

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY

ORDINANCE NO. 5

AN ORDINANCE CONCERNING VICIOUS DOGS.

BE IT ORDAINED by the Board of County Commissioners of Gunnison, Colorado:

SECTION 1 - DEFINITIONS

Unless otherwise stated, for purposes of this ordinance, the following words and phrases shall have the following meanings:

1. OWNER Any person who owns or harbors a dog, or who claims the right to own, control or harbor a dog.
2. HARBOR, HARBORING A DOG 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.
3. PERSON Any person, partnership, corporation or other association organized for business, social or other purposes.
4. VICIOUS DOG Means (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. (2) Any dog with a known propensity, tendency or disposition to make unprovoked attacks or to cause injury or to otherwise endanger the safety of human beings, or domestic animals including livestock. (3) Any dog which without provocation, bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal upon public or private property. (4) Any dog owned or harbored primarily or in part for the purpose of dog fighting including any dog trained for dog fighting. (5) Any dog which has been declared a vicious dog by the Gunnison County Court.

Notwithstanding the definition of a vicious dog above, no dog may 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 keeper 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.

No dog may be considered vicious if an injury or damage was sustained by a domestic animal which at the time such injury or damage was sustained was teasing, tormenting, abusing or assaulting the dog. No dog may be declared vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

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.

SECTION 2 - UNLAWFUL ACTS

1. No person who owns a vicious dog shall fail to control such dog in the manner prescribed in this ordinance.
2. No person shall permit any dog to approach any other person upon any road, street or other public way or place in a vicious or threatening manner, or in an attitude of attack.
3. No person shall permit any dog to bite, inflict injury, assault or otherwise attack a human being or domestic animal upon public or private property.

SECTION 3 - CONTROL OF VICIOUS DOGS

Any person who owns a vicious dog as defined herein shall:

1. Secure and keep current rabies vaccination for the dog and shall show upon demand of any law enforcement officer a certificate indicating the dog has been vaccinated by a licensed veterinarian.
2. At all times keep the dog under control through one of the following means:
 - a. The use of a leash not more than six feet in length attached to a leather or nylon collar firmly affixed around the dog's neck.
 - b. Keeping the dog tied or tethered by a chain, wire or other material which cannot be 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.
 - c. Keeping the dog enclosed by means of a fence or structure of at least six feet in height. Which enclosure shall be designed with secure sides, top and bottom, which are constructed in a manner that will prevent the dog from escaping. The enclosure

shall be securely locked whenever the dog is within.

3. 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 the owner shall place upon the dog a muzzle. 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.

SECTION 4 - ENFORCEMENT

1. Any law enforcement officer may issue a summons and complaint to any person who has committed a violation of this ordinance in his or her presence, or who 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.
2. During any trial held subsequent to the issuance of a summons and complaint pursuant to this ordinance, if the court feels that the evidence is sufficient, the court may formally declare the dog to be a vicious dog whether or not the owner is found guilty of the offense charged.

SECTION 5 - PENALTIES

1. Any violation of the provisions of this ordinance not involving bodily injury to any human being shall be punishable, upon conviction, by a fine of not more than three hundred dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment for each separate offense.
2. Any violation of this ordinance involving bodily injury to any human being shall be punishable, upon conviction, by a fine of not less than two hundred fifty dollars, nor more than one thousand dollars, or by imprisonment in the county jail for a period of not less than three nor more than twelve months, or by both such fine and imprisonment for each separate offenses.
3. In addition to the other powers granted to the court by Colorado law, the court may suspend any penalty imposed hereunder upon receipt by the court of a certificate evidencing that the dog has been destroyed by a licensed veterinarian, and that the fee for such service has been paid by the owner.

INTRODUCED, READ AND ORDERED PUBLISHED in full this 21st
day of June, 1988.

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

BY David Leinsdorf
David Leinsdorf, Chairman

Attest:

June Peloni, Deputy
Clerk

READ ON SECOND READING, ADOPTED AND ORDERED PUBLISHED by the
title only this 6th day of September, 1988.

^{with}
amendments

BOARD OF COUNTY COMMISSIONERS
OF GUNNISON COUNTY, COLORADO

BY David Leinsdorf
David Leinsdorf, Chairman

Attest:

James M. Feitziger
Clerk

CERTIFICATION

I hereby certify that the foregoing four pages constitute a complete and correct copy of an ordinance introduced at a regular meeting of the Board of County Commissioners of Gunnison on June 21, 1988, and read by title only with a written copy of the entire text of the proposed ordinance or code adopted by reference being presented to such Board. Said ordinance was thereafter published in full at least ten days before the second reading in the Crested Butte Chronicle, a newspaper of general circulation in Gunnison County on July 1, 1988 and August 12, 1988.

On the 6th day of September, 1988, said ordinance was read by title only with amendments, adopted by a majority vote of the Board of County Commissioners and was thereafter published by title only with amendments in the Crested Butte Chronicle on September 16, 1988.


Clerk

EFFECTIVE DATE: October 16, 1988