

CHAPTER 213

GOVERNMENT - COUNTY

HOUSE BILL 94-1137

BY REPRESENTATIVES Agler, Nichol, and Taylor;
also SENATOR Schroeder.

AN ACT

CONCERNING COUNTY ORDINANCE AUTHORITY IN MATTERS OF LOCAL CONCERN.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 12-44-202, Colorado Revised Statutes, 1991 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

12-44-202. Definitions. As used in this part 2, unless the context otherwise requires:

(6.5) "LOCAL BOARD OF HEALTH" MEANS A COUNTY OR DISTRICT HEALTH DEPARTMENT, A LOCAL BOARD OF HEALTH, OR A REGIONAL HEALTH DEPARTMENT, ESTABLISHED PURSUANT TO PART 5, 6, OR 7 OF ARTICLE 1 OF TITLE 25, C.R.S.

SECTION 2. 12-44-208 (1) and (3), Colorado Revised Statutes, 1991 Repl. Vol., are amended, and the said 12-44-208 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

12-44-208. Contents of license - certificate of inspection - fee. (1) Licenses provided for in this part 2 shall specify the date of issuance, the period which is covered, the name of the licensee, and the establishment name and address licensed. Such license shall be conspicuously displayed at all times in the establishment licensed. ~~The fee for such license shall be fifty dollars; except that, on and after January 1, 1990, the fee shall be eighty dollars for establishments that serve only uncooked and precooked food requiring limited preparation for consumption off the premises and, for all other establishments, one hundred dollars.~~

(1.5) EXCEPT FOR THE CITY AND COUNTY OF DENVER, WHICH BY ORDINANCE MAY

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

PROVIDE FOR A FOOD SERVICE ESTABLISHMENT INSPECTIONAL FEE, THE LICENSE AND INSPECTION FEE SHALL BE EIGHTY DOLLARS FOR ESTABLISHMENTS THAT SERVE ONLY UNCOOKED AND PRECOOKED FOOD REQUIRING LIMITED PREPARATION FOR CONSUMPTION OFF THE PREMISES AND ONE HUNDRED DOLLARS FOR ALL OTHER ESTABLISHMENTS. EXCEPT AS PROVIDED IN SECTION 12-44-206, THE FEE ESTABLISHED IN THIS SUBSECTION (1.5) SHALL BE THE ONLY INSPECTION FEE CHARGED BY THE STATE OR ANY COUNTY, LOCAL, OR REGIONAL INSPECTING AUTHORITY, INCLUDING THE CITY AND COUNTY OF DENVER, AND SHALL COVER ALL INSPECTIONS OF A FOOD SERVICE ESTABLISHMENT FOR ANY PURPOSE THROUGHOUT AN ANNUAL LICENSE PERIOD, INCLUDING, BUT NOT LIMITED TO, INSPECTIONS TO OBTAIN A CERTIFICATE OF INSPECTION, REINSPECTIONS, AND SEMIANNUAL INSPECTIONS.

(3) The provisions of this section concerning fees shall not apply to THE CITY AND COUNTY OF DENVER. ~~jurisdictions where local ordinances already provide for a food service inspectional fee of fifty dollars or more and when such inspectional services are approved by the department.~~

SECTION 3. 12-44-212, Colorado Revised Statutes, 1991 Repl. Vol., is amended to read:

12-44-212. Violation - penalty. (1) UPON A FINDING BY THE DEPARTMENT OR THE LOCAL BOARD OF HEALTH THAT A FOOD SERVICE ESTABLISHMENT HAS BEEN FOUND TO BE IN VIOLATION OF THE PROVISIONS OF THIS PART 2, THAT THE LICENSEE HAS BEEN NOTIFIED OF SUCH VIOLATION IN WRITING, THAT THE LICENSEE HAS BEEN GIVEN AN OPPORTUNITY TO COMPLY, AND THAT THE ESTABLISHMENT HAS AGAIN BEEN FOUND TO BE IN VIOLATION, THE LICENSEE SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT LESS THAN TWO HUNDRED FIFTY DOLLARS NOR MORE THAN ONE THOUSAND DOLLARS, WHICH PENALTY MAY BE ASSESSED BY THE DEPARTMENT OR THE LOCAL BOARD OF HEALTH. ~~Any person violating any of the provisions of this part 2 or any of the provisions of the sanitary code hereby established is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment. It is the duty of the district attorneys of the several districts of this state to prosecute for violations of this part 2 as for other crimes and misdemeanors.~~

