

Environmental

Health

DEPARTMENT OF
PUBLIC HEALTH & ENVIRONMENTAL
HEALTH

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



Approved and Adopted:

Chair, Board of Environmental Health

Approved as to form:

David R. Fine, Esq.
Attorney for the City & County of Denver

Date

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

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 copy of these Rules shall be made available without charge 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.

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 Recommended Decision issued by the Administrative Hearing Officer after an administrative hearing.
- 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. *Enforcement Official* shall mean a person employed by or under contract with the City and charged by the Manager with enforcing the Code.
- 3.5. *Administrative Hearing Officer* shall mean a person appointed by the Manager to hear petitions for review of administrative citations.
- 3.6. *Manager* shall mean the Manager of the Department of Environmental Health or the Manager's designee.
- 3.7. *Owner*, in the case of animal violations, means any person who owns, possesses, keeps, exercises control over, maintains, harbors, transports or sells an animal.
- 3.8. *Responsible Party* shall mean any person or entity suspected of having violated any provisions of the Code, including but not limited to, an Owner.
- 3.9. *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 an Administrative Enforcement Order is issued and the Responsible Party has failed to comply with the 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 an Administrative Enforcement Order, subsequent citations may be issued for violations of the same Code section.

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, via hand delivery or registered mail, the following documentary evidence of compliance to the Department at the Denver

Animal Shelter, 678 South Jason Street, 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 proof of the vaccination in the form of a rabies vaccination certificate issued by a licensed veterinarian. The rabies certificate 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; the date of the vaccination; date of next vaccination; identification of the vaccine manufacturer together with serial number of the vaccine administered; the rabies tag number; and, the signature of the veterinarian.
- 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 proof of spay/neuter in the form of a certificate issued and signed by a licensed veterinarian. The Certificate 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; the date of the spay/neuter; and, signature of the veterinarian. 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 that an animal 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 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. The Responsible Party shall also provide to the Manager proof of an intact permit in the form of a copy of a current permit issued by the City and County of Denver or application for, and payment of, the requisite permit fee.
- 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.
- 5.4. The Manager shall dismiss 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 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.
- 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 receiving the 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 third day after mailing of the administrative citation or posting of the property, whichever is later.

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, and received by the Board at 201 W. Colfax Ave, Dept 1009, Denver, CO 80202 within thirty (30) calendar 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 shall be attached to the Petition.
 - 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 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, and notify the Petitioner of such date, time and place via regular mail sent to the address specified in the Petition.
- 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 sent 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 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 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 Administrative Enforcement Order shall be mailed to the Responsible Party and the Manager.
- 9.3. In the event that the AHO does not dismiss the administrative citation in its entirety, the Administrative Hearing Officer shall assess against Petitioner administrative costs for conducting the hearing in the amount no greater than Two Hundred Dollars (\$200.00). Costs shall not be assessed against the City

- 9.4. Unless a petition to review is filed in accordance with SECTION 10.0 of these Rules, the Administrative Enforcement Order shall become final upon the date of mailing to the Petitioner, a copy of which shall be provided to the Manager.
- 9.5. Failure to comply with the Administrative Enforcement Order shall be subject to all fines, penalties and assessments authorized by the Code.

SECTION 10.0 APPEAL OF ADMINISTRATIVE ENFORCEMENT ORDER

- 10.1. A Responsible Party may Petition for Board Review of the Hearing Officer's Administrative Enforcement Order within ten (10) calendar days following mailing of the Administrative Enforcement Order.
- 10.2. No particular form of Petition for Board Review of the Hearing Officer's 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. The factual or procedural errors or legal deficiencies upon which the Petitioner bases the petition.
 - 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.
 - 10.2.5. The signature of the Petitioner or Petitioner's legal representative.
 - 10.2.6. A copy of the Administrative Enforcement Order sought to be reviewed shall be attached to the Petition.
- 10.3. If the written appeal of the Administrative Enforcement Order is received by the Board five (5) working days before the next regularly scheduled meeting of the Board, review of the 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) calendar 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.
- 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 violations 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

[Reserved]

SECTION 15.0 OTHER ENFORCEMENT

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

Approved for Publication:

Board of Environmental Health
By:

Date: _____

Approved and Adopted:

Board of Environmental Health
By:

Date: _____

Approved As To Form:

