

Environmental

Health

**RULES & REGULATIONS**

GOVERNING  
ADMINISTRATIVE CITATIONS  
FOR VIOLATIONS OF THE  
ANIMAL CODE  
HOUSING CODE  
NOISE CONTROL ORDINANCE



*Approved: as Amended*  
  
Chair, Board of Environmental Health

*Adopted as Amended*  
  
Manager, Department of Environmental Health

*Approved as to form:*  
  
David R. Fine, Esq.  
Attorney for the City & County of Denver

**BOARD OF ENVIRONMENTAL HEALTH  
RULES AND REGULATIONS GOVERNING ADMINISTRATIVE CITATIONS  
FOR VIOLATIONS OF THE  
ANIMAL CODE, HOUSING CODE, AND NOISE CONTROL ORDINANCE**

**As Amended July 9, 2010**

**SECTION 1.0 INTRODUCTION**

The City Council has determined that there is a need to better encourage prompt compliance with ordinances and prompt payment of penalties. This has led to the addition of an alternative method of enforcement, administrative citations with civil penalty assessments, which has been codified in Section 24-5 of the Revised Municipal Code of the City and County of Denver (DRMC).

These rules and regulations (Rules) are adopted and issued by the Board of Environmental Health of the City and County of Denver (the Board) in accordance with the authority contained in Article II of the Charter of the City and County of Denver and in Section 24-5, DRMC, in order to implement the administrative citation and civil penalty assessment provisions of the Code.

Under separate cover, the Board has adopted Rules and Regulations Governing Hearings Before and Variances by the Board of Environmental Health (Hearing Rules). Except as specifically provided herein, the Hearing Rules as they may be amended from time to time shall govern hearings under these Rules.

A paper copy of these Rules shall be made available without charge, upon request, to persons seeking to file a petition for review of an administrative citation. The Manager shall use best efforts to maintain a current copy of these Rules on the City and County of Denver website. See: <http://www.denvergov.org/BEH>.

**SECTION 2.0 CODE CHAPTERS AND SECTIONS AUTHORIZED FOR  
ENFORCEMENT THROUGH ADMINISTRATIVE CITATIONS**

To the extent established by the Charter and Ordinances of the City and County of Denver, including but not limited, to the generally applicable enforcement provisions of Title II Chapter 1, an Enforcement Official may issue an Administrative Citation for violation of the provisions of the Code. This regulation governs Administrative Citations and civil penalty assessments for violation of the Code provisions designated below, and for violation of rules, regulations, license or permit conditions established in accordance with the following:

- 2.1. Chapter 8, DRMC (Animals), excluding the provisions of sections 8-48 (Damaging property), 8-51 (Dog attack or bite), 8-52 (Dangerous dogs), 8-55 (Pit bulls prohibited), 8-131(a) (Cruelty to animals prohibited), 8-134 (Abandonment), 8-135 (Keeping place for fighting animals), and 8-136 (Poisoning);
- 2.2. Article II of Chapter 27, DRMC (Housing Code); and
- 2.3. Chapter 36, DRMC (Noise Control ordinance).

### **SECTION 3.0 DEFINITIONS**

Except as noted below, words and phrases shall have the meaning assigned by the Charter and Ordinances of the City and County of Denver. As used in these Rules, the following terms shall have the following meanings:

- 3.1. *Administrative Enforcement Order or Order* shall mean the Findings of Fact, Conclusions of Law, and Decision recommended by the Administrative Hearing Officer or the final decision of the Board.
- 3.2. *Administrative Citation* is a citation for violation of the Code or noncompliance with an order issued by the Manager by which a civil penalty for such violation or noncompliance is assessed.
- 3.3. *Code* shall mean those portions of the Denver Revised Municipal Code enumerated in Section 2.0 above.
- 3.4. *Day* shall mean a calendar day except as provided in subparagraph 10.3.
- 3.5. *Enforcement Official* shall mean a person employed by or under contract with the City and charged by the Manager with enforcing the Code.
- 3.6. *Administrative Hearing Officer* shall mean a person appointed by the Manager to hear petitions for review of Administrative Citations.
- 3.7. *Manager* shall mean the Manager of the Department of Environmental Health or the Manager's designee.
- 3.8. *Owner*, in the case of animal violations, means any person who owns, possesses, keeps, exercises control over, maintains, harbors, transports or sells an animal.
- 3.9. *Responsible Party* shall mean any person or entity suspected of having violated any provisions of the Code, including but not limited to, an Owner.
- 3.10. *Rules* shall mean the procedures and requirements contained herein, duly adopted through a rulemaking process as set forth in Chapter 2, DRMC, Administration, Article VI Rules and Regulations.