(2) UPON A FINDING BY THE DEPARTMENT OR THE LOCAL BOARD OF HEALTH THAT A FOOD SERVICE ESTABLISHMENT IS IN VIOLATION OF THE RULES AND REGULATIONS ADOPTED PURSUANT TO THIS PART 2 AND THAT SUCH VIOLATIONS ARE SUFFICIENT TO PERMIT THE DEPARTMENT OR THE LOCAL BOARD OF HEALTH TO ESTABLISH A DATE AND TIME FOR CORRECTION PURSUANT TO RULES AND REGULATIONS ADOPTED PURSUANT TO THIS PART 2, THE DEPARTMENT OR THE LOCAL BOARD OF HEALTH SHALL ADVISE THE LICENSEE OF THE VIOLATION, PROVIDE THE LICENSEE A REASONABLE PERIOD OF TIME TO COMPLY, AND CONDUCT A FOLLOW-UP INSPECTION. IF THE ESTABLISHMENT IS FOUND AGAIN TO BE IN VIOLATION OF THE SAME RULES AND REGULATIONS CATEGORY OR CATEGORIES, THE DEPARTMENT OR THE LOCAL BOARD OF HEALTH SHALL ISSUE THE LICENSEE WRITTEN NOTIFICATION OF NONCOMPLIANCE, PROVIDE THE LICENSEE A REASONABLE TIME TO COMPLY, AND CONDUCT A SECOND FOLLOW-UP INSPECTION.

(3) (a) IF, AT THE SECOND FOLLOW-UP INSPECTION, A FOOD SERVICE

ESTABLISHMENT IS FOUND TO BE IN COMPLIANCE WITH THE RULES AND REGULATIONS CATEGORY OR CATEGORIES CITED IN THE WRITTEN NOTIFICATION OF NONCOMPLIANCE ISSUED PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE DEPARTMENT OR THE LOCAL BOARD OF HEALTH SHALL ADVISE THE LICENSEE IN WRITING THAT NONCOMPLIANCE WITH THE RULES AND REGULATIONS CATEGORY OR CATEGORIES CITED IN THE WRITTEN NOTIFICATION OF NONCOMPLIANCE ISSUED PURSUANT TO SUBSECTION (2) OF THIS SECTION AT THE NEXT REGULAR INSPECTION WILL RESULT IN THE ISSUANCE OF A SECOND WRITTEN NOTIFICATION OF NONCOMPLIANCE.

(b) IF, AT THE SECOND FOLLOW-UP INSPECTION, A FOOD SERVICE ESTABLISHMENT IS FOUND TO BE IN VIOLATION OF THE RULES AND REGULATIONS CATEGORY OR CATEGORIES CITED IN THE WRITTEN NOTIFICATION OF NONCOMPLIANCE ISSUED PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE DEPARTMENT OR THE LOCAL BOARD OF HEALTH SHALL ISSUE A SECOND WRITTEN NOTIFICATION OF NONCOMPLIANCE, ADVISING THE LICENSEE OF THE VIOLATION OR VIOLATIONS AND NOTIFYING THE LICENSEE OF THE POTENTIAL CIVIL PENALTIES, AND SHALL CONDUCT A THIRD FOLLOW-UP INSPECTION.

(4) (a) IF, AT THE THIRD FOLLOW-UP INSPECTION, A FOOD SERVICE ESTABLISHMENT IS FOUND TO BE IN COMPLIANCE WITH THE RULES AND REGULATIONS CATEGORY OR CATEGORIES CITED IN THE SECOND WRITTEN NOTIFICATION OF NONCOMPLIANCE ISSUED PURSUANT TO SUBSECTION (3) OF THIS SECTION, THE DEPARTMENT OR THE LOCAL BOARD OF HEALTH MAY ASSESS A CIVIL PENALTY OF NOT LESS THAN TWO HUNDRED FIFTY DOLLARS NOR MORE THAN FIVE HUNDRED DOLLARS AND SHALL ADVISE THE FOOD SERVICE ESTABLISHMENT IN WRITING THAT A FUTURE OCCURRENCE OF NONCOMPLIANCE WITH THE RULES AND REGULATIONS CATEGORY OR CATEGORIES CITED IN THE SECOND WRITTEN NOTIFICATION OF NONCOMPLIANCE ISSUED PURSUANT TO SUBSECTION (3) OF THIS SECTION WILL RESULT IN THE ISSUANCE OF A THIRD WRITTEN NOTIFICATION OF NONCOMPLIANCE AND SUBJECT THE FOOD SERVICE ESTABLISHMENT TO AN ADDITIONAL CIVIL PENALTY OF NOT LESS THAN TWO HUNDRED FIFTY DOLLARS NOR MORE THAN FIVE HUNDRED DOLLARS.

