chairperson

_____
John Messner, Commissioner

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Minutes Prepared By:

_____
Elizabeth Mense, Deputy County Clerk

Attest:

_____
Kathy Simillion, County Clerk

GUNNISON COUNTY BOARD OF COMMISSIONERS TEXT INCLUSION INTO MINUTES

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO: 2018 -30

A RESOLUTION REPEALING AND RESCINDING PRIOR RESOLUTIONS AND ORDINANCES GOVERNING THE CONTROL AND LICENSING OF DOGS, AND ADOPTING NEW RULES AND REGULATIONS GOVERNING THE CONTROL AND LICENSING OF DOGS IN UNINCORPORATED GUNNISON COUNTY, COLORADO

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado ("Board") finds that the control and licensing of dogs is a community wide concern; and

WHEREAS, to address this concern the Board previously adopted the following resolutions and ordinances which are currently in effect:

1. Ordinance No. 5, *An Ordinance Concerning Vicious Dogs*, adopted on June 21st, 1988; and

2. Ordinance No. 13, *An Ordinance Establishing Regulations for Control of Domestic Animals within the Unincorporated Areas of Gunnison County, Colorado*, adopted on December 11, 2000; and

3. Resolution No. 92-49, *A Resolution Designating the Antelope Hills Division of the Gunnison County Water and Sewer District as a Designated Dog Control Area*, adopted on November 10, 1992; and

4. Resolution No. 02-23, *A Resolution Concerning Control and Licensing of Dogs*, adopted on April 23, 2002; and

5. Resolution No. 02-30, *A Resolution Amending Resolution No. 02-23,* adopted on May 21, 2002; and

WHEREAS, the Board is informed that there have been legislative amendments and that the above referenced resolutions and ordinances require updates; and, further, that it would be beneficial to consolidate those previously adopted resolutions and ordinances into a lesser number of regulatory documents, to be more effective, for ease of understanding, clarity and direction; and

WHEREAS, Colo. Rev. Stat. §30-15-101, *et seq*. authorizes the Board to adopt a resolution providing for control and licensing of dogs in the unincorporated area of Gunnison County to include:

1. Requiring licensing of dogs by owners and imposing reasonable conditions and fees on the same; and

2. Requiring that dogs be under control at all times and defining "control" which may vary from time to time and, place to place, animal to animal; and

3. Defining "vicious dog"; and

4. Establishing a dog pound, or other animal holding facility, and engaging personnel to operate it and otherwise enforcing the county dog control resolution; and

5. Providing for the impoundment of dogs which are vicious, not under control, or otherwise not in conformity with the resolution(s) of the Board; and

6. Establishing terms and conditions for the release or other disposition of impounded dogs; and

7. Establishing such other reasonable regulations and restrictions for the control of dogs as the Board

may deem necessary; and

WHEREAS, Colo. Rev. Stat. §30-15-102 identifies penalties for any violation of any provision of a county resolution adopted pursuant to Colo. Rev. Stat. §30-15-101 *et seq*. not involving bodily injury to be a class 2 petty offense, and, notwithstanding the provisions of Colo. Rev. Stat. §18-1.3-503, punishable, upon conviction, by a fine of not more than one thousand dollars pursuant to Colo. Rev. Stat. §30-15-402(1), or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment for each separate offense; and if authorized by the county resolution, use of penalty assessment procedure provided in Colo. Rev. Stat. §16-2-201, as amended, with a graduated fine schedule for violations not involving bodily injury to any person; and

WHEREAS, Colo. Rev. Stat. §30-15-103 provides that the funds and forfeitures for any violation of a county resolution adopted pursuant to Colo. Rev. Stat. §30-15-101 *et seq.* and all moneys collected by the county for licenses or otherwise shall be paid into the treasury of the county; and

WHEREAS, Colo. Rev. Stat. §30-15-104 provides that the Board, its assistants or employees or any person authorized to enforce the provisions of any dog control resolution shall not be held responsible for any accident or subsequent disease that may occur to the animal in connection with the administration of a resolution; and

WHEREAS, Colo. Rev. Stat. §30-15-105 authorizes personnel engaged in animal control, however titled or administratively assigned, to issue citations or summonses and complaints enforcing the county dog control resolution or any other county resolution concerning the control of dogs without regard to the certification requirements of Colo. Rev. Stat. §24-31-301 *et seq*.; and

WHEREAS, the Board of Health of Gunnison County, Colorado has the authority pursuant to Colo. Rev. Stat. §25-4-607, to order that all dogs within Gunnison County be vaccinated against rabies; and

WHEREAS, pursuant to Colo. Rev. Stat. §25-4-612, the Health Officer or Health Department shall enforce the provisions of Colo. Rev. Stat. §25-4-601 *et seq*., and the sheriff and his deputies and the police officers in each incorporated municipality and the division of parks and wildlife shall be aides and are instructed to cooperate with the Health Department or Health Officer in carrying out the provisions of Colo. Rev. Stat. § 25-4-601 *et seq*.; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Gunnison, Colorado that the following ordinances and resolutions shall be and hereby are repealed and rescinded effective at the close of December 31, 2018:

1. Ordinance No. 5, *An Ordinance Concerning Vicious Dogs*, adopted on June 21st, 1988; and

2. Ordinance No. 13, *An Ordinance Establishing Regulations for Control of Domestic Animals within the Unincorporated Areas of Gunnison County, Colorado*, adopted on December 11, 2000; and

3. Resolution No. 92-49, *A Resolution Designating the Antelope Hills Division of the Gunnison County Water and Sewer District as a Designated Dog Control Area*, adopted on November 10, 1992; and

4. Resolution No: 02-23, *A Resolution Concerning Control and Licensing of Dogs*, adopted on April 23, 2002; and

5. Resolution No: 02-30, *A Resolution Amending Resolution No. 02-23,* adopted on May 21, 2002.

FURTHERMORE, that the following rules and regulations set forth hereinafter shall be and hereby are in full force and effect on January 1, 2019 and shall thereafter govern the control and licensing of dogs located in the unincorporated areas of Gunnison County, Colorado.

