



ARAPAHOE COUNTY
COLORADO'S FIRST

BOARD SUMMARY REPORT

Date: February 13, 2020
To: Board of County Commissioners
Through: Jan Yeckes, Planning Division Manager
Bryan Weimer, Public Works & Development Director
From: Caitlyn Cahill, Zoning & Animal Control Manager
Subject: Request for Feedback: Animal Services Resolution Update

Direction/Information

Staff will provide an update on the Animal Services Resolution and requests feedback on any areas of concern.

Request and Recommendation

Staff is scheduled to take the Resolution to the Board of County Commissioners as a general business item on March 10, 2020 and is recommending approval of the Resolution.

Background

The current Arapahoe County Animal Control Resolution, No. 060261, was put into place March of 2006 with an amendment to the Noisy Dog section, No. 130104, in February of 2013.

Since 2015, Animal Control staff has followed all Animal Control cases through the Arapahoe County Court system to determine what current regulations were effective and which regulations were difficult for the District Attorney's Office to uphold. Additionally, staff has evaluated the current Animal Control Resolution and researched regulations in place within surrounding jurisdictions (including utilizing feedback from staff who worked for other local agencies) in order to determine where improvements could be made.

Discussion

Staff coordinated with the County Attorney's Office to draft new regulations to better meet the needs of unincorporated Arapahoe County and citizens. Referrals were sent to the District Attorney's Office and Arapahoe County Sheriff's Office. The District Attorney's Office had no concerns regarding the proposed changes. The Arapahoe County Sheriff's Office, Public Safety Bureau Chief Glenn Thompson, was supportive of the regulations as drafted.

Summary of proposed changes:

- Definition Clean-up
 - Modify "Bodily Injury"

Animal Services Resolution Update: Tuesday, February 25, 2020

- Add “Cruelty to Animals”
- Modify “At Large”, “Physical Control” and “Voice Control” connected to dogs running at large
- Modify “Pet Animal” to refer to the definition in C.R.S. 30-15-101(3)
- Modification of Dog Licensing Requirements
 - Eliminated fees
 - Rabies vaccination and tag will serve as the Arapahoe County dog license.
- Dog at Large
 - Addition of physical control requirement on County-owned open spaces, where designated by adequate signage.
- Reference to C.R.S. 18-9-202: Cruelty to Animals to aid in the investigation of animal welfare in order to help the Arapahoe County Sheriff’s Office with expertise in the area of animal welfare and neglect.
- Replacement of “Aggressive Dogs” and “Vicious Dogs” sections with “Approached in an Aggressive Manner” and “Pet Animal Causing Bodily Injury” in order to better identify the violation based on the behavior exhibited by the animal and the actions that occurred.
- Eliminated “Legal Number of Animals/Limit” as this is regulated by Zoning through the Land Development Code.
- Impoundment and Disposition of Animals
 - Modified the hold time for stray animals from 6 days to 5 days. This will ensure consistency with the Aurora Animal Shelter, which is currently the contracted facility for housing all stray animals impounded in unincorporated Arapahoe County.
- Penalties
 - Modified fourth offense, \$500 fine to be an automatic summons to court. If a violator gets to this number of offenses, the case should be sent to court for resolution instead of fines continuing to be paid with no resolution.

The proposed regulation changes were posted for comment on the Arapahoe County website from November 22, 2019 through December 11, 2019, and the comments received are summarized below.

Citizen Feedback	Staff Determination
Concerns both for and against a leash law requirement	Current regulations require that dogs must be under voice or physical control. The only proposed changes to the County “control” regulation is the requirement to have dogs on leash when using County-owned open spaces.
Number of dogs per household	This is addressed in the Land Development Code and by Zoning, not within this Resolution
Question about cats off leash	No regulations are proposed pertaining to requiring cats to be leashed.
Fees – concern about fees being too high	<ul style="list-style-type: none"> ● Proposed resolution eliminates licensing fees. ● Return to owner fees have been raised from \$30 to \$50 but are still less than an owner would pay if they had to pick their pet up from the animal shelter. ● Disposal of a dead animal for citizen - \$50, this is a flat rate instead of based on animal weight because staff has no way to weigh animal at time of impound.
Rabies vaccination requirement is important	As the form of licensing, rabies vaccinations will always be required at all times for dogs over 4 months of age. An owner must provide proof of vaccination to an Animal Services Officer.
Affirmative Defense section	Reviewed C.R.S. for affirmative defense and reevaluated proposed language with the County Attorney’s Office – no changes recommended.