### **SECTION 4.0 REQUIREMENTS FOR ISSUANCE**

An Administrative Citation may be issued as follows:

- 4.1. An Administrative Citation may be issued by the Manager or an Enforcement Official to any Responsible Party for violation of the Code or noncompliance with an order issued by the Manager.
- 4.2. Each day a violation or noncompliance exists or continues shall constitute a separate and distinct violation, except under the following circumstances:
  - 4.2.1. No additional Administrative Citation shall be issued for another or continuing violation of the same Code section for which a compliance period has been provided in accordance with Section 5.2 of these Rules until expiration of the compliance period.
  - 4.2.2. No additional Administrative Citation shall be issued for the same or continuing violation if the Responsible Party files a timely petition for review in accordance with Section 7 of these Rules, until such time as a final Administrative Enforcement Order is issued and the Responsible Party has failed to comply with the final Administrative Enforcement Order.
- 4.3. If the Responsible Party fails to correct the violation cited, commits a violation of the same Code section again, or fails to comply with a final Administrative Enforcement Order, subsequent citations may be issued for violations of the same Code section.
- 4.4. The Manager shall dismiss or rescind a second or subsequent Administrative Citation upon a showing that the second or subsequent citation was issued during a compliance period for the same violation, without requiring a petition for review to be filed.

## SECTION 5.0 TIME FOR COMPLIANCE FOR CHAPTER 8 (Animals)

- 5.1. The Board finds and determines that violation of the Chapter 8 (Animals) of the Code must be corrected immediately except as authorized herein based on the nature of the offense.
- 5.2. A compliance period is provided for first-time violations of the Chapter 8 (Animals) Code sections identified below. A Responsible Party must provide the following documentary evidence of compliance to the Department at the Denver Animal Shelter, 678 South Jason Street, Denver, CO 80223 (new address as of July 1, 2011: 1241 W. Bayaud Avenue, Denver, CO 80223) within the designated compliance period:
  - 5.2.1. Rabies vaccination. A compliance period of ten (10) days after service of an Administrative Citation for violation of Code Section 8-32 may be allowed, during which time a Responsible Party shall vaccinate the applicable animal for rabies. The Responsible Party shall provide to the Manager documentary proof of vaccination in the form of a rabies vaccination certificate or a letter signed by a licensed veterinarian or veterinary hospital. The document must be dated and shall specify the name, address and phone number of the veterinarian and/or the veterinary clinic; the name, gender, breed, age and color markings of the animal; the mailing address and phone number of the Owner; the date of the vaccination; date of next vaccination and/or duration of current vaccination; and, the rabies certificate number (if applicable).
  - 5.2.2. License/Permit. A compliance period of ten (10) days after service of an Administrative Citation for violation of Code Section 8-61 or 8-91 may be allowed during which time a Responsible Party shall obtain the required license or permit. The Responsible Party shall provide to the Manager proof of such license or permit in the form of a copy of a current license/permit issued by the City and County of Denver or application for, and payment of, the requisite license/permit fee.
  - 5.2.3. Spaying and neutering. A compliance period of thirty (30) days after service of an Administrative Citation for violation of Code Section 8-70 or 8-71 may be allowed, during which time a Responsible Party shall either sterilize or obtain an intact permit for the applicable animal. The Responsible Party shall provide documentary proof of spay/neuter in the form of a certificate or a letter signed by a licensed veterinarian or veterinary hospital. The document must be dated and shall specify the name, address and phone number of the veterinarian and the veterinary clinic; the name, gender, breed, age and color markings of the animal; and, the mailing address and phone number of the Owner. In the event sterilization of the applicable animal is not recommended medically, the Responsible Party shall provide proof in the form of a written determination by a licensed veterinarian in accordance with Code Section 8-72(1). The written statement of the veterinarian must be dated and shall specify the name, address and phone number of the veterinarian and the veterinary clinic; the name, gender, breed, age and color markings of the animal; the mailing address and phone number of the Owner; and, signature of the veterinarian.
  - 5.2.4. The Board may rescind Administrative Citations for alleged violations upon receipt of documentary proof of compliance *as of the time of the alleged violation*. If an Administrative Citation for violation of rabies vaccination or license requirements is rescinded, the Administrative Citation may be amended or reissued to charge the Responsible Party with a violation of 8-36 Failure to Display Rabies Tag and/or 8-63 Failure to Display License.
- 5.3. The civil penalty for a first-time violation of the Chapter 8 (Animals) Code sections related to rabies vaccination, license, permit, and spay/neutering will be reduced 50% if the Responsible Party complies with the Code section and provides the required documentary

evidence of compliance to the Manager within the compliance period as set forth in Section 5 of these Rules.

## **SECTION 6.0 PROCEDURES**

- 6.1. An Enforcement Official will issue an Administrative Citation in the form substantially similar to the form attached as Exhibit 1 for violation(s) of the Animal Code or Exhibit 2 for violation(s) of the Noise Control Code.
- 6.2. An Administrative Citation will be served upon the Responsible Party by any of the following methods:
  - 6.2.1. In person. An Enforcement Official shall attempt to deliver the Administrative Citation to the Responsible Party at the site of any violation or at the Responsible Party's business or personal address, or other form of service generally provided by Rule 4, Colorado Rules of Civil Procedure (C.R.C.P.) and authorized by the Manager.
  - 6.2.2. By mail. Notwithstanding Section 6.2.1 of these Rules, service by registered mail to a Responsible Party is authorized for the following:
    - 6.2.2.1. Failure to renew a license or permit, provided that, the Manager has mailed a renewal notice via the U.S. Postal Service to the Responsible Party at the address indicated on the last issued license or permit for the animal or other known address at least thirty (30) days prior to the date of sending the registered mail
    - 6.2.2.2. Failure to submit the proof required by a sterilization agreement authorized under Section 8-135.5 of the Code.
  - 6.2.3. An Enforcement Official shall attempt to obtain the signature of the Responsible Party at the time of personal service of an Administrative Citation on the citation. If the Responsible Party refuses or fails to sign the Administrative Citation, the failure or refusal to sign shall not affect the validity of service, the Administrative Citation itself, or subsequent proceedings related to the Administrative Citation.
  - 6.2.4. Service shall be effective on the date of receipt by the Responsible Party if personally served or upon the fifth day after mailing of the Administrative Citation or posting of the property, whichever is later. Where service is by registered mailing, service shall be effective on the date of mailing unless returned as undeliverable by the U.S. Postal Service. Unclaimed or refused mail is not considered to be an undeliverable mailing.