ARTICLE I. IN GENERAL

1. Applicability.

This Resolution shall be applicable to all Dogs, as defined herein, found to be in the unincorporated areas of Gunnison County, Colorado and to each person who is an Owner/Caretaker, as defined herein, of a Dog within unincorporated areas of Gunnison County, Colorado.

2. Definitions.

Except as otherwise specifically indicated herein, the following definitions shall apply for purposes of this Resolution.

A. "Animal Control Officer", means the Gunnison County Sheriff, his undersheriff and deputies,

employees and independent contractors who are approved by the Board of County Commissioners of Gunnison County, Colorado who are designated for the purpose of enforcing the provisions of this Resolution.

B. "Animal Control Facility" means a suitable place or places in Gunnison County, designated by the county, in which animals taken into custody by the Animal Control Officer pursuant to this resolution are impounded.

C. "Board" shall mean the Board of County Commissioners of the County of Gunnison, Colorado.

D. "Bodily Injury" shall mean any physical injury to a human being caused by a dog, including but not limited to, injuries wherein the skin is broken, interior or exterior bleeding or bruising occurs, or bone, tissue, or muscle damage is suffered.

E. "Control" shall mean either:

1) firm physical attachment to a secured restraint, such as a leash or similar tether not longer than ten (10) feet in length;

2) confinement in a pen, cage, fence or motor vehicle; or

3) as evidenced by immediate response to verbal or other commands in the present of an Animal Control Officer to keep the dog from running at large.

F. "County" shall mean the unincorporated portion of Gunnison County, Colorado.

G. "Designated Agent" shall mean any person authorized by the Board or Animal Control Officer with responsibility to enforce this Resolution.

H. "Dog" means any member of the animal species *Canis familiaris* or a domesticated animal related to the fox, wolf, coyote, or jackal which is used as a pet or service animal or for commercial purposes.

I. "Dog at Large" shall mean a Dog not physically controlled by a human being by means of a leash or lead held by the human being, or a Dog not at all times accompanied by a person and which Dog does not at all times immediately respond to sound, mechanical, electrical or other command of its accompanying person. Exceptions are: a Dog while actually working livestock, locating or retrieving wild game in season for a licensed hunter, assisting law enforcement officers or while actually being trained for any of these specifically enumerated pursuits; or a Dog that is within the confines of the real property of its Owner/Caretaker or other private real property that the Owner/Caretaker has permission to use or is within a motor vehicle.

J. "Harbor, Harboring a Dog" shall mean to provide, on a regular basis, food or shelter for a Dog on premises owned, occupied or controlled by the person providing such food or shelter.

K. "Health Department" means the Colorado Department of Public Health and Environment or Gunnison County Department of Health.

L. "Health Officer" means the person appointed as the public health director of a district, county, city, or town under the provisions of Colo. Rev. Stat. § 25-1-509.

M. "Injure or injury" means to do harm to; to hurt; damage; impair or wound.

N. "Leash" or "Lead" shall mean a thong, cord, roper, chain or similar tether which holds an animal in restraint and which is not more than ten (10) feet in length. A Leash or Lead longer than ten feet in length or a retractable lead of variable length may be used when exercising or training an animal provided that the use of the Leash or Lead does not allow the animal to interfere with public access to or use of public areas.

O. "Livestock" means cattle, horses, mules, burros, sheep, poultry, swine, llamas, and goats, regardless of use, and any animals except Dogs and cats, that are used for working purposes on a farm or ranch and any other animal designated by the state agriculture commissioners, which animal is raised for food or fiber production.

P. "Owner/Caretaker" means any person having control or purporting to have control over an animal, the person named in the licensing records of any animal as the Owner, the occupant of the premises where the animal is usually kept if such premises are other than the premises of the Owner as shown on the licensing record, or any person in possession of, harboring or allowing any animal to remain about their premises for a period of three consecutive days or more. The parent or guardian of an Owner under 18 years of age shall be deemed the Owner as defined herein. If an animal has more than one Owner, all such

persons are jointly and severally liable for the acts or omissions of an Owner under this chapter, even if the animal was in the possession of or under the control of a Caretaker at the time of the offense.

Q. "Person" shall mean any person, partnership, corporation or other association organized for business, social or other purposes.

R. "Premises" means the parcel of private land which is owned or occupied by the Owner/Caretaker of the animal, or any other confined area which is under the control or immediate supervision of the Owner/Caretaker of the Dog. "Premises" does not mean the unenclosed property of a condominium or townhouse or the common passageway, parking facility, or unenclosed common yard of an apartment building or shopping center, or any public right of way.

S. "Vicious Dog" shall mean:

1. Any Dog which, when unprovoked, approaches any Person upon any road, street or other public way or place in a vicious or terrorizing manner or in an apparent attitude of attack; or

2. Any Dog which without provocation, bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal or livestock upon public or private property; or

3. Any Dog owned or harbored primarily or in part for the purpose of Dog fighting including any dog trained for Dog fighting; or

4. Any Dog which has been declared a Vicious Dog by the Gunnison County Court or any court of competent jurisdiction.

Notwithstanding the definition of a Vicious Dog above, no Dog shall be considered vicious if any injury or damage is sustained by a Person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon Premises occupied by the Owner or Caretaker of the Dog, or was teasing, tormenting, abusing or assaulting the Dog or was committing or attempting a crime. A Person shall not be considered to be teasing, tormenting or abusing a Dog if that Person is acting in good faith to defend himself against the Dog.

The term "Vicious Dog" shall not include any dog trained and controlled by a law enforcement officer so long as the attack, bite, threat or other act of the dog occurs while such officer is acting in his or her official line of duty.