(b) IF, AT THE THIRD FOLLOW-UP INSPECTION, A FOOD SERVICE ESTABLISHMENT IS FOUND TO BE IN VIOLATION OF THE RULES AND REGULATIONS CATEGORY OR CATEGORIES CITED IN THE SECOND WRITTEN NOTIFICATION OF NONCOMPLIANCE ISSUED PURSUANT TO SUBSECTION (3) OF THIS SECTION, THE DEPARTMENT OR THE LOCAL BOARD OF HEALTH MAY ASSESS A CIVIL PENALTY OF NOT LESS THAN FIVE HUNDRED DOLLARS NOR MORE THAN ONE THOUSAND DOLLARS. WHEN COMPLIANCE WITH THE RULES AND REGULATIONS CATEGORY OR CATEGORIES CITED IN THE SECOND WRITTEN NOTIFICATION OF NONCOMPLIANCE ISSUED PURSUANT TO SUBSECTION (3) OF THIS SECTION IS OBTAINED, THE DEPARTMENT OR THE LOCAL BOARD OF HEALTH SHALL NOTIFY THE LICENSEE THAT NONCOMPLIANCE WITH THE RULES AND REGULATIONS CATEGORY OR CATEGORIES CITED IN THE SECOND WRITTEN NOTIFICATION OF NONCOMPLIANCE ISSUED PURSUANT TO SUBSECTION (3) OF THIS SECTION AT THE NEXT REGULAR INSPECTION WILL RESULT IN THE ISSUANCE OF A THIRD WRITTEN NOTIFICATION OF NONCOMPLIANCE AND MAY RESULT IN AN ADDITIONAL CIVIL PENALTY OF NOT LESS THAN FIVE HUNDRED DOLLARS NOR MORE THAN ONE THOUSAND DOLLARS.

(5) (a) A MAXIMUM OF THREE CIVIL PENALTIES MAY BE ASSESSED AGAINST A LICENSEE IN ANY CALENDAR YEAR. THE ASSESSMENT OF A THIRD CIVIL PENALTY IN

A CALENDAR YEAR AGAINST A LICENSEE SHALL OBLIGATE THE DEPARTMENT OR THE LOCAL BOARD OF HEALTH TO INITIATE PROCEEDINGS TO SUSPEND OR REVOKE THE LICENSE OF THE LICENSEE PURSUANT TO SECTION 12-44-210. NEITHER THE DEPARTMENT NOR THE LOCAL BOARD OF HEALTH SHALL ASSESS A CIVIL PENALTY AGAINST A LICENSEE PURSUANT TO THIS SECTION WHILE AN ACTION INITIATED PURSUANT TO SECTION 12-44-210 AGAINST SUCH LICENSEE IS IN PROGRESS.

(b) ALL PENALTIES COLLECTED BY THE DEPARTMENT PURSUANT TO THIS SECTION SHALL BE TRANSMITTED TO THE STATE TREASURER WHO SHALL CREDIT THE SAME TO THE FOOD PROTECTION CASH FUND CREATED IN SECTION 25-4-1605, C.R.S.

(c) ALL PENALTIES COLLECTED BY A LOCAL BOARD OF HEALTH SHALL BE DEPOSITED IN THE APPROPRIATE LOCAL BOARD OF HEALTH CASH FUND IN ACCORDANCE WITH SECTIONS 25-1-509 AND 25-1-713, C.R.S., AND SHALL BE USED TO PAY THE COST OF INSPECTING FOOD SERVICE ESTABLISHMENTS.