## **SECTION 7.0 PETITION FOR REVIEW**

- 7.1. Any Responsible Party served with an Administrative Citation may petition for review of the Administrative Citation in the following manner:
  - 7.1.1. A written Petition for Review must be filed with the Board at 200 W. 14<sup>th</sup> Avenue, Suite 300, Denver, CO 80204, within thirty (30) days from the effective date of service of the Administrative Citation on the Responsible Party petitioning for review (the Petitioner). This is a jurisdictional prerequisite to the review process.
  - 7.1.2. No particular form of Petition is required, provided that the following information is set forth in writing:
    - 7.1.2.1. The Administrative Citation number;
    - 7.1.2.2. The factual or procedural errors or legal deficiencies upon which the Petitioner bases the petition;
    - 7.1.2.3. A statement of the relief requested;
    - 7.1.2.4. The name, address and telephone number of the Petitioner and the name, address and telephone number of the Petitioner's legal representative, if any, who is authorized to present the Petitioner in a hearing;

- 7.1.2.5. The signature of the Petitioner or Petitioner's legal representative;
- 7.1.2.6. A copy of the Administrative Citation or written order or decision sought to be reviewed should be attached, if available, to the Petition; and,
- 7.1.2.7. A nonrefundable filing fee, as specified in the Hearing Rules, made payable to the Manager of Finance must accompany the Petition.

## **SECTION 8.0 ADMINISTRATIVE HEARING**

- 8.1. Except as specified in these Rules, a Petition for Review shall be heard and determined in accordance with the Hearing Rules.
- 8.2. If the Petition for Review meets all requirements of Section 7 of these Rules, the Board shall accept the Petition and assign a case number to the matter. If the Petition for Review does not meet any requirement of Section 7 of these Rules, the Board shall reject the petition for review.
- 8.3. All hearings or, when a matter is submitted for determination based on written argument and written statement of facts then all examination of such written material, shall be conducted by the Board, unless the Board, in its discretion, assigns an available Administrative Hearing Officer (AHO) to conduct the hearing or to examine the written material submitted and to issue an Administrative Enforcement Order after such hearing or examination.
- 8.4. The Board shall provide written notification to Petitioner of any assignment of a Petition for Review to an AHO, or, if the Petition for Review was rejected, the Board shall provide written notification to Petitioner of the rejection and the reason(s) for rejection.
- 8.5. The parties to the hearing shall be the Responsible Party as the Petitioner and the City as the Respondent.
- 8.6. Upon receipt of an assigned Petition for Review from the Board, the AHO shall set a date, time and place for the hearing unless, if requested by the Petitioner and in the sole discretion of the AHO, the matter is submitted on written brief and supporting material. Written notice of the date, time and place of the hearing shall be personally served upon Respondent or sent via first class mail to the address specified in the Petition at least ten (10) days before the scheduled hearing.
- 8.7. Any Petitioner who fails to appear at the hearing is deemed to have waived the right to a hearing and the adjudication of issues related to the hearing, provided that notice of the hearing has been provided as set forth in Section 8.6 of these Rules. Failure to appear shall result in the Administrative Citation being enforced and the civil penalty due and payable immediately.
- 8.8. The Petitioner shall have the burden of proof to establish that the Administrative Citation or written order or decision was issued in error. That burden must be met by a preponderance of the evidence presented at the hearing or in the evidence submitted by written brief and supporting material.
- 8.9. The City shall have the burden of proof to establish the existence of a violation of the Code. That burden must be met by a preponderance of the evidence presented at the hearing or in the evidence submitted by written brief and supporting material.

## **SECTION 9.0 RECOMMENDED ADMINISTRATIVE ENFORCEMENT ORDER**

- 9.1. At the conclusion of the hearing, the Administrative Hearing Officer will issue the recommended Administrative Enforcement Order.
- 9.2. The recommended Administrative Enforcement Order may: uphold the Administrative Citation and civil penalties as to any violation proven by the Department; dismiss the Administrative Citation and civil penalties as to any violation not proven by the Department; waive or conditionally reduce the civil penalties assessed by the Administrative Citation in

accordance with these Rules, or require payment of any outstanding assessed civil penalties and costs by a specified date. A copy of the recommended Administrative Enforcement Order shall be mailed to the Responsible Party and provided to the Manager.

**9.3. THIS SECTION INTENTIONALLY LEFT BLANK**

9.4. Unless a Petition for Board Review is filed in accordance with SECTION 10.0 of these Rules, the recommended Administrative Enforcement Order shall become final upon the date of personal service or service by mail addressed to Respondent, a copy of which shall be provided to the Manager. Service by mail shall be deemed complete five (5) days after it is deposited with the U.S. Postal Service for first class mail.