ARTICLE II. RABIES CONTROL; MANDATORY ORDER REQUIRING THE INOCULATION OF ALL DOGS BE VACCINATED AGAINST RABIES.

Pursuant to Colo. Rev. Stat. §25-4-607(1)(a), as may be amended, all Dogs shall be vaccinated against rabies and all such vaccinations shall be performed by a licensed veterinarian. The frequency of said vaccinations shall be as recommended by the "*Compendium of Animal Rabies Control*" as promulgated by the National Association of State Public Health Veterinarians, as it may be amended.

ARTICLE III. LICENSING

1. Licensing.

A. Every Person who owns a Dog more than four (4) months old within any unincorporated area of Gunnison County, except those who operate a pet shop, boarding kennel or veterinary business, shall obtain a Gunnison County license and rabies inoculation tag for each such Dog annually. The rabies tag shall be firmly affixed to the collar or harness of the Dog.

(i) No license and tag shall be issued until the Owner of a Dog provides a valid anti-rabies vaccination certificate indicating the Dog has been vaccinated against rabies by a licensed veterinarian within the twelve (12) months preceding the date of application for Dogs under three (3) years of age or within the twenty-four (24) months preceding the date of application for Dogs three (3) years of age or older.

(ii) A valid anti-rabies vaccination certificate must contain at least the following information:

a. the name, address and telephone numbers (home and business) of the Owner of the vaccinated Dog;

b. the name and address of the veterinarian administering the vaccination;

c. the breed, age, color, name, sex and status as to spayed or neutered of the vaccinated animal;

d. date of vaccination and expiration thereof;

e. type of vaccine used, lot number and manufacturer; (f) the rabies vaccination tag number.

B. At any time a Dog becomes four (4) months of age or, being at least four (4) months of age, is moved into any unincorporated area of Gunnison County, its Owner shall obtain a license within the succeeding thirty (30) days.

C. Within thirty (30) days after a Person moves a Dog into any unincorporated area of Gunnison County the Dog shall be inoculated with anti-rabies vaccine unless it can be demonstrated that the Dog was inoculated in accordance with of this Resolution.

2. Application for License.

A License Application shall be available at the Gunnison County Sheriff's Office, 510 W Bidwell, Gunnison, Colorado ("Sheriff's Office"), and shall require:

A. A valid anti-rabies vaccination certificate as prescribed in herein, which may be photocopied and submitted by mail with a completed License Application;

B. Age of the Dog;

C. Sex of the Dog;

D. Whether the Dog has been spayed or neutered;

E. Description of the Dog including breed and color;

F. Name of the Dog;

G. Identification number of the Dog, if the Dog:

(i) is a service guide Dog for the physically handicapped and/or

(ii) has been implanted with an electronic locating device;

H. Current photograph of the Dog;

I. Name, address and phone number of the Dog's Owner.

3. License Fees.

A. Upon filing with and acceptance by the Sheriff's Office of an application for a Dog license, the applicant shall pay an annual fee which currently is: twenty dollars ($20.00) for each non-spayed female or non-neutered male Dog, and ten dollars ($10.00) for each spayed female or neutered male Dog, except that no license fee shall be charged for certified service or guide Dogs used by the blind, partially blind, the deaf or the partially deaf, or other physically impaired Owner. Licenses for spayed female and neutered male Dogs shall be issued only upon presentation of a certificate signed by a licensed veterinarian stating that the Dog has been spayed or neutered.

B. License fees shall not be prorated.

C. Upon payment by the applicant of the requisite fee, the designated agent shall issue an annual License Receipt, which shall bear the Owner's name, address and phone number, the Dog's license number, and the license expiration date. At that time, a metallic tag bearing the year of issue, County identification, and the license number corresponding to that shown on the License Receipt will be issued. Each Owner or Caretaker shall be responsible for ensuring that the tag shall be worn by the Dog in public at all times.

4. Expiration, Transfer of License.

A. All Dog licenses, whether issued for a full year or less, shall expire on December 31st of each year. If the applicable fee for a new license is not paid before March 1st, a penalty of five dollars per month the Dog remains unlicensed ($5.00) shall be added thereto.

B. No Dog license may be transferred from one Owner to another or from one Dog to another Dog.

5. Duplicate License.

In the event the license tag is lost, a duplicate shall be provided by the designated agent of the Sheriff to the Owner or Caretaker upon payment of twenty-five dollars ($25.00).

ARTICLE IV. CONTROL OF DOGS

1. Dog At Large.

A. No Owner/Caretaker shall allow a Dog to be a Dog at Large, as defined herein, in unincorporated Gunnison County, Colorado. Each Owner/Caretaker shall ensure that any and all Dogs off of any Owner's or Caretaker's property shall at all times be controlled by means of a Leash or Lead. Any Owner or Caretaker of a Dog at large shall be subject to the penalties set forth in Article VII herein.

For purposes of this paragraph, Dogs actually working livestock, locating or retrieving wild game in season for a licensed hunter, or assisting law enforcement officers shall not be deemed a Dog out of control or running at large.

2. Barking Dogs.

It shall be unlawful for any Person owning or keeping a Dog in any unincorporated area of Gunnison County to permit such Dog to disturb the peace of any other Person by repeated barking, howling, yelping or other noise which can be heard beyond the boundary of the property of such Owner or Caretaker for more than twenty (20) minutes at any time of the day or night whether the Dog is on or off the Premises of the Owner or Caretaker. Any Owner or Caretaker of a Dog in violation of this Article IV, 2. Shall be subject to the penalties set forth in Article VII herein.

3. Vicious Dogs.

Any Owner/Caretaker of a Vicious Dog as defined herein shall:

A. At all times keep the Vicious Dog under control through one of the following means:

(i) The use of a Leash not more than ten feet (10') in length attached to a collar firmly affixed around the Dog's neck.

(ii) Keeping the Dog tied or tethered by a durable chain, wire or other material which cannot be destroyed (broken or chewed in two) by the Dog. Such tether shall not permit the Dog to reach any road, street, sidewalk or other public way.