City Attorney

Date: _____

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

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

Sec. 8-70 Sec. 8-71*	Spaying and neutering. Prohibition.	1st Violation* - \$250 2nd Violation - \$550 3rd Violation & above - \$999 * For 1st violation only, if compliance is demonstrated within 30 calendar days, penalty reduced 50%
Sec. 8-82	Unlawful accumulation of manure.	1st Violation - \$150 2nd Violation - \$250 3rd Violation & above - \$500
Sec. 8-91	Livestock or fowl permit required.	1st Violation - \$125 2nd Violation - \$300 3rd Violation & above - \$500
Sec. 8-121	Quarantine	1st Violation - \$300 2nd Violation - \$700 3rd Violation & above - \$999
Sec. 8-131(b)	Cruelty to animals prohibited.	1st Violation - \$300 2nd Violation - \$700 3rd Violation & above - \$999
Sec. 8-132	Neglect of animals prohibited.	1st Violation - \$200 2nd Violation - \$500 3rd Violation & above - \$700
Sec. 8-137	Frightening, shooting, killing, trapping, molesting, etc., song and insectivorous birds.	1st Violation - \$300 2nd Violation - \$700 3rd Violation & above - \$999
Sec. 8-140	Trapping of animals.	1st Violation - \$300 2nd Violation - \$700 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

Exhibit 1 Form, Administrative Citation

THIS IS A LEGAL DOCUMENT - PLEASE READ BOTH SIDES CAREFULLY

PRINT CLEARLY AND FIRMLY

ADMINISTRATIVE CITATION - Notice of Violation/Civil Penalty Assessment

ACAC [#####]

City and County of Denver, Department of Environmental Health

Person Cited: <u>Last Name</u> <u>First Name</u> <u>MI</u>	Date of Birth: _____
	<input type="checkbox"/> Owner <input type="checkbox"/> Other Responsible Party/Entity

Mailing Address: _____	Driver's License #: _____
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Business Address: _____	Contact Phone #: _____
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Race/Ethnicity	Gender	HGT	WGT	Eyes	Hair	Personal Service	Date: _____
						Service by Mail	Date: _____

Description of Animal						
Name	Breed	Color Markings		Age	Gender	Photo (y/n)

ORDINANCE VIOLATION AND CIVIL PENALTY ASSESSED

Ordinance and Section Number	Penalty	Payment is due within 30 days.
8-2 Keeping wild or dangerous animals prohibited	<input type="checkbox"/> 1st Violation \$200 <input type="checkbox"/> 2nd Violation \$500 <input type="checkbox"/> 3rd/Subsequent Violation \$700	
8-3 Unlawful herding and grazing	<input type="checkbox"/> 1st Violation \$100 <input type="checkbox"/> 2nd Violation \$300 <input type="checkbox"/> 3rd/Subsequent Violation \$500	
8-16 Leash Law	<input type="checkbox"/> 1st Violation \$80 <input type="checkbox"/> 2nd Violation \$150 <input type="checkbox"/> 3rd/Subsequent Violation \$300	
8-17 Interference with Denver Municipal Animal Shelter employees	<input type="checkbox"/> 1st Violation \$125 <input type="checkbox"/> 2nd Violation \$200 <input type="checkbox"/> 3rd/Subsequent Violation \$300	
8-32 Rabies vaccination required**	<input type="checkbox"/> 1st Violation \$100 <input type="checkbox"/> 2nd Violation \$250 <input type="checkbox"/> 3rd/Subsequent Violation \$500	
**For 1st violation only, if compliance is demonstrated within 10 calendar days, Violation reduced 50%		
8-46 Barking dog nuisance	<input type="checkbox"/> 1st Violation \$125 <input type="checkbox"/> 2nd Violation \$200 <input type="checkbox"/> 3rd/Subsequent Violation \$300	
8-47 Disposition of excrement	<input type="checkbox"/> 1st Violation \$150 <input type="checkbox"/> 2nd Violation \$250 <input type="checkbox"/> 3rd/Subsequent Violation \$500	
8-61 License required**	<input type="checkbox"/> 1st Violation \$75 <input type="checkbox"/> 2nd Violation \$100 <input type="checkbox"/> 3rd/Subsequent Violation \$200	
**For 1st violation only, if compliance is demonstrated within 10 calendar days, Violation reduced 50%		
8-70 and 8-71 Spaying and neutering. Prohibition**	<input type="checkbox"/> 1st Violation \$250 <input type="checkbox"/> 2nd Violation \$550 <input type="checkbox"/> 3rd/Subsequent Violation \$999	
**For 1st violation only, if compliance is demonstrated within 30 calendar days, Violation reduced 50%		
8-82 Unlawful accumulation of manure.	<input type="checkbox"/> 1st Violation \$150 <input type="checkbox"/> 2nd Violation \$250 <input type="checkbox"/> 3rd/Subsequent Violation \$500	
8-91 Livestock or fowl permit required.	<input type="checkbox"/> 1st Violation \$125 <input type="checkbox"/> 2nd Violation \$300 <input type="checkbox"/> 3rd/Subsequent Violation \$500	
**For 1st violation only, if compliance is demonstrated within 10 calendar days, Violation reduced 50%		
8-121 Quarantine	<input type="checkbox"/> 1st Violation \$300 <input type="checkbox"/> 2nd Violation \$700 <input type="checkbox"/> 3rd/Subsequent Violation \$999	
8-131(b) Cruelty to animal prohibited	<input type="checkbox"/> 1st Violation \$300 <input type="checkbox"/> 2nd Violation \$700 <input type="checkbox"/> 3rd/Subsequent Violation \$999	
8-132 Neglect of animals prohibited	<input type="checkbox"/> 1st Violation \$200 <input type="checkbox"/> 2nd Violation \$500 <input type="checkbox"/> 3rd/Subsequent Violation \$700	
8-137 Frightening, shooting, killing, trapping, molesting, etc., song and insectivorous birds	<input type="checkbox"/> 1st Violation \$300 <input type="checkbox"/> 2nd Violation \$700 <input type="checkbox"/> 3rd/Subsequent Violation \$999	
8-140 Trapping of animals	<input type="checkbox"/> 1st Violation \$300 <input type="checkbox"/> 2nd Violation \$700 <input type="checkbox"/> 3rd/Subsequent Violation \$999	
8-153.5(f) Noncompliance with sterilation agreement	<input type="checkbox"/> \$250	
24-5 Violation of an order	<input type="checkbox"/> Amount of penalty assessment for 2d Violation of the underlying offense	