9.5. Failure to comply with the final Administrative Enforcement Order shall be subject to all fines, penalties and assessments authorized by the Code.

**SECTION 10.0 PETITION FOR BOARD REVIEW OF RECOMMENDED ADMINISTRATIVE ENFORCEMENT ORDER**

10.1. A Responsible Party may Petition for Board Review of the Hearing Officer's recommended Administrative Enforcement Order within ten (10) days following service of the recommended Administrative Enforcement Order.

10.2. No particular form of Petition for Board Review of the Hearing Officer's recommended Administrative Enforcement Order is required, provided that the following information is set forth in writing:

10.2.1. The Administrative Citation number;

10.2.2. A summary of the Petitioner's objections to the Administrative Hearing Officer's findings of fact, conclusions of law, and recommended Administrative Enforcement Order;

10.2.3. A statement of the relief requested;

10.2.4. The name, address and telephone number of the Petitioner and the name, address and telephone number of the Petitioner's legal representative, if any, who is authorized to present the Petitioner in a hearing; and,

10.2.5. The signature of the Petitioner or Petitioner's legal representative.

10.3. If the written Petition for Board Review of the recommended Administrative Enforcement Order is filed with the Board at least five (5) working days before the next regularly scheduled meeting of the Board, review of the recommended Administrative Enforcement Order will be conducted at such meeting unless continued for good cause; otherwise, the review will be conducted at the next following regularly scheduled meeting of the board unless expedited or continued for good cause.

10.4. The Board's review will be on the administrative record established at the underlying hearing before the AHO. The decision of the Board is the final action for purposes of any further appeal.

**SECTION 11.0 COSTS AND OTHER CHARGES; PAYMENT**

11.1. Unless a Petition for Review is filed in accordance with SECTION 7.0, payment of the civil penalty and costs shall be due and payable within thirty (30) days after service of the Administrative Citation. Such payment shall resolve the matter finally.

11.2. If a Petition for Review of the Administrative Citation is timely and properly filed, the obligation to pay the civil penalty and costs shall be stayed during the course of the Administrative Hearing Officer's and/or Board's review until such time as a final Administrative Enforcement Order issues.

11.3. All civil penalties and costs shall be payable to the Manager of Finance, 201 W. Colfax, Dept. 1010, Denver, CO 80202.

- 11.4. A twenty-five dollar (\$25) late charge plus interest at the rate of ten percent (10%) per annum will be charged for failure to pay a civil penalty and costs when due.
- 11.5. The Manager may refer the matter for collection by any and all means available to the City if the Responsible Party has not paid all civil penalties and costs within thirty (30) days of the date due.
- 11.6. The Manager shall establish a system to identify and track all Administrative Citations, civil penalty assessments, late fees, interest and administrative costs, and to record payments received therefor.
- 11.7. Payment of the civil penalty and costs shall not excuse the failure to correct violations. Any uncorrected violation may be subject to additional Administrative Citations and civil penalties.
- 11.8. Any person who violates an order issued by the Manager shall also be subject to a civil penalty of not more than nine hundred and ninety-nine dollars (\$999.00) per violation.
- 11.9. Impounded Animals
  - 11.9.1. In the event an animal is impounded and the animal is abandoned or surrendered to the Manager, the Responsible Party remains liable for civil penalties and costs previously assessed as well as fees and costs for impoundment, boarding, medical treatment and supplies incurred by the City at the time of and during impoundment.
  - 11.9.2. In the event the Responsible Party no longer owns, possesses, keeps, exercises control over, maintains, harbors, or transports the applicable animal or the applicable animal has died by the time the civil penalty becomes due and payable, the Responsible Party remains liable for civil penalties and costs previously assessed as well as fees and costs for impoundment, boarding, medical treatment and supplies incurred by the City at the time of and during impoundment.

**SECTION 12.0 CIVIL PENALTY ASSESSMENTS: ANIMAL CODE**

The civil penalties specified in Table 1 shall be assessed for each Administrative Citation issued for violation(s) of Chapter 8 (Animals) of the Code.

**SECTION 13.0 CIVIL PENALTY ASSESSMENTS: HOUSING CODE**

[Reserved]

**SECTION 14.0 CIVIL PENALTY ASSESSMENTS: NOISE CONTROL ORDINANCE**

- 14.1. Civil penalties may be assessed, as specified below, for violation(s) of Chapter 36 (Noise Control) of the Code and shall not exceed the following amounts:
  - 14.1.1. First violation: five hundred dollars (\$500.00).
  - 14.1.2. Second violation: seven hundred fifty dollars (\$750.00).
  - 14.1.3. Third violation and each subsequent violation: nine hundred and ninety-nine dollars (\$999.00).
- 14.2. For purposes of this section, Administrative Citations issued within 12 months of a prior citation will be counted as second, third and subsequent violations.

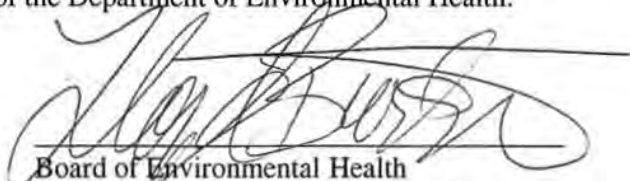
**SECTION 15.0 OTHER ENFORCEMENT**

Nothing contained herein shall prohibit the enforcement of the Code by any other means.