(iii) Keeping the Dog enclosed by means of a fence or structure of at least ten feet (10') in height. Such enclosure shall be designed with secure sides, top and bottom, which are constructed in a manner that will prevent the Dog from escaping, and the enclosure shall be securely locked whenever the Dog is therein.

B. Place upon the Dog a muzzle, in addition to the use of a Leash, whenever any Vicious Dog is taken by the Owner upon any public street, road or other public way or upon any other public property. Such muzzle shall be constructed in a manner that will not cause injury to the Dog or interfere with its vision or respiration, but will prevent it from biting any human or animal.

C. Any Owner or Caretaker of a Vicious Dog shall be subject to the penalties set forth in in Article VII herein.

ARTICLE V. ENFORCEMENT

1. General.

A. The provisions of this Resolution may be enforced by an Animal Control Officer as hereinabove defined or by a designated agent as hereinbefore defined. Any Animal Control Officer may issue a summons and complaint to any Person who has committed a violation of this Resolution in his or her presence, or whom the officer has reasonable grounds to believe has committed a violation. Such summons and complaint shall state the nature of the offense with sufficient particularity to give adequate notice of the charge to the violator.

B. During any trial relative to the issuance of a penalty assessment notice, summons or complaint pursuant to this Resolution, should the Court deem the evidence sufficient, the Dog may formally declared to be a Vicious Dog whether or not the Owner is found guilty of any offense charged.

ARTICLE VI. IMPOUNDMENT

1. Seizure and Impoundment.

A. It shall be the duty of any Animal Control Officer or designated agent, as defined herein, to apprehend any Dog At Large, any Dog in any unincorporated area of Gunnison County required to be vaccinated against rabies which is not vaccinated and/or is not wearing a current rabies inoculation tag, or any Dog being owned or kept contrary to the provisions of this Resolution.

B. When any Dog has been apprehended as provided for herein, the designated agent, as defined, may initiate or take any reasonable and appropriate action, including but not limited to: returning the Dog to its Owner, impounding the Dog, and/or issuing a penalty assessment notice or a Summons and Complaint. If the Dog is impounded, the designated agent shall make a reasonable effort to give notice of such impoundment to the Owner or Caretaker, if known. There is no requirement of "progressive enforcement"; that is, no prior enforcement is required as a predicate to subsequent enforcement.

3. Redemption of Impounded Dog.

A. Any impounded Dog may be redeemed by its Owner or Caretaker upon payment of an impounding fee according to the Animal Control Facility's fee schedule, plus any and all additional fees incurred as a result of the impoundment and boarding.

B. Payment of impounding or boarding fees shall not be construed as payment of such fines as may be applicable for violation of the provisions of this Resolution, nor shall such payment be considered being in lieu of license fees.

C. No impounded Dog which is required to be licensed or inoculated under the provisions of this Resolution may be redeemed until such licensing and inoculation is accomplished or ensured.

4. Sale or Other Disposal of Unredeemed Dogs.

The Owner or Caretaker of any impounded Dog shall be responsible for paying all impounding and boarding fees and redeeming such Dog within five (5) days of impounding. Any Owner or Caretaker of an impounded Dog who does not claim or redeem the Dog within (5) days of impounding shall forfeit all right, title and interest to such impounded Dog. Any impounded Dog which is not claimed or redeemed during the five (5) day impounding period may be put up for adoption or humanely destroyed and buried or cremated, except that no Dog, whose Owner or Caretaker can reasonably be located from a license tag or other identification worn by the Dog, shall be destroyed until a reasonable effort has been made to notify its Owner or Caretaker.

5. Unlawful Taking or Release.

A. It shall be unlawful for any Person to take any Dog from an enclosed lot, Premises or building and deliver the Dog to the Animal Control Facility unless authorized to do so by the Owner or Caretaker of the Dog or as otherwise authorized by this Resolution.

B. It shall be unlawful for any Person to open or cause to be opened any closed lot, Premises, or building for the purpose of allowing a Dog to run at large.

ARTICLE VII. PENALITIES AND LIABILITY

1. Violations, Penalties.

In addition to each and all of the enforcement provisions provided for herein, the following penalties shall apply:

A The Board hereby adopts the penalty assessment procedure provided in Colo. Rev. Stat. § 30-15-102(1) as it may be amended for any violation of any provision of this Resolution, not involving bodily injury to any Person with the following graduated fine schedule:

1. First offense: $ 100.00;
2. Second offense: $ 250.00;
3. Third offense: $ 500.00;
4. Each subsequent offense: $1,000.00.

These penalties shall be imposed with regard to the violator and not the subject Dog.

B. Any violation of any provision of this Resolution involving bodily injury to any Person, shall be a Class 2 Misdemeanor, and any violator shall be punished as provided in Colo. Rev. Stat. §18-1.3-501 *et seq.*, as amended, for each separate offense.

C. Whenever the Gunnison County Sheriff, Gunnison County Sheriff's Deputies, or the designated Animal Control Officer has probable cause to believe that a violation of this Resolution has been committed, the respective officer or deputy 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.

D. Any Person who refuses to comply with or who violates any of the provisions of Colo. Rev. Stat. §25-4-601, et seq. is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars or by imprisonment in the county jail for not more than thirty days for offense.

E. This Resolution authorizes the use of the penalty assessment procedure in Colo. Rev. Stat. § 16-2-201, *et seq.*, as amended, with a graduated fine schedule for violations not involving bodily injury to any Person, and with the following graduated fine schedule.

F. If the violator pleads guilty, no contest, is found guilty by a Jury of her or his peers, or by the requisite Judge with proper Jurisdiction, for all class 2 petty offenses, shall be pursuant to statute.

G This Resolution establishes that each violation is a separate violation for each Dog alleged to have been in violation of this Resolution.