SECTION 4. Part 2 of article 44 of title 12, Colorado Revised Statutes, 1991 Repl. Vol., is amended BY THE ADDITION OF A NEW SECTION to read:

12-44-212.5. Judicial review. ANY FINAL ORDER OR DETERMINATION MADE BY THE DEPARTMENT OR A LOCAL BOARD OF HEALTH PURSUANT TO SECTION 12-44-212 SHALL BE SUBJECT TO JUDICIAL REVIEW IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S.

SECTION 5. 25-1-507 (1) (h), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-1-507. Powers and duties of boards of health. (1) In addition to all other powers and duties conferred and imposed upon county and district boards of health by the provisions of this part 5, such boards have and exercise the following specific powers and duties:

(h) To provide the environmental health services described in section 25-1-709 (1) (b) and to assess fees to offset the actual, direct cost of such services; except that no fee for such a service shall be assessed against any person who has already paid a fee to the state or federal government for such service AND EXCEPT THAT THE ONLY FEE WHICH SHALL BE CHARGED FOR ANNUAL FOOD SERVICE ESTABLISHMENT INSPECTIONS SHALL BE THE FEE SET FORTH IN SECTION 12-44-208, C.R.S.

SECTION 6. 25-1-608 (3), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-1-608. County board of health. (3) The board of health may provide the environmental health services described in section 25-1-709 (1) (b) and may assess fees to offset the actual, direct costs of such services; except that a fee for any such service shall not be assessed against any person who has already paid a fee to the state or federal government for the same service AND EXCEPT THAT THE ONLY FEE WHICH SHALL BE CHARGED FOR ANNUAL FOOD SERVICE ESTABLISHMENT INSPECTIONS SHALL BE THE FEE SET FORTH IN SECTION 12-44-208, C.R.S.

SECTION 7. 25-1-711 (1) (e), Colorado Revised Statutes, 1989 Repl. Vol., as

amended, is amended to read:

25-1-711. Regional board of health - duties - powers. (1) In addition to any other duties conferred and imposed upon a regional board of health by the provisions of this part 7, such board has the following duties:

(e) To provide the environmental health services described in section 25-1-709 (1) (b) and to assess fees to offset the actual, direct cost of such services; except that no fee for such a service shall be assessed against any person who has already paid a fee to the state or federal government for such service AND EXCEPT THAT THE ONLY FEE WHICH SHALL BE CHARGED FOR ANNUAL FOOD SERVICE ESTABLISHMENT INSPECTIONS SHALL BE THE FEE SET FORTH IN SECTION 12-44-208, C.R.S.

SECTION 8. 30-1-104 (1) (u), Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

30-1-104. Fees of sheriff. (1) Fees collected by sheriffs shall be as follows:

(u) For taking, approving, and returning bond in any case, in counties of every class, ~~two dollars and fifty cents~~ A REASONABLE FEE, NOT TO EXCEED TEN DOLLARS;

SECTION 9. 30-15-401 (1) (a) (V) (D), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended, and the said 30-15-401 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

30-15-401. General regulations. (1) In addition to those powers granted by sections 30-11-101 and 30-11-107 and by parts 1, 2, and 3 of this article, the board of county commissioners has the power to adopt ordinances for the control or licensing of those matters of purely local concern which are described in the following enumerated powers:

(a) (V) To do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease, limited to the following:

(D) In addition to the authority given counties under article 5 of title 35, C.R.S., to establish mosquito control areas, ~~and~~ to assess the whole cost thereof against those persons especially benefitted by the service, AND, IF A PERSON'S PORTION OF THE ASSESSMENT IS NOT PAID WITHIN A REASONABLE TIME AS SPECIFIED BY ORDINANCE, TO DIRECT THAT THE ASSESSMENT, WHICH SHALL BE A LIEN AGAINST THE PROPERTY OF SUCH PERSON, BE CERTIFIED BY THE COUNTY CLERK AND RECORDER TO THE COUNTY TREASURER FOR COLLECTION IN THE SAME MANNER AS OTHER TAXES ARE COLLECTED;