**SECTION 16.0 EFFECTIVE DATE**


The amended *Rules and Regulations Governing Administrative Citations for Violations of the Animal Code, Housing Code, and Noise Control Ordinance* contained herein shall be effective on the date of signature by the Manager of the Department of Environmental Health.

Approved for Publication:

  
Board of Environmental Health  
By: Lloyd Burton, Ph.D., Vice-chair

Date: June 10, 2010

Approved as Amended:

  
Board of Environmental Health  
By: Chris J. Wiant, MPH, Ph.D., Chair

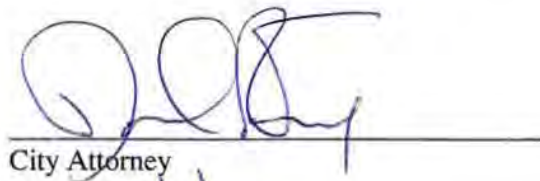
Date: July 8, 2010

Adopted as Amended:

  
Manager/Department of Environmental Health

Date: July 9, 2010

Approved As To Form:

  
City Attorney

Date: 9/1/10

**Table 1. Penalty Amounts for Violations of Chapter 8 (Animals)**

| <b>Ordinance Section Number</b> | <b>Pertaining to:</b>  | <b>Administrative Penalty</b>   |
|---------------------------------|--|---|
| Sec. 8-2                        | Keeping wild or dangerous animals prohibited.                  | 1st Violation - \$200<br>2nd Violation - \$500<br>3rd Violation & above - \$700   |
| Sec. 8-3                        | Herding and grazing unlawful unless securely picketed or tied. | 1st Violation - \$100<br>2nd Violation - \$300<br>3rd Violation & above - \$500   |
| Sec. 8-16                       | Leash law.   | 1st Violation - \$80<br>2nd Violation - \$150<br>3rd Violation & above - \$300  |
| Sec. 8-17                       | Interference with Denver Municipal Animal Shelter employees.   | 1st Violation - \$125<br>2nd Violation - \$200<br>3rd Violation & above - \$300   |
| Sec. 8-32*                      | Rabies vaccination required.                                   | 1st Violation* - \$100<br>2nd Violation - \$250<br>3rd Violation & above - \$500<br><br>* For 1st violation only, if compliance is demonstrated within 10 days, penalty reduced 50% |
| Sec. 8-36                       | Failure to display rabies vaccination tag.                     | 1st Violation - \$50<br>2nd Violation - \$75<br>3rd Violation & above - \$100   |
| Sec. 8-46                       | Barking dog nuisance.  | 1st Violation - \$125<br>2nd Violation - \$200<br>3rd Violation & above - \$300   |
| Sec. 8-47                       | Disposition of excrement.                                      | 1st Violation - \$150<br>2nd Violation - \$250<br>3rd Violation & above - \$500   |
| Sec. 8-61*                      | License required.  | 1st Violation* - \$75<br>2nd Violation - \$100<br>3rd Violation & above - \$200<br><br>* For 1st violation only, if compliance is demonstrated within 10 days, penalty reduced 50%  |

|                         |  |   |
|-------------------------|--|---|
| Sec. 8-63               | Failure to attach license tag.   | 1st Violation - \$50<br>2nd Violation - \$75<br>3rd Violation & above - \$100   |
| Sec. 8-70<br>Sec. 8-71* | Spaying and neutering.<br>Prohibition.   | 1st Violation* - \$250<br>2nd Violation - \$550<br>3rd Violation & above - \$999<br><br>* For 1st violation only, if compliance is demonstrated within 30 days, penalty reduced 50% |
| Sec. 8-82               | Unlawful accumulation of manure.   | 1st Violation - \$150<br>2nd Violation - \$250<br>3rd Violation & above - \$500   |
| Sec. 8-91               | Livestock or fowl permit required.   | 1st Violation - \$125<br>2nd Violation - \$300<br>3rd Violation & above - \$500   |
| Sec. 8-121              | Quarantine   | 1st Violation - \$300<br>2nd Violation - \$700<br>3rd Violation & above - \$999   |
| Sec. 8-131(b)           | Cruelty to animals prohibited.   | 1st Violation - \$300<br>2nd Violation - \$700<br>3rd Violation & above - \$999   |
| Sec. 8-132              | Neglect of animals prohibited.   | 1st Violation - \$200<br>2nd Violation - \$500<br>3rd Violation & above - \$700   |
| Sec. 8-137              | Frightening, shooting, killing, trapping, molesting, etc., song and insectivorous birds. | 1st Violation - \$300<br>2nd Violation - \$700<br>3rd Violation & above - \$999   |
| Sec. 8-140              | Trapping of animals.   | 1st Violation - \$300<br>2nd Violation - \$700<br>3rd Violation & above - \$999   |
| Sec. 8-153.5(f)         | Noncompliance with sterilization agreement.  | \$250   |
| Sec. 24-5               | Violation of an order  | Civil penalty amount equal to the amount of civil penalty for the second violation of the applicable Code section   |

[Reserved]

Exhibit 1 Form, Administrative Citation  
Regarding  
Violation(s) of the Animal Code

