

**WASHINGTON COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS**

ORDINANCE NO. 1, SERIES 2025

AN ORDINANCE PROHIBITING HOGS, GOATS AND SHEEP AT LARGE

WHEREAS, C.R.S. § 30-15-401(1)(e), authorizes the Board of County Commissioners of Washington County, Colorado, (“BOCC”) to adopt ordinances to control unleashed or unclaimed animals, except those animals enumerated in C.R.S. § 35-44-101(1);

WHEREAS, County residents have requested on multiple occasions assistance with recurring trespasses by certain animals, specifically swine/hogs, goats, and sheep, on their private property;

WHEREAS, Colorado is a “fence out” state and due to the frequent and consistent nature of these trespasses, C.R.S. § 35-46-101, et seq. (the “Fence Law”) does not provide an adequate remedy to protect the citizens of the County and their property because it is either not feasible or is overly burdensome for private citizens to pursue the remedies available to them;

WHEREAS, like the Fence Law, C.R.S. § 35-43-125, prohibiting swine and hogs at large, does not provide an adequate remedy for private civil action or prosecution by the County, due in part to minuscule fines which have not been increased since the statute was first adopted in 1877;

WHEREAS, the BOCC finds that the regulation of unleashed or unclaimed animals and the actions of their owners through administrative regulation and criminal enforcement is necessary to protect the public health, safety, and welfare of the citizens of Washington County and their property; and

WHEREAS, the BOCC further finds and determines that it is necessary and appropriate to adopt an ordinance for the purpose of regulating specific unleashed or unclaimed animals in Washington County.

NOW THEREFORE be it ordained by the Washington County Board of County Commissioners as follows:

Section 1. Definitions. When used in this Ordinance, the following words and terms shall have the following meanings:

- A. Animal. Any swine/hog, goat, or sheep.
- B. Animal Control Officer. The Washington County Sheriff, his Undersheriff and deputies, and any other persons or entities that the BOCC may contract with or designate to enforce this Ordinance.
- C. At Large. Any animal that is (a) off the Premises of its owner; and (b) without

permission on the private property of another or public property within the County.

- D. Owner. Any person, or person acting as a custodian, partnership, corporation, or an agent of the foregoing who owns, co-owns, possesses, keeps, harbors, or who has control or custody of an animal; or any parent, guardian, or legal custodian of any unemancipated child under eighteen (18) years of age who owns, co-owns, possesses, keeps, harbors, or has control or custody of an animal.
- E. Premises. Property owned, leased, or expressly permitted to be used by an owner; or, any confined area or locality like a residence, business, room, shop, building, or motor vehicle in which the animal's presence is authorized by the owner of the premises.

Section 2. Animals At Large Prohibited

- A. Prohibition. It shall be unlawful for the owner of any animal to permit such an animal to be at large. If an animal is found to be at large, the owner shall be presumed to have violated this Ordinance. Each animal found to be at large shall constitute a separate violation of this Ordinance. Each separate property where an animal is found to be at large shall constitute a separate violation of this Ordinance.
- B. Proof of At Large Animal. Any person may report an at large animal on their property or public property to a designated animal control officer. Any designated animal control officer may report an at large animal regardless of whether the animal is at large on private property or public property. For purposes of supporting the presumption of an owner's violation of this Ordinance, the person reporting the at large animal shall provide the animal control officer with any form of evidence that: (i) clearly and visibly identifies the animal belonging to the owner to be charged with a violation of this section, and (ii) clearly and visibly supports the assertion that the animal is off the premises of the owner and at large in the County. Such proof may include but is not limited to, a film photograph, a digital photograph, or a video recording.

Section 3. Interference or Obstruction

No person shall knowingly interfere with, impede, or obstruct any animal control officer who is attempting to discharge or is in the course of discharging an official duty, or fail to obey the lawful order of an animal control officer. Any such action or inaction shall constitute a violation of this Ordinance.

Section 4. Enforcement

- A. Authority. It is the duty of the Sheriff, undersheriff, deputies, and any other persons or entities that the BOCC may contract with or designate to enforce this Ordinance as directed and authorized under C.R.S. §§ 30-15-402.5 and 30-15-410.
- B. Right of Entry Granted. An animal control officer may obtain a search warrant to enforce any provision of this Ordinance.