(k.5) TO REQUIRE REGISTRATION OF PERSONS WHO ENGAGE IN DOOR-TO-DOOR SELLING OF MERCHANDISE OR GOODS AND THE DELIVERY THEREOF WITHIN THE COUNTY; EXCEPT THAT NONPROFIT ORGANIZATIONS WHICH ARE EXEMPT FROM THE INCOME TAX IMPOSED UNDER ARTICLE 22 OF TITLE 39, C.R.S., AND SCHOOLS SHALL NOT BE SUBJECT TO COUNTY REQUIREMENTS IMPOSED UNDER THIS PARAGRAPH (k.5);

(o.5) TO PROVIDE BY ORDINANCE FOR THE REGULATION AND LICENSING OF ALARM

SYSTEMS WHICH TRANSMIT INFORMATION TO LAW ENFORCEMENT OR OTHER PUBLIC SAFETY OFFICIALS LOCATED WITHIN THE COUNTY;

SECTION 10. 30-15-101, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

30-15-101. Animal control and licensing. (1) (a) The board of county commissioners of any county may adopt a resolution for the control and licensing of dogs AND OTHER PET ANIMALS as provided in this part 1. Such resolution may:

(I) Require licensing of dogs AND OTHER PET ANIMALS by owners and impose reasonable conditions and fees on the same. No registration permit or license shall be issued by any board of county commissioners unless and until the owner of a dog shall exhibit to such board or designated official a valid rabies vaccination certificate indicating the dog has been vaccinated against rabies by a licensed veterinarian. The county dog control resolution may exempt dogs below a specified age from licensing and registration or vaccination requirements, or both; except that the recommendations of the department of health shall be followed concerning ~~the minimum age for such~~ RABIES vaccination OF PET ANIMALS.

(II) Require that dogs AND OTHER PET ANIMALS be under control at all times and define "control", which may vary from time to time, place to place, and ~~dog~~ ANIMAL to ~~dog~~ ANIMAL;

(III) Define "vicious dog" AND "VICIOUS ANIMAL";

(IV) Establish a dog pound, OR OTHER ANIMAL HOLDING FACILITY, and engage personnel to operate it and otherwise to enforce the county dog control resolution OR ANY OTHER RESOLUTION CONCERNING THE CONTROL OF PET ANIMALS;

(V) Provide for the impoundment of ~~dogs~~ ANIMALS which are vicious, not under control, or otherwise not in conformity with the ~~resolution~~ RESOLUTIONS;

(VI) Establish terms and conditions for the release or other disposition of impounded ~~dogs~~ ANIMALS;

(VII) Establish such other reasonable regulations and restrictions for the control of dogs AND OTHER PET ANIMALS as the board of county commissioners may deem necessary.

(b) The control provisions of such resolution, as provided in subparagraph (II) of paragraph (a) of this subsection (1), shall not apply to dogs while actually working livestock, locating or retrieving wild game in season for a licensed hunter, or assisting law enforcement officers or while actually being trained for any of these pursuits.

(2) In order to implement the provisions of this section, any county or municipality may enter into an intergovernmental agreement pursuant to the provisions of part 2 of article 1 of title 29, C.R.S., to provide for the control, licensing, impounding, or disposition of dogs OR OTHER PET ANIMALS or to provide for the accomplishment of any other aspect of a county or municipal dog control or PET ANIMAL CONTROL licensing resolution or ordinance.

(3) FOR PURPOSES OF THIS PART 1, "PET ANIMAL" MEANS AND INCLUDES ANY ANIMAL OWNED OR KEPT BY A PERSON FOR COMPANIONSHIP OR PROTECTION OR FOR SALE TO OTHERS FOR SUCH PURPOSES. EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION (3), "PET ANIMAL" DOES NOT INCLUDE WILDLIFE, LIVESTOCK USED FOR ANY PURPOSE OR WHICH IS ESTRAY AS DEFINED IN SECTION 35-44-101, C.R.S., OR ANIMALS WHICH ARE OWNED OR BOUGHT AND SOLD THROUGH THE EFFORTS OF THOSE THAT ARE LICENSED, INSPECTED, OR BOTH, BY THE UNITED STATES DEPARTMENT OF AGRICULTURE, THE COLORADO DEPARTMENT OF AGRICULTURE, OR BOTH; HOWEVER, NOTHING IN THIS SUBSECTION (3) SHALL BE CONSTRUED TO EXEMPT SUCH ANIMALS FROM COUNTY CONTROL REGULATIONS.