**THIS IS A LEGAL DOCUMENT - PLEASE READ BOTH SIDES CAREFULLY  
ADMINISTRATIVE CITATION - Notice of Violation/Civil Penalty Assessment**

City and County of Denver, Department of Environmental Health

Person Cited: Last Name \_\_\_\_\_ First Name \_\_\_\_\_ MI \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Business Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Driver's License #: \_\_\_\_\_ Contact Phone #: \_\_\_\_\_

Race/Ethnicity \_\_\_\_\_ Gender \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Eyes \_\_\_\_\_ Hair \_\_\_\_\_

Owner  
 Other Responsible Party/Entity

Description of Animal: \_\_\_\_\_

Name \_\_\_\_\_ Breed \_\_\_\_\_ Color Markings \_\_\_\_\_

Age \_\_\_\_\_ Gender \_\_\_\_\_ Photo (y/n) \_\_\_\_\_

Complainant(s): \_\_\_\_\_

Last Name \_\_\_\_\_ First Name \_\_\_\_\_ MI \_\_\_\_\_ Phone \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Last Name \_\_\_\_\_ First Name \_\_\_\_\_ MI \_\_\_\_\_ Phone \_\_\_\_\_

Mailing Address: \_\_\_\_\_

PAYMENT IS DUE WITHIN THIRTY (30) DAYS OF SERVICE OF THIS CITATION,  
UNLESS APPEALED. SEE BACK OF CITATION FOR PAYMENT INSTRUCTIONS.

Recipient's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Enforcement Official: \_\_\_\_\_ Badge # \_\_\_\_\_

Official's Name (print) \_\_\_\_\_ Date: \_\_\_\_\_

Personal Service  Service by Mail Date: \_\_\_\_\_

WHITE (OFFICIAL FILE) CAMARY (RESPONSIBLE PARTY) PINK (ACCOUNTS RECEIVABLE)  
SUPERVISOR'S INITIALS \_\_\_\_\_

**EXHIBIT 1**

**AC [#####]**

PRINT CLEARLY AND FIRMLY

**ORDINANCE VIOLATION AND CIVIL PENALTY ASSESSED**

| Ordinance  | 1st Violation   | 2nd Violation*   | 3rd Violation*<br>& Subsequent |
|------------|---|--|--------------------------------|
| 8-2        | Keeping wild or dangerous animals prohibited  | <input type="checkbox"/> \$200                                   | <input type="checkbox"/> \$700 |
| 8-3        | Unlawful herding and grazing  | <input type="checkbox"/> \$100                                   | <input type="checkbox"/> \$500 |
| 8-16       | Leash Law   | <input type="checkbox"/> \$80                                    | <input type="checkbox"/> \$300 |
| 8-17       | Interference with Denver Municipal Animal Shelter employees                             | <input type="checkbox"/> \$125                                   | <input type="checkbox"/> \$300 |
| 8-32       | Rabies vaccination required**   | <input type="checkbox"/> \$100                                   | <input type="checkbox"/> \$500 |
| 8-38       | Failure to display rabies vaccination tag   | <input type="checkbox"/> \$ 50                                   | <input type="checkbox"/> \$100 |
| 8-48       | Barking dog nuisance  | <input type="checkbox"/> \$125                                   | <input type="checkbox"/> \$300 |
| 8-47       | Disposition of excrement  | <input type="checkbox"/> \$150                                   | <input type="checkbox"/> \$500 |
| 8-61       | Licenses required**   | <input type="checkbox"/> \$75                                    | <input type="checkbox"/> \$200 |
| 8-63       | Failure to attach license tag   | <input type="checkbox"/> \$ 50                                   | <input type="checkbox"/> \$100 |
| 8-70/71    | Spaying and neutering Prohibition**   | <input type="checkbox"/> \$250                                   | <input type="checkbox"/> \$999 |
| 8-82       | Unlawful accumulation of manure.  | <input type="checkbox"/> \$150                                   | <input type="checkbox"/> \$500 |
| 8-91       | Livestock or fowl permit required.  | <input type="checkbox"/> \$125                                   | <input type="checkbox"/> \$500 |
| 8-121      | Quarantine  | <input type="checkbox"/> \$300                                   | <input type="checkbox"/> \$999 |
| 8-131(b)   | Cruelty to animal prohibited  | <input type="checkbox"/> \$700                                   | <input type="checkbox"/> \$999 |
| 8-132      | Neglect of animals prohibited   | <input type="checkbox"/> \$200                                   | <input type="checkbox"/> \$700 |
| 8-137      | Fightenning, shooting, killing, trapping, molesting, etc., song and insectivorous birds | <input type="checkbox"/> \$300                                   | <input type="checkbox"/> \$999 |
| 8-140      | Trapping of animals   | <input type="checkbox"/> \$300                                   | <input type="checkbox"/> \$999 |
| 8-153.5(f) | Noncompliance with sterilization agreement  | <input type="checkbox"/> \$250                                   |                                |
| 24-5       | Violation of an order. Code section: _____ Amount \$ _____                              | (penalty assessed at 2nd violation amount of underlying offense) |                                |

\* 2nd & 3rd offense based on violations within 12 months of the prior violation.  
 \*\* If compliance is demonstrated within 10 calendar days of a 1st violation only the penalty is reduced by 50% to \$50 for rabies vaccination violations and \$37.50 for license violations.  
 \*\*\* If compliance is demonstrated within 30 calendar days of a 1st violation only the penalty is reduced by 50% to \$125 for spaying and neutering violations.