Section 5. Penalties

- A. Notwithstanding other provisions contained herein, any person who violates section 2, 3, or 4 of this Ordinance shall be guilty of a civil infraction according to C.R.S. § 30-

15-402. For each separate offense, the penalty for any person found to violate this ordinance shall be punished by the following:

1. Warning
 2. \$100 per head
 3. \$500 per head
 4. \$1,000 per head
- B. Pursuant to C.R.S. § 30-15-410, the Washington County Court shall have jurisdiction in prosecutions of violations of this Ordinance and the simplified county court procedures outlined in Part 1 of Article 2 and 2.3 of Title 16, C.R.S., shall apply. Any penalty assessment notice brought before the Washington County Court for the alleged violation of this Ordinance shall be filed in the name of Washington County, by and on behalf of the people of the state of Colorado, and any process issued by the Washington County Court in such proceedings shall be likewise so denominated.
- C. The penalty assessment procedure provided for in C.R.S. §16-2-201 shall be followed for any violation of this Ordinance. The penalty assessment notice shall be a summons and complaint containing (i) identification of the alleged offender; (ii) specifies the offense with which the person is charged; (iii) states the fine which may be paid directly to the Washington County Treasurer, and (iv) states the requirement that the alleged offender either pay the fine to the Washington County Treasurer in person or by mail, at the address specified in the penalty assessment notice within fourteen (14) days of such penalty assessment notice, or else be required to appear to answer the charge before the Washington County Court, at the date and time specified in the penalty assessment notice. A duplicate copy of the penalty assessment notice shall be sent to the Washington County Clerk of Court.
- D. Any person who chooses to acknowledge that they are guilty of the charge specified in the penalty assessment notice may, within fourteen (14) days of the date of issuance of the penalty assessment notice, pay a fine to the Washington County Treasurer either in person at the Washington County Courthouse or by mail to the County Treasurer's address as specified on the penalty assessment notice. Any such payment of the fine specified in the penalty assessment notice shall be accompanied by a copy of the penalty assessment notice signed by the person acknowledging their guilt. Timely payment of the optional fine specified in the penalty assessment notice shall relieve the person receiving such notice of any further obligation to appear in the Washington County Court, at the date and time specified in such notice, to answer the offense charged in the notice.
- E. All fines, penalties or forfeitures for the violation of this Ordinance, but not any surcharge imposed by the Court upon conviction under C.R.S. §30-15-402, shall be paid to the Washington County Treasurer within thirty (30) days of the Court's receipt

of any such fines, penalties, and/or forfeitures.

- F. The Washington County Treasurer is directed to place all fines, penalties, or forfeitures for the violation of this Ordinance into the General Fund and separate line item for revenue shall be established. The Board may direct the use of the revenues in its sole discretion.
- G. All suits for the recovery of any fine and prosecutions for the commission of any offense made punishable under this Ordinance shall be barred if not commenced within one year after the commission of the alleged Ordinance offense under C.R.S. § 30-15-409.
- H. Each violation of this Ordinance shall be deemed separate and distinct from any other violation of this Ordinance or of any other federal, state, or local law, order, or regulation.

Section 6. Liability for Accident or Subsequent Disease. The Washington County Board of County Commissioners, animal control officers, any assistants or employees of the BOCC or Sheriff's Office, and any other person or entity authorized to enforce the provisions of this Ordinance shall not be held responsible for any damage, accident or subsequent disease that may occur in connection with the administration of this Ordinance.

Section 7. Additional Remedies. The remedies provided in this Section shall be cumulative and in addition to any other federal, state or local remedy, criminal or civil, which may be available. Nothing contained herein shall be construed to preclude prosecution under any other applicable statute, ordinance, rule, order or regulation.

Section 8. Severability. Should any section, clause, sentence, or part of this ordinance be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair or invalidate the ordinance as a whole or any part thereof other than the part so declared to be invalid.

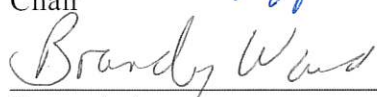
Section 9. Safety Clause. The Board of County Commissioners hereby finds, determines and declares that this ordinance is necessary for the immediate preservation of the public welfare, health and safety.

Section 10. Effective Date. Pursuant to C.R.S. § 30-15-405, this ordinance shall become effective thirty days after publication following adoption.

**INTRODUCED, READ, AND ADOPTED AS AMENDED ON FIRST READING
AND ORDERED PUBLISHED AS ADOPTED ON June 24th, 2025**

**BOARD OF COUNTY COMMISSIONERS
WASHINGTON COUNTY, COLORADO**


Chair


Commissioner

Scott H Ramsey
Commissioner

I hereby attest that the first reading of this ordinance took place on June 24th 2025. This ordinance was published in full in the Otis Telegraph and Akron News on July 9th, 16th, 17th and 24th, 2025. If amendments were made to this ordinance subsequent to introduction and prior to adoption, such amendments shall be re-published in full. If this ordinance was adopted without amendment, ~~it is to be~~ republished by title only.

ATTEST:

Annie Kuntz
Annie Kuntz, County Clerk and Recorder



ADOPTED, APPROVED, AND ORDERED AS ADOPTED ON SECOND AND FINAL READING on August 5th, 2025. BOARD OF COUNTY COMMISSIONERS WASHINGTON COUNTY, COLORADO

Givile Jefferson
Chair

Brandy Ward
Commissioner

Scott H Ramsey
Commissioner



Annie Kuntz
Annie Kuntz, County Clerk and Recorder