2. Disposition of Fines and Forfeitures.

All fines and forfeitures for violation of any provision of this Resolution shall be paid over to the Sheriff's Office immediately upon their receipt. If the requisite fines are not paid within the requisite time, the Board may use any and all laws, regulations, and/or resolutions to enforce the debt owed by the violator to Gunnison County. Such measurements include, but are not limited to, additional fines, liens on appropriate properties, and/or a procurement of a warrant of arrest under the Gunnison County Court.

3. Liability for Accident or Subsequent Disease from Impoundment

Pursuant to Colo. Rev. Stat. § 30-15-104, as amended, the Board, the Gunnison County Sherriff's Department, any assistant or contracted service provider in connecting with the enforcement of this Resolution shall not be held responsible for any accident or subsequent disease that may occur to the animal in connection with the administration of the resolution or ordinance.

4. Civil Remedies.

In addition to the criminal penalties enumerated above, Owners and Caretakers of Dogs in violation of this Resolution may be subject to civil liability, in accordance with Colo. Rev. Stat. §13-21-124, as amended.

5. Contracts for Services.

The Board of County Commissioners may enter into such arrangements and contracts as are appropriate, necessary and permitted by law to provide for personnel, equipment and services required by this Resolution or the enforce this Resolution.

6. Captions.

The captions and paragraph headings used throughout this Resolution are for the convenience of reference only, and the words contained therein shall in no way be held or deemed to define, limit, describe, explain, modify, amplify or add to the interpretation, construction or meaning of any provision, or to the scope or intent of this Resolution.

7. Severability.

If any provision of this Resolution or the application thereof to any party or circumstance shall to any extent be invalid or unenforceable, the remainder of this Resolution, or the application of such provision to parties or circumstances other than those to which it is invalid or unenforceable, shall not be affected thereby, and each provision of this Resolution shall be valid and be enforced to the fullest extent permitted by law.

INTRODUCED by Commissioner Messner, seconded by Commissioner Houck, and adopted this 4th day of September, 2018.

DRAFT

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Chamberland – absent; Houck – yes; Messner – yes.

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 2018-31

A RESOLUTION ADOPTING THE ALLOWANCES, RESTRICTIONS AND RESPONSIBILITIES REGARDING ANIMALS IN COUNTY FACILITIES AND ON COUNTY GROUNDS POLICY

WHEREAS, Gunnison County has established a uniform policy format and an adoption and periodic review process to promote consistency and uniformity throughout the organization; and

WHEREAS, Gunnison County has not previously established any formal policies related to the rights and responsibilities associated with animals being present in County facilities or on County grounds; and

WHEREAS, the Board of County Commissioners of the County of Gunnison, Colorado intends to identify allowances for and prohibitions against the presence of animals in County facilities and on County grounds; and

WHEREAS, the Board intends that these allowances and prohibitions apply to all Gunnison County employees and members of the public; and

WHEREAS, C.R.S. §30-11-101(2), as amended, authorizes the Board to adopt and enforce resolutions regarding health, safety and welfare issues; and

WHEREAS, C.R.S. §18-9-117, as amended, permits the County to limit the presence of animals on County property whose presence may pose risks to sanitation, health or safety, whose presence may substantially interfere with the use or enjoyment of County property, or who may cause damage to county property, building and grounds; and

WHEREAS, C.R.S. §18-13-107.3 and 107.7, as amended, provides criminal penalties for the intentional misrepresentation of entitlement to a “Service Animal”; and

WHEREAS, C.R.S. §24-34-804, as amended, prohibits certain behaviors regarding “Service Animals”.

WHEREAS, the attached Allowances, Restrictions and Responsibilities Regarding Animals in County Facilities and on County Grounds Policy (Exhibit A) was created to reflect and formalize Gunnison County’s current practices, which conform to all relevant State and Federal guidelines and regulations.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that:

1. The attached Allowances, Restrictions and Responsibilities Regarding Animals in County Facilities and on County Grounds Policy (Exhibit A) is adopted;
2. Effective immediately, the attached Allowances, Restrictions and Responsibilities Regarding Animals in County Facilities and on County Grounds Policy prevails over any related Gunnison County policies or guidance documents, whether formalized or not.

INTRODUCED by Commissioner Houck, seconded by Commissioner Messner, and adopted this 4th day of September, 2018.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Chamberland – absent; Houck – yes; Messner – yes.

EXHIBIT A

Policy Name:	Allowances, Restrictions and Responsibilities Regarding Animals in County Facilities and on County Grounds			**Policy Number:**	5.2.3
Approval Authority:	Gunnison County Board of County Commissioners			**Date of Adoption:**	9/4/2018
Effective Date:	9/4/2018	**Adoption Document:**	Resolution #2018-31		
Review Date:	9/4/2023	**Review Frequency:**	Every five (5) years.	**Policy Custodian:**	Facilities & Grounds Department

PURPOSE

This policy identifies allowances, restrictions and responsibilities associated with the presence of animals in County facilities and on County grounds.

SCOPE

This policy applies to all Gunnison County employees and members of the public who utilize County facilities and grounds identified below. (Exceptions for the Fred R. Field Western Heritage Center and the Gunnison-Crested Butte Regional Airport are provided on page 3.)