Barking complaints: farm/ranch dogs that are used for protection of livestock; C.R.S. 35-3.5-101	The County Attorney's Office has reviewed C.R.S. 35-3.5-101. The statute provides enough information for staff to not issue a citation if an investigation determines that a dog was working as a livestock protection animal during the reported violation.
--	--

Links to Align Arapahoe

The focus of the Animal Control program is to ensure the safety and well-being of Arapahoe County citizens and their animals. Additionally, it is important to make sure that the regulation in place fit the needs of the County and are reasonable to enforce.

Staff focuses on providing resources and educating citizens as it pertains to responsible pet ownership. Safety of those in the community is paramount and staff consistently seeks ways to resolve conflict and prevent further issues from arising. This requires creative and proactive approaches to neighborhood conflict and correlates strongly with all of the Align Arapahoe objectives- Service First, Quality of Life, and Fiscal Responsibility.

Alternatives

1. Provide feedback on any areas of concern.
2. Provide direction to proceed with scheduling for consideration as a General Business Item for March 10, 2020.

Fiscal Impact

Operating costs in comparison to revenue from dog licensing, as included in the resolution in effect today, was evaluated at a previous BoCC study session. The changes proposed were determined to be more cost effective.

Attached Documents in order:

- Proposed Animal Services Resolution
- Proposed Animal Services Fees Resolution
- Current Animal Control Resolution No. 060261
- Resolution Amendment No. 130104

Reviewed By

- Caitlyn Cahill, Zoning & Animal Control Manager
- Jan Yeckes, Division Manager
- Bryan Weimer, Public Works & Development Director
- Todd Weaver, Finance Department Director
- Robert Hill, Senior Assistant County Attorney

RESOLUTION NO. : It was moved by Commissioner and seconded by Commissioner to adopt the following resolution:

WHEREAS, Title 30, Article 15, Part 1, C.R.S. authorizes the Board of County Commissioners to adopt a resolution containing reasonable regulations and restrictions for the control, licensing and impoundment of dogs and other pet animals as the Board deems necessary; and

WHEREAS, Section 30-15-401 (1) (e), C.R.S. authorizes the Board of County Commissioners to adopt an ordinance to control unleashed or unclaimed pet animals; and

WHEREAS, by prior action on March 21, 2006, the Board adopted Resolution No. 060261 which established animal control regulations for Arapahoe County; and

WHEREAS, on February 5, 2013, the Board adopted Resolution No.130104 which amended the animal control regulations in regard to noisy dogs; and

WHEREAS, the Board now desires to further amend and to reissue the animal control regulations based upon certain recommendations of the Department of Public Works and Development, Animal Control Section; and

WHEREAS, the Arapahoe County Department of Public Works and Development, Animal Control Section, has recommended that the Board of County Commissioners of Arapahoe County adopt this Resolution; and

WHEREAS, based upon evidence and testimony submitted, the Board of County Commissioners of Arapahoe County concurs with said recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County pursuant to the authority of Section 30-15-102, C.R.S., that the following amended regulations regarding the control, licensing, and impoundment of dogs and other pet animals are hereby adopted:

Table of Contents

Section 1: Definitions

Section 2: Rabies Vaccination Required

Section 3: Dog at Large

Section 4: Noisy Dogs

Section 5: Cruelty to Animals

Section 6: Approach in an Aggressive Manner

Section 7: Pet Animal Causing Injury

Section 8: Affirmative Defense

Section 9: Impoundment and Disposition of Animals

Section 10: Enforcement/Liability

Section 11: Fees

Section 12: Enforcement/Peace Officer Designation

Section 13: Violations/Strict Liability

Section 14: Penalties

Section 15: Disposition of Fines

Section 16: Incorporation of Colorado Statutes

Section 17: Severability

Section 18: Applicability

Section 19: Prior Resolutions Repealed

Section 1: Definitions

As used in this Resolution, the following words shall have the following meanings:

- A. "Abandon" means the leaving of a pet animal without adequate provisions for the animal's proper care by its owner or keeper.
- B. "Animal Services Officer" means any person authorized by Arapahoe County to enforce the provisions of this Resolution, pursuant to Section 30-15-105 and 30-15-102, C.R.S., as amended. This shall include the Arapahoe County Sheriff and any Arapahoe County Sheriff's Deputy.
- C. "Bodily Injury" means a physical injury to a person or animal resulting in bruising, muscle tears, skin lacerations, or broken bones that may or may not require professional medical treatment, which may include but is not limited to sutures or cosmetic surgery. Such injuries may or may not result in permanent disfigurement, protracted loss or impairment of the functions of any part or organ of the body, or death.
- D. "Board" means the Board of County Commissioners of Arapahoe County.
- E. "C.R.S." means the Colorado Revised Statutes.
- F. "Cruelty to Animals" means to knowingly, recklessly, or with criminal negligence, overdrive, overload, overwork, torture, torment, deprive of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate, needlessly kill, carry in or upon any vehicle in a cruel manner, or otherwise mistreat or neglect any animal or cause or procure it to be done, or having the charge and custody of any animal, fail to provide it with proper food, drink or protection from the weather consistent with the species, breed, and type of animal, or abandon the animal. See Sections 35-42-107(2) and 18-9-202, C.R.S.
- G. "Department" means the Department of Public Works and Development, Animal Services section, for Arapahoe County Government.
- H. "Director" means the Director of the Department of Public Works and Development appointed by the Board of County Commissioners of Arapahoe County.
- I. "Dog" means any member of the species *Canis familiaris*.
- J. "At large" means a dog that is not under physical or voice control, as defined in this Section, while on public property, or, means a dog that is on private property without the permission of the property owner or his/her agent; further, with respect to a dog on a County-owned open space, park, or trail, "at large" also means that the dog is in violation of any requirements as stated in Arapahoe County displayed signage applicable to such property (for example, designated signage may indicate that all dogs must be under physical control, or indicate that certain areas are off limits to dogs).
- K. "Owner" or "Keeper" means any person eighteen (18) years of age or older, an emancipated child under the age of eighteen (18) years, or the parent or guardian of any child under the age of (18) years who owns, keeps, harbors, possesses, has custody of, or is responsible for exercising physical or voice control over a dog or other animal.

- L. "Person" means any natural person or individual, corporation, business trust, estate, trust, partnership, association, business, or any other legal entity, but shall exclude all governments, governmental subdivisions or governmental agencies.
- M. "Pet Animal" means an animal as defined in 30-15-101(3) C.R.S. as amended.
- N. "Physical Control" means a dog is on a leash, rope or other means of physical restraint by a person physically capable of handling such dog so that freedom of the dog's movement is restricted.
- O. "Voice Control" means a dog is immediately and reliably obedient to any voice or sound command given by an owner or keeper who is able to prevent the dog from charging, chasing, or otherwise disturbing or interfering with any person, pet animal, livestock, or wildlife, regardless of the distance involved or the presence of any distraction or provocation.

Section 2: Rabies Vaccination Required

- A. Any owner or keeper of a dog commits a class 2 petty offense if such dog is more than four (4) months of age and the owner or keeper has failed to acquire, maintain, and provide proof of a current rabies vaccination, issued by a licensed veterinarian.
- B. The current rabies certificate and tag supplied by a licensed veterinarian shall serve as the County license and no other license is required.
- C. Exemption from this section shall only occur if the owner or keeper can produce a signed letter from a licensed veterinarian stating that such vaccination would be detrimental to the health and well-being of such dog.

Section 3: Dog At Large

- A. Any owner or keeper of a dog commits a class 2 petty offense if such dog is found to be at large.
- B. Notwithstanding any other provisions of this Resolution, all dogs on County-owned open space, park and trail properties must be in compliance with all dog and animal services provisions stated in any applicable Arapahoe County displayed signage for such properties, and any owner or keeper of a dog commits a class 2 petty offense if such dog is not in compliance.
- C. The provisions of this Section 3(A) shall not apply to any dog while working livestock, locating or retrieving wild game in season for a licensed hunter, assisting law enforcement officers, performing search and rescue functions for an emergency services provider, or while being trained for any of these pursuits.
- D. A violation of this Section 3 shall not be proven solely by the uncorroborated testimony of a single witness unless the testimony is corroborated by the submission of photographic or video evidence, or unless the witness is an Animal Services Officer.
- E. Repeated offenses shall be cumulative only within a 365 day period, counting from the day of the last violation.