PAYMENT IS DUE WITHIN THIRTY (30) DAYS OF SERVICE OF THIS ADMINISTRATIVE CITATION.

Location of Violation (in the City and County of Denver): _____	Date / Time Violations[s] Was Observed: _____
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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. A Responsible Party may provide documentary evidence of compliance to the Department at the Denver Animal Shelter, 678 South Jason Street, Denver, CO 80223.

Correction(s) Ordered:

Complainant: <u>Last Name</u> <u>First Name</u> <u>MI</u>	Complainant: <u>Last Name</u> <u>First Name</u> <u>MI</u>
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Mailing Address: _____	Mailing Address: _____
Phone: _____	Phone: _____

Recipient's Signature: _____	Enforcement Official _____	Badge Number: _____
Date: _____	Enforcement Official's Name (print) _____	Date: _____

CITY AND COUNTY OF DENVER
DEPARTMENT OF ENVIRONMENTAL HEALTH
201 West Colfax Ave., Dept.1009
Denver, Colorado 80202

Please Read Carefully

ADMINISTRATIVE CITATION: NOTICE OF VIOLATION AND ASSESSMENT OF CIVIL PENALTY

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 each particular type of violation. 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 a petition for review is timely and properly filed with the Board of Environmental Health. Payment can be made either in person or mailed to the payment address listed below. Payment of the penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement by the City.

Make check payable to “Manager of Finance.”

Mail Payments

or

Pay In Person

Monday – Friday 10:00 am – 5:00 pm

To:

Denver Animal Care and Control
Denver Municipal Animal Shelter
678 S. Jason St.
Denver, CO 80223

Consequences of Failure to Pay the Civil Penalty

The failure to pay the civil penalty assessed by the Administration Citation within the time specified on the Citation may result in a late fee of \$25, interest at the rate of 10% per annum, an action to collect the penalty, and all costs associated with the filing of such action.

Rights of Appeal

You have the right to request a hearing to review issuance of this Administration Citation. The Petition must be received by the Board of Environmental Health within thirty (30) days after service of the Citation and 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. Payment to the “Manager of Finance” of a nonrefundable filing fee of \$25, as specified in the Hearing Rules must also be made within that time.

Mail or personally deliver the Petition for Review to:

Board of Environmental Health
c/o Department of Environmental Health
201 W. Colfax Ave., Dept 1009
Denver, CO 80202
720-865-5365

<http://www.denvergov.org/BEH>