DEFINITIONS

- Animal Owner. The person or persons, regardless of actual ownership, who accompanies an animal onto County grounds and/or into County facilities.
- County Facilities The allowances and prohibitions in this policy apply to the following County-owned or County-leased facilities:
    - Airport Administration Building; 519 Rio Grande Avenue; Gunnison, CO 81230
    - Gunnison – Crested Butte Regional Airport Terminal; 711 Rio Grande Avenue; Gunnison, CO 81230
    - Blackstock Government Center; 221 N. Wisconsin Street; Gunnison, CO 81230
    - Gunnison County Courthouse; 200 E. Virginia Avenue; Gunnison, CO 81230
    - Health & Human Services Facility; 220 N. Spruce Street; Gunnison, CO 81230
    - Public Safety and Detention Center; 510 W. Bidwell Avenue; Gunnison, CO 81230
    - Public Works Facility; 195 Basin Park Drive; Gunnison, CO 81230
    - Water Treatment Plant; 38130 W. Hwy 50; Gunnison, CO 81230
    - Ohio City Town Hall; 8503 County Road 76; Ohio City, CO 81237
    - The Marble Hub; 105 W. Main Street; Marble, CO 81623
    - Any other County building leased and used for office space by County employees
- County Grounds. Those grounds under the control of Gunnison County, whether such grounds are owned or leased. This includes properties owned by Gunnison County and managed by or leased to other persons or entities, as well as property owned by other persons or entities and leased to the County.
- Service Animals. Service Animals shall have the same meaning as set forth in the implementing regulations of Title II and Title III of the federal "Americans with Disabilities Act of 1990" ("ADA"), 42 U.S.C. Sec. 12101 *et seq.*, as amended. A Service Animal can be a dog or a miniature horse that has been individually trained to do work or perform tasks for an individual with a disability. The tasks performed by the Service Animal must be directly related to the person's disability. Although Service Animals are often trained by an official training organization, an individual may train their own Service Animal and there are no requirements for such training nor are there any licensing or certification requirements. If an animal is not a dog or a miniature horse, it is not recognized as a Service Animal under either federal law, Colorado law, or this policy.
- Other Classifications:
    - Assistance Animals are animals that work, assist or perform tasks and services for the benefit of a person with a disability or provide emotional support that may improve the effects of a disability. No training is required for assistance animals. The term "assistance animal" generally encompasses both service animals and emotional support animals (often referred to as companion animals). Assistance animals are not Service Animals.
    - Therapy Animals are animals that are taken to hospitals, schools and other facilities to provide therapy to people there. Therapy animals are not Service Animals.

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- o Pets is a catch-all classification and includes animals that any person, with or without a disability, may have if they do not fall into one of the other categories. Pets are not Service Animals.

POLICY STATEMENTS

General Restrictions and Allowances. The following applies to all animals as outlined, except that no animal, regardless of type, that has been deemed as vicious by the Gunnison County Sheriff's Office and/or the Gunnison County Court may be present in any County facility or on any County property at any time until deemed no longer vicious, in writing, by the Gunnison County Sheriff's Office and/or the Gunnison County Court.

1. County Facilities. No person or persons shall bring any animal into any of the County facilities at any time for any purpose EXCEPT a Service Animal. This does not preclude requests pursuant to the Americans with Disabilities Act for reasonable accommodations, which must be made on an individual case-by-case basis.

2. County Grounds. No owner or caretaker of any animal shall leave that animal unaccompanied for any length of time on any County grounds or on any property wherein a County facility is situated.

Service Animals. Service Animals are covered under Titles II and III of the ADA, which include requirements that local government entities provide reasonable accommodations to permit Service Animals to accompany people with disabilities in all areas where members of the public are allowed to go. Colorado state law covers Service Animals under the Colorado Anti-Discrimination Act. In Colorado, a Service Animal in training and its trainer enjoy the same privileges as a trained Service Animal.

1. Allowable Questions for a Person with a Service Animal. Two questions can be asked of an individual who brings a dog or miniature horse into County Facilities: 1) Is the animal required because of your disability?; and 2) What task does it perform? This means that the individual with a Service Animal cannot be asked a question such as what their disability is, nor can they be asked to show the animal performing the task. If the disability and the related need for the Service Animal is obvious—such as a seeing eye dog—the two questions cannot be asked. It is important to note that the individual cannot be required to provide any documentation proving that the animal is a Service Animal.

2. Excluding a Service Animal from a County Facility or County Grounds. A Service Animal can be denied access, but only based on actual behavior of the animal and not based on stereotypes or generalizations.
   a) Dogs. The County may deny access to a canine Service Animal if:
      - It is out of control and the owner cannot or does not take regain control;
      - It is not housebroken; or
      - It poses a threat to the health and safety of others that cannot be reduced to an acceptable level by making other reasonable modifications.
   b) Miniature Horses. The County may deny access to a miniature horse Service Animal if:
      - It is out of control and the owner cannot or does not take regain control;
      - It is not housebroken;
      - The facility cannot accommodate the animal's type, size and weight; or
      - The presence of the animal compromises legitimate safety requirements necessary for safe operation of the facility.

3. Damages. The owner of a Service Animal shall be liable for any damage to persons, premises or facilities caused by the animal.

4. Control. Service Animals must be harnessed, leashed or tethered, unless the use of any of these devices: 1) Would interfere with the function of the Service Animal; and/or 2) Is prevented by the individual's particular disability, in which case the individual must maintain control of the animal through voice, signal or other effective controls.

5. Animal Identification/Documentation. Service Animals are not required to wear vests, ID tags and/or specific harnesses; and the presence of these types of appliances does not entitle the owner of an animal to any protections if the animal does not meet the definition of a Service Animal.

6. Animal Treatment. Staff and members of the public should not attempt to pet, interact or feed a Service Animal as this can distract the animal from its work. Staff and members of the public should not deliberately startle, tease or taunt a Service Animal, or separate it from the person it serves.

Exceptions. The below exceptions allow the presence of animals (Service Animals or otherwise) within County facilities and/or on County grounds in only those ways specified. In any of these instances,

the owner of any animal is still responsible for the cost, care and supervision of their animal at all times, which includes keeping the animal under control, feeding/walking the animal, disposing of all animal waste, and complying with all other applicable local, state and/or federal laws.

1. Fred R. Field Western Heritage Center. Due to the nature of the Center and the many animal-related events that take place on the grounds and within the facilities, all animals associated with approved public and private events held at the Center are exempted from this policy.