Section 4: Noisy Dogs

- A. Any owner or keeper of a dog commits a class 2 petty offense if such dog individually, or in combination with another dog or dogs together, makes any noises or disturbances by barking, howling, yelping, whining or other utterance which is audible beyond the premises on which the dog is kept, in excess of twenty (20) consecutive minutes during the day (7 a.m. to 9 p.m.) or in excess of ten (10) consecutive minutes during the night (9:01 p.m. to 6:59 a.m.) and/or a cumulative period in excess of one-hundred twenty (120) minutes during any twenty-four (24) hour period.
- B. No citation for a violation of this Section 4 shall be issued unless at least one written warning, signed by the Animal Services Officer and at least one complainant, has been issued to an owner or keeper of the dog or dogs that have exceeded the noise limits. Such written warning shall contain the date and time when the violation occurred and a brief explanation of the nature of the noise complaint. Once a written warning has been issued, a citation may be issued for any violations that occur seven (7) or more days after the written warning is issued without the necessity of an additional warning.
- C. No citation shall be issued and no conviction shall occur for a violation of this Section 4 unless there are two (2) complaining witnesses from separate households who have signed such citation; except that only one (1) complaining witness shall be required to sign the citation under either of the following circumstances:
 - 1) An Animal Services Officer or Deputy Sheriff has personally investigated the complaint of a single complainant and observed the nature and duration of the noise created by the dog and can testify as to such observations; or
 - 2) A complainant has presented to the Animal Services Officer, at the time of the complaint, a video and/or audio recording that corroborates the alleged violation.
- D. Repeated offenses shall be cumulative only within a 365 day period, counting from the day of the last violation.

Section 5: Cruelty to Animals

An owner or keeper of an animal commits a class I misdemeanor under §18-9-202, C.R.S., if he/she commits Cruelty to Animals as defined by this State law.

Section 6: Approach in an Aggressive Manner

Any owner or keeper of a dog commits a class 2 petty offense if such dog, while off the owner's premises and without provocation, approaches any person and demonstrates aggressive behavior including but not limited to lunging, snarling, growling or snapping. Such behavior may restrict the movement of a person, including but not limited to cornering or circling, and such behavior by such dog may, but need not, result in actual physical contact from such dog.

Section 7: Pet Animal Causing Injury

Any owner or keeper of a pet animal commits a class 2 misdemeanor if such pet animal, whether on or off the owner's premises and whether or not under the physical or voice control of an owner or keeper, causes bodily injury to a person, pet animal, or livestock.

Section 8: Affirmative Defense

If a dog or other pet animal is provoked into biting or attacking, which results in bodily injury, such provocation shall constitute an affirmative defense. Provocation shall be determined by one or more of the following:

- A. That, at the time of the incident, the victim was committing or attempting to commit a criminal offence against the dog/pet animal owner or the dog/pet animal owner's property; or
- B. That, at the time of the incident, the victim tormented, abused, or inflicted injury upon or otherwise provoked the dog or pet animal, which resulted in the incident; or
- C. That, at the time of the incident involving the dog or other pet animal, which caused injury to or the death of another animal, the injured and/or deceased animal had been astray and/or had entered upon the property of the owner and the incident began, but did not necessarily end, upon such property.

Section 9: Impoundment and Disposition of Animals

- A. Any Animal Services Officer may seize any dog at large, any animal that is sick or injured and may be in need of medical attention, or any animal at the request of another governmental agency. The impoundment of such animal shall be at the expense of the animal owner or keeper, if the identity is known.
- B. Upon the impoundment of any animal, the Department shall attempt to identify the owner or keeper of the animal and, if identified, shall cause written or verbal notice to be sent or given to the owner or keeper of such animal's impoundment.
- C. Any Animal Services Officer may exercise his/her discretion and return an animal to an owner or keeper if the owner or keeper first pays a "Return to Owner Fee" as provided for in Section 11 of this Resolution.
- D. If an owner or keeper of an animal, impounded under the provisions of this Resolution is unknown, within five (5) calendar days from the date of impoundment, then such animal shall come under the authority of the Department for final disposition, either by transfer, adoption, or destruction. If an owner or keeper is identified and does not claim such animal within five (5) days following the date of the notice of the impoundment, then such animal shall come under the authority of the Department for final disposition, either by transfer, adoption, or destruction.

Section 10: Enforcement/Liability

Pursuant to §30-15-104, C.R.S., as amended, the Board of County Commissioners of Arapahoe County, its officers, agents, employees, and any other persons authorized to enforce the provisions of this Resolution shall not be held responsible for any accident or subsequent disease that may occur to an animal in connection with the administration of this Resolution.