See back of citation for information pertaining to acceptable forms of compliance demonstration. A Responsible Party may provide documentary evidence of compliance to the Department at the Denver Municipal Animal Shelter, 678 South Jason St., Denver, Co 80223. Note new address as of July 1, 2011: 1241 W. Bayaud Avenue, Denver, CO 80223.

Location of Violation (in the City and County of Denver): \_\_\_\_\_  
 Date/Time violation(s) was observed: \_\_\_\_\_

Violation Description: \_\_\_\_\_

Violations must be corrected immediately except as ordered herein because of the nature of the offenses. Each day a violation exists or continues, except as specified herein, shall constitute a separate and distinct violation. A compliance period is provided for specified violations as listed above.

Correction(s) Ordered: \_\_\_\_\_

**THIS IS A LEGAL DOCUMENT – PLEASE READ CAREFULLY**

**Administrative Citation and Associated Civil Penalty**

The City and County of Denver Revised Municipal Code (DRMC) provides for the issuance of Administrative Citations and assessment of civil penalties for DRMC violations. There are progressive penalties assessed for subsequent violations. Civil penalties are cumulative.

**How to Comply with Rabies Vaccination, Licensing and Spay/Neuter Requirements**

A penalty for a first-time only violation of the requirements for rabies vaccination, license, and spaying/neutering will be reduced 50% if you comply with the requirements within a specific time period and provide documentary evidence of your compliance as noted below.

**Rabies Vaccination.** Vaccinate the animal identified on the Administrative Citation and provide proof of vaccination in the form of a rabies vaccination certificate or a letter signed by a licensed veterinarian or veterinary hospital and containing the information required in Section 5.2.1 of the Rules and Regulations Governing Administrative Citations for Violations of the Animal Code, Housing Code, Noise Control Ordinance within ten (10) days after service of the Administrative Citation.

**License.** License the animal identified on the Administrative Citation and provide proof of license or an intact permit in the form of a copy of current license or permit issued by the City and County of Denver, or an application for, and payment of, the requisite license or permit fee within ten (10) days after service of the Administrative Citation.

**Spaying/Neutering.** Spay/neuter the animal identified on the Administrative Citation and provide proof of spay/neuter in the form of a certificate or letter signed by a licensed veterinarian or veterinary hospital and containing the information required in Section 5.2.3 of the Rules and Regulations Governing Administrative Citations for Violations of the Animal Code, Housing Code, Noise Control Ordinance within thirty (30) days after service of the Administrative Citation. In the event spay/neuter is not recommended medically, provide proof in the form of a written determination signed by a licensed veterinarian that the animal identified on the Administrative Citation is permanently unable to be sterilized because of a health condition or that sterilization would cause permanent and significant injury or death to the animal. The written determination must contain the information required in Section 5.2.3 of the Rules and Regulations Governing Administrative Citations for Violations of the Animal Code, Housing Code, Noise Control Ordinance.

Compliance Confirmed By: \_\_\_\_\_ Date \_\_\_\_\_

**How to Pay Civil Penalty**

Payment of a civil penalty is due to the Manager of Finance thirty (30) days after service of the Administrative Citation, unless you timely and properly file a petition for review with the Board of Environmental Health in compliance with the Rules and Regulations Governing Hearings as indicated below under Rights of Appeal. By paying the penalty, you acknowledge responsibility for the violation(s) cited and waive the right to appeal the issuance of the Administrative Citation. Payment of the penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement by the City.

Make checks payable to the "Manager of Finance" and pay in person between 10:00 am to 5:00 pm Monday through Friday, or send via mail to:  
Denver Animal Care and Control  
Denver Municipal Animal Shelter  
678 S. Jason St. Denver, CO 80223  
New address as of July 1, 2011: 1241 W. Bayaud Avenue, Denver, CO 80223

**Consequences of Failure to Pay the Civil Penalty**

If you fail to pay the civil penalty assessed by the Administrative Citation within thirty (30) days after service of the Citation, the City will charge a late fee of \$25, interest at the rate of 10% per annum, and may bring an action to collect the penalty and all costs associated with such action.

**Rights of Appeal**

You have the right to request a hearing to review issuance of the Administrative Citation by filing a Petition for Review with the Board of Environmental Health, along with payment to the "Manager of Finance" of a nonrefundable filing fee as specified in the Rules and Regulations Governing Hearings. A Petition must be filed with the Board of Environmental Health within thirty (30) days after service of the Citation. The written petition must contain the information required as provided in the Rules and Regulations Governing Administrative Citations for Violations of the Animal Code, Housing Code, Noise Control Ordinance and the Rules and Regulations Governing Hearings. You may obtain a copy of the Rules and Regulations by telephoning the Board or by visiting the Department's website – see below.

Mail or personally deliver the Petition for Review to:

Administrative Citations Case Manager  
Board of Environmental Health  
200 West 14<sup>th</sup> Avenue Suite 300  
Denver, CO 80204

For questions or more **information about the administrative citation and ordinance violation**, please call 3-1-1 or 720-913-1311 if outside Denver and **ask for the Department of Environmental Health, Animal Care and Control Division**  
(Have your Administrative Citation number ready for reference – it is located in the upper right-hand corner of the citation.)