2. Gunnison-Crested Butte Regional Airport. Any animal (other than a Service Animal) under the control of an airline passenger arriving at or departing from the Gunnison – Crested Butte Regional Airport shall be allowed in the terminal area only in a fully enclosed container.

COMPLIANCE

This policy shall be complied with in all respects, and the policy may be enforced by the County Manager or the designee of the County Manager, or City of Gunnison Code Enforcement. Enforcement mechanisms shall include but not be limited to those identified in Colo. Rev. Stat. §18-9-117, as amended.

Staff and/or members of the public are encouraged to contact local law enforcement officials if an unaccompanied animal, whether restrained, tethered or within a parked car, is found to be in distress in any County facility or on any County grounds. Further, staff and/or members of the public are encouraged to contact the City of Gunnison to report Gunnison Municipal Code violations.

Revisions to this policy may occur. However, when deemed necessary in order to fully protect the County's interests, the interest of the public, and to more fully protect the safety of the public, including employees governed by this policy, this policy may be changed without notice.

APPLICABLE LEGISLATION AND/OR RELATED REGULATIONS, POLICIES AND FORMS

- 2010 Americans with Disabilities Act (ADA), Title II (State and local government services) and Title III (public accommodations and commercial facilities)
- 28 C.F.R. § 35.136 and 136(a)
- 28 C.F.R. § 36.104
- 28 C.F.R. § 36.302 and 302(c)
- C.R.S. § 18-9-117 – Unlawful Conduct on Public Property
- C.R.S. § 18-13-107, 107.3 and 107.7 – Interference with Persons with Disabilities
- C.R.S. § 24-34-301 – Colorado Civil Rights Division Definitions
- C.R.S. § 24-34-601 – Discrimination in Places of Public Accommodation
- C.R.S. § 24-34-803, 803(1), 803(2) – Rights of Individuals with Service Animals
- C.R.S. § 24-34-804 – Service Animals, Violations, Penalties
- Colorado Code Regulations § 1010-2:1-202
- Guidance Concerning Service Animals in Air Transportation, 68 Fed. Reg. 24875 (May 9, 2003), available at https://www.transportation.gov/sites/dot.gov/files/docs/20030509_1pdf
- Gunnison County Policy 4.3.3 – Motor Pool and Personal Vehicle Policy
- Gunnison Municipal Code, Sections 5.40.010 and 5.40.050(A)(2), available at http://www.codepublishing.com/CO/Gunnison/#!/Gunnison05/Gunnison0540.html#5.40
- Rehabilitation Act of 1973, Section 504
- U.S. Dept. of Justice and U.S. Dept. of Housing Joint Statement: Service and Assistance Animals for People with Disabilities in Housing and HUD-Funded Programs (April 25, 2013)
- U.S. Dept. of Justice Frequently Asked Questions About Service Animals and the ADA (July 20, 2015)
- Gunnison County Resolution #2018-30; A Resolution Repealing and Rescinding Prior Resolutions and Ordinances Governing the Control and Licensing of Dogs, and Adopting New Rules and Regulations Governing the Control and Licensing of Dogs in Unincorporated Gunnison County, Colorado

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

RESOLUTION NO. 18-32

A RESOLUTION ESTABLISHING A PARTIAL SEASONAL CLOSURE OF COUNTY ROAD #317 ("GOTHIC ROAD"), AND IDENTIFYING CERTAIN EXCEPTIONS TO SUCH CLOSURE

WHEREAS, Gunnison County Road #317 is a county road; and

WHEREAS, pursuant to C.R.S. 42-4-106(1), the Board of County Commissioners may by resolution prohibit the operation of vehicles on a road for a total period of not to exceed ninety days in any one calendar year whenever such road by reason of deterioration, rain, snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited; and

WHEREAS, pursuant to C.R.S. 33-14-118, the Board may regulate the operation of snowmobiles on streets and highways within county boundaries by resolution and by giving appropriate notice thereof; and

WHEREAS, pursuant to C.R.S. 18-9-117, the Board has authority, in addition to any authority granted by any other law, to adopt such orders, rules or regulations as are reasonably necessary for the administration, protection and maintenance of public property including but not limited to restriction or limitation of the use of the public property as to time, manner or permitted activities, and prohibition of activities or conduct on public property which may be reasonably expected to substantially interfere with the use and enjoyment of such places by others, and use of all vehicles as to place, time and manner of use; and

WHEREAS, the Board has determined that general vehicle use on that portion of County Road #317 beyond the northern municipal boundary of Mt. Crested Butte when winter conditions (e.g., snow, mud) exist, will cause serious damage to that portion of the road; and

WHEREAS, the Board has determined that certain seasonal, motorized vehicle use on County Road #317 will be to the detriment of public, health and safety for considerations including but not limited to detrimental impacts on non-motorized and recreation traffic; and

WHEREAS, the Board has determined that the orders, rules and regulations set forth below are necessary to ensure the public's use and enjoyment of County Road #317; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Gunnison County, Colorado that:

1. Board of County Commissioners of the County of Gunnison, Colorado Resolution No. 01-25 is hereby repealed and rescinded.

2. a. Gunnison County shall install and maintain a closure gate on County Road #317 at the northern municipal town boundary of Mt. Crested Butte. Each year, the Gunnison County Public Works Director shall close and lock the County gate to preclude any snowmobile or other motorized vehicle use beyond the gate, except for emergency fire, ambulance, search and rescue or law enforcement vehicles, and except as identified below, when the Director determines that winter conditions are such that vehicle travel on the portion of the road on the north side of the gate will significantly damage or destroy the road or will substantially interfere with the use and enjoyment of the road by others.

b. A second gate, located north of the townsite of Gothic, is on U.S. Forest Service land, and managed by the Forest Service. Gunnison County will seek coordination with the Forest Service for closure of the second gate.