SECTION 11. 30-15-102, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended to read:

30-15-102. Violations - penalties. (1) Any violation of any provision of a county resolution adopted pursuant to this part 1 not involving bodily injury to any person shall be a class 2 petty offense, and, notwithstanding the provisions of section 18-1-107, C.R.S., 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. If authorized by the county resolution, the penalty assessment procedure provided in section 16-2-201, C.R.S., may be followed by ~~a dog~~ AN ANIMAL control officer or any arresting law enforcement officer for any such violation. As part of said county resolution authorizing the penalty assessment procedure, the board of county commissioners may adopt a graduated fine schedule for violations of said resolution not involving bodily injury to any person. Such graduated fine schedule may provide for increased penalty assessments for repeat offenses by the same individual.

(2) Any offense involving bodily injury to any person by a dog OR OTHER PET ANIMAL shall be a class 2 misdemeanor, and any violator shall be punished as provided in section 18-1-106, C.R.S., for each separate offense.

(3) Whenever a county ~~dog~~ ANIMAL control officer has probable cause to believe that a violation of subsection (1) or (2) of this section, ~~or~~ OF THE COUNTY'S DOG CONTROL AND LICENSING RESOLUTION, OR OF THE COUNTY'S RESOLUTION CONCERNING THE CONTROL OF PET ANIMALS has been committed, ~~he~~ THE OFFICER 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.

SECTION 12. 30-15-104, Colorado Revised Statutes, 1986 Repl. Vol., is amended to read:

30-15-104. Liability for accident or subsequent disease from impoundment. The board of county commissioners, city council, board of trustees, or other governing body of a municipality, any of their assistants or employees, or any other person authorized to enforce the provisions of any dog control resolution or ordinance OR ANY RESOLUTION CONCERNING THE CONTROL OF PET ANIMALS shall not be held responsible for any accident or subsequent disease that may occur to the animal in connection with the administration of ~~any dog control~~ THE resolution or ordinance.

SECTION 13. 30-15-105, Colorado Revised Statutes, 1986 Repl. Vol., as

amended, is amended to read:

30-15-105. Animal control officers - peace officer designation. Personnel engaged in ~~dog~~ ANIMAL control, however titled or administratively assigned, may issue citations or summonses and complaints enforcing the county dog control resolution OR ANY OTHER COUNTY RESOLUTION CONCERNING THE CONTROL OF PET ANIMALS or municipal ordinance without regard to the certification requirements of part 3 of article 31 of title 24, C.R.S. Personnel so engaged shall be included within the definition of "peace officer or fireman engaged in the performance of his duties" in section 18-3-201 (2), C.R.S. Nothing in this part 1 is intended to vest authority in any person so engaged to enforce any resolution, ordinance, or statute other than the county dog control resolution OR ANY OTHER COUNTY RESOLUTION CONCERNING THE CONTROL OF PET ANIMALS or municipal ordinance.

SECTION 14. Part 4 of article 15 of title 30, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

30-15-402.5. Enforcement personnel - peace officer designation.
(1) PERSONNEL DESIGNATED BY ORDINANCE DULY ADOPTED TO ENFORCE COUNTY ORDINANCES ADOPTED PURSUANT TO THIS PART 4, HOWEVER TITLED OR ADMINISTRATIVELY ASSIGNED, MAY ISSUE CITATIONS OR SUMMONSES AND COMPLAINTS ENFORCING COUNTY ORDINANCES WITHOUT REGARD TO THE CERTIFICATION REQUIREMENTS OF PART 3 OF ARTICLE 31 OF TITLE 24, C.R.S.

(2) NOTHING IN THIS SECTION IS INTENDED TO VEST AUTHORITY IN ANY PERSON SO ENGAGED TO ENFORCE ANY RESOLUTION OR ORDINANCE THROUGH EXECUTION OF AN ADMINISTRATIVE ENTRY AND SEIZURE WARRANT ISSUED PURSUANT TO SECTION 30-15-401 OR THROUGH EXERCISE OF ANY POWER OTHER THAN THE POWER TO ISSUE A CITATION OR SUMMONS AND COMPLAINT AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

SECTION 15. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 22, 1994