For questions or more **information regarding your rights to appeal**, please call 3-1-1 or 720-913-1311 if outside Denver and **ask for the Administrative Citations Case Manager** for the Board of Environmental Health  
Or visit the website at: [www.denvergov.org/beh](http://www.denvergov.org/beh)



Exhibit 2 Form, Administrative Citation  
Regarding  
Violation(s) of the Noise Control Code

**THIS IS A LEGAL DOCUMENT - PLEASE READ BOTH SIDES CAREFULLY  
NOTICE OF VIOLATION / CIVIL PENALTY ASSESSMENT**

City and County of Denver, Department of Environmental Health

**Person Cited**  
Last Name \_\_\_\_\_ First Name \_\_\_\_\_ Business Entity Name \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Business Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Driver's License #: \_\_\_\_\_ Contact Phone #: \_\_\_\_\_

Race/Ethnicity \_\_\_\_\_ Gender \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Eyes \_\_\_\_\_ Hair \_\_\_\_\_

Owner  
 Other Responsible Party/Entity

**Complainant(s)**  
Last Name \_\_\_\_\_ First Name \_\_\_\_\_ MI \_\_\_\_\_ Phone \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Last Name \_\_\_\_\_ First Name \_\_\_\_\_ MI \_\_\_\_\_ Phone \_\_\_\_\_

Mailing Address: \_\_\_\_\_

**PAYMENT IS DUE WITHIN THIRTY (30) DAYS OF SERVICE OF THIS CITATION,  
UNLESS APPEALED. SEE BACK OF CITATION FOR PAYMENT INSTRUCTIONS.**

Recipient's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Enforcement Official's Signature \_\_\_\_\_ Employee ID # \_\_\_\_\_

Enforcement Official's Name (print) \_\_\_\_\_ Date: \_\_\_\_\_

Personal Service  Service by Mail Date: \_\_\_\_\_

WHITE (OFFICIAL FILE) GOLD (RESPONSIBLE PARTY) PINK (ACCOUNTS RECEIVABLE)  
SUPERVISOR'S INITIALS \_\_\_\_\_

**EXHIBIT 2**

**EQ [#####]**

PRINT CLEARLY AND FIRMLY

**ORDINANCE VIOLATION AND CIVIL PENALTY ASSESSED**

| Ordinance   | 1st Violation                  | 2nd Violation                   | 3rd & Subsequent Violation(s)   |
|---|--------------------------------|---------------------------------|---------------------------------|
| 36-6 Restrictions and measurements of noise between source and receiving premises | <input type="checkbox"/> \$500 | <input type="checkbox"/> \$ 750 | <input type="checkbox"/> \$ 999 |
| 36-7 Prohibited noise activities  | <input type="checkbox"/> \$500 | <input type="checkbox"/> \$ 750 | <input type="checkbox"/> \$ 999 |
| 36-8 Motor vehicle noise  | <input type="checkbox"/> \$500 | <input type="checkbox"/> \$ 750 | <input type="checkbox"/> \$ 999 |

Other Cite specific ordinance section and provide brief description below

Location of Violation (in the City and County of Denver): \_\_\_\_\_  
Date/time violation(s) observed \_\_\_\_\_

Violation Description: \_\_\_\_\_

Violations must be corrected immediately except as ordered herein because of the nature of the offenses. Each day a violation exists or continues, except as specified herein, shall constitute a separate and distinct violation.

Correction(s) Ordered: \_\_\_\_\_

**THIS IS A LEGAL DOCUMENT – PLEASE READ CAREFULLY**

**Administrative Citation and Associated Civil Penalty**

The City and County of Denver Revised Municipal Code (D.R.M.C.) provides for the issuance of Administrative Citations and assessment of civil penalties for D.R.M.C. violations. There are progressive penalties assessed for subsequent violations. Civil penalties are cumulative.

**How to Pay Civil Penalty**

Payment of a civil penalty is due to the Manager of Finance thirty (30) days after service of the Administrative Citation, unless you timely and properly file a petition for review with the Board of Environmental Health in compliance with the Rules and Regulations Governing Hearings as indicated below under Rights of Appeal. By paying the penalty, you acknowledge responsibility for the violation(s) cited and waive the right to appeal the issuance of the Administrative Citation. Payment of the penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement by the City.

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Administrative Citations Case Manager  
Board of Environmental Health  
200 West 14th Street Suite 300  
Denver, CO 80204

**Consequences of Failure to Pay the Civil Penalty**

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**Rights of Appeal**

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Mail or personally deliver the Petition for Review to:

Administrative Citations Case Manager  
Board of Environmental Health  
200 West 14th Avenue Suite 300  
Denver, CO 80204

For questions or more **information about the administrative citation and ordinance violation**, please call 3-1-1 or 720-913-1311 if outside Denver and **ask for the Department of Environmental Health, Environmental Quality Division** (Have your Administrative Citation number ready for reference – it is located in the upper right-hand corner of the citation.)

For questions or more **information regarding your rights to appeal**, please call 3-1-1 or 720-913-1311 if outside Denver and **ask for the Administrative Citations Case Manager** for the Board of Environmental Health.

Or visit the website at: [www.denvergov.org/beh](http://www.denvergov.org/beh)