3. During the closure of the County gate as identified above, there shall be no use whatsoever of a snowmobile or other motorized vehicle on any portion of County Road #317 except that:

a. In an emergency, fire, ambulance, public utility, search and rescue and law enforcement personnel may use snowmobiles or any other motorized vehicles, north of the closure gate without a permit and without prior notification to or permission from Gunnison County.

b. Owners of real property north of the closure gate that is accessed by County Road #317 north of the closure gate may access such property from the closure gate north by snowmobile. Any such owner must have whatever Forest Service permit is necessary to access their respective property over Forest Service roads. Such snowmobile use shall be limited to either a) access legally permitted structures on private property or b) agricultural purposes, such as activities related to livestock maintenance. Real property owners are expressly prohibited from using snowmobiles for purely recreational purposes unrelated to either structure access or agricultural use.

d. The Rocky Mountain Biological Laboratory ("the Laboratory") may make no more than one roundtrip access per week, on a regular schedule. The access schedule shall be pre-arranged with the Director of Public Works. Access to Laboratory property shall be by snowmobile, but no other motorized vehicle, only between the hours of 3 p.m. and 10 p.m., not on weekends or holidays. The driver of such snowmobile shall wear clothing/emblem identifying the Laboratory. The Laboratory shall provide a monthly written report to inform the Director of Public Works identifying the previous month's trips.

e. Grooming for non-motorized recreational purposes, such as fat biking or cross country skiing, may be performed by snowmobile or other motorized vehicle pursuant to a permit issued by the GCDPW according to parameters identified by the Board on an annual basis.

4. "Snowmobile" for the purposes of this Resolution means a self-propelled vehicle intended for travel solely on snow, with a maximum curb weight of 1,000 pounds (450 kilograms), driven by a track or tracks in contact with the snow, and which may be steered by a ski or skis in contact with the snow. *See* 36 CFR sec. 7.13.

INTRODUCED by Commissioner Messner, seconded by Commissioner Houck, and adopted this 4th day of September, 2018.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO

Chamberland – absent; Houck – yes; Messner – yes.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF GUNNISON, COLORADO
RESOLUTION NO. 2018-33

A RESOLUTION IMPLEMENTING STAGE 1 FIRE RESTRICTIONS

WHEREAS, the Board of County Commissioners of Gunnison, Colorado previously has adopted Ordinance No. 8 a., An Ordinance Establishing a Permanent Process to Periodically Ban Open Fires Within the Unincorporated Areas of Gunnison County, Colorado, ("Ordinance No. 8 a."); and has adopted Ordinance No. 14, An Ordinance Amending Ordinance No. 8 Establishing A Permanent Process To Periodically Ban Open Fires Within the Unincorporated Areas Of Gunnison County, Colorado, ("Ordinance No. 14"); and

WHEREAS, on July 31, 2018 the Board of County Commissioners of Gunnison County, Colorado, determined that the danger of forest or grass fires in the Crystal River Valley, the town sites of Crystal and Schofield, all portions of the White River National Forest that lie within Gunnison County, and all portions of unincorporated county in the valley of the North Fork of the Gunnison River, was high and fire restrictions were necessary and appropriate in the Crystal River Valley, including the town sites of Crystal and Schofield, all portions of the White River National Forest that lie within Gunnison County, and all portions of unincorporated county in the valley of the North Fork of the Gunnison River, to reduce the danger of wildfires in Gunnison County.

WHEREAS, as a result of more precipitation and decreased fire danger rating, staff advise the Board that it would be safe to repeal the Stage 2 Fire Restrictions and reduce the Fire Restrictions level to Stage 1.

NOW, THEREFORE, it is resolved that as of September 4th, 2018**,** Stage 1 fire restrictions, as defined as follows will be in place in the Crystal River Valley, including the town sites of Crystal and Schofield, all portions of the White River National Forest that lie within Gunnison County, and all portions of unincorporated county in the valley of the North Fork of the Gunnison River, until further notice.

The following are prohibited:
The following are prohibited:

1. **FIRES/BURNING:** Fires that are not contained within permanently constructed devices, open fires/burning, agricultural burning, and the burning of trash or debris.
2. **COOKING:** Charcoal grills, hibachis, and coal or wood-burning stoves on federal lands.
3. **CAMPFIRES:** Building, maintaining, attending or using a campfire not within designated signed campgrounds or developed recreation sites with provided fire grates.
4. **FIREWORKS:** The use of fireworks or explosives. Including all incendiary devices on public or private lands, including explosive targets.

The following activities are permitted, with the described limitations:

1. **FIRES:** Fires in chimineas, fire pits, and tiki-torch type manufactured devices on private property.
2. **COOKING:** Cooking on manufactured charcoal grills, petroleum-fueled stoves or lanterns that use gas, jellied petroleum or pressurized liquid fuel.
3. **CAMPFIRES:** Campfires with flame length not exceeding two feet in height within pre-fabricated concrete/metal fire enclosures in established campgrounds (USFS, NPS, privately owned).
4. **FIREWORKS:** The City of Gunnison 4th of July fireworks display, and the 3rd/4th of July Crested Butte and Mt. Crested Butte professional fireworks display(s) shall be allowed unless further restricted by the Board.
5. **SMOKING:** Smoking outdoors is allowed ONLY within enclosed vehicles, buildings or developed recreation sites, or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable material.
6. **WELDING & ACETYLENE TORCHES:** Welding or operating acetylene torches with flame is allowed ONLY in cleared areas of at least 10 feet in diameter and where the operator is in possession of a chemical-pressurized fire extinguisher with a minimum rating of 2A.

7. **CHAINSAWS:** Operating a chainsaw is allowed ONLY if the device includes a USDA Forest Service or SAE approved spark arrester, and where the operator is in possession of a chemical-pressurized fire extinguisher with a minimum rating of 2A.

This Resolution has immediate effect upon its passage by the Board of Commissioners without further action necessary.

INTRODUCED by Commissioner Messner, seconded by Commissioner Houck, and adopted this 4th day of September, 2018.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

Chamberland – absent; Houck – yes; Messner – yes.