Section 11: Fees

Fees authorized under this Resolution shall be set in such amounts as approved in a separate resolution by the Board of County Commissioners.

Section 12: Enforcement/Peace Officer Designation

The provisions of this Resolution shall be enforced primarily by the Department, with assistance from the Arapahoe County Sheriff's Department. For purposes of enforcement, and pursuant to §30-15-105, C.R.S., Arapahoe County Animal Services Officers may issue a citation to enforce this Resolution.

Section 13: Violations/Strict Liability

Violations of any provision of this Resolution shall be proven by establishing beyond a reasonable doubt that a person voluntarily acted, or omitted to perform an act which such person was capable of performing, and that such act or omission was contrary to any provision of this Resolution constituting a violation. It shall not be necessary to prove a culpable mental state on the part of any person with respect to any material element of any violation defined and enforced under this Resolution. Any violations of this Resolution are ones of "Strict Liability" as defined by Title 18, Article 1, C.R.S.

Section 14: Penalties

- A. In accordance with 30-15-102(1), C.R.S., each violation of any provision of this Resolution, which constitutes a class 2 petty offense, notwithstanding the provisions of §18-1.3-503, C.R.S., shall be punishable upon conviction by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment in the county jail for not more than ninety (90) days, or by both such fine and imprisonment for each separate offense.
- B. Any offense and repeated offenses of Section 7 shall require a mandatory court appearance. Each violation of Section 7 shall be punishable, upon conviction, by a fine not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for not more than ninety (90) days, or by both such fine and imprisonment for each separate offense.
- C. By the authority granted in §30-15-102, C.R.S. and in addition to Subsection A. of this Section 14, the penalty assessment procedures as provided for in §16-2-201, C.R.S. are herein adopted by reference. If, in the discretion of the Director, such penalty assessment procedures are utilized in relation to class 2 petty offense violations of this Resolution, except for violations of Section 7 of this Resolution, the following graduated penalty assessment schedule shall be applicable for first time and repeat offenses of this Resolution:
 - 1) First Offense \$50.00
 - 2) Second Offense \$100.00
 - 3) Third Offense \$300.00
 - 4) Four or more offenses, mandatory court appearance
 - 5) Each and every incident during which a violation of any Section in this Resolution occurs shall be deemed a separate violation
- D. Each violation of any provision of this Resolution which constitutes a class 2 misdemeanor by involving bodily injury to any person or animal shall be punished upon conviction as provided for in §18-1.3-501, C.R.S.

Section 15: Disposition of Fines

All fines collected for convictions of violations of this Resolution, and all monies collected for services provided, or otherwise pursuant to this Resolution, shall be paid into the Treasury of Arapahoe County by depositing such monies, as collected, into the General Fund of Arapahoe County.

Section 16: Incorporation of Colorado Statutes

All provisions of Title 30, Article 15, Part 1, C.R.S. are hereby adopted and incorporated by reference into this Resolution.

Section 17: Severability

If any of the provisions of this Resolution are determined by a court with proper jurisdiction to be invalid, such determination shall not affect the remaining provisions of this Resolution.

Section 18: Applicability

The provisions of this Resolution shall apply to, and may be enforced within, all areas of Unincorporated Arapahoe County. It shall also apply to, and may be enforced within, any municipality that adopts the provisions of this Resolution, or any portion thereof, for purposes of enforcement within such municipality.

Section 19: Prior Resolutions Repealed

All prior Animal Control Resolutions heretofore adopted by the Board are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any repealed Animal Control Resolution and prior to the effective date of this Animal Services Resolution.

The vote was:

Commissioner Baker, ___; Commissioner Conti, ___; Commissioner Holen, ___;
Commissioner Jackson, ___; Commissioner Sharpe, ___.

The Chair declared the motion carried and so ordered.

The following fees are established for the administration of Resolution No. _____:

- 1) Return to Owner Fee: \$50.00 (this fee is paid to the Animal Services Officer, not the contracted facility, upon the return of the animal to an owner or keeper. Any fees charged by the contracted facility are separate and apart from the Return to Owner Fee).
- 2) Dead Pet Animal/Wildlife Pickup for Disposal Fee: \$50.00 (this fee is paid to the Animal Services Officer at the time of service).
- 3) Cost of Impound Fee: to be paid to the contract facility upon pick up of animal - Set by facility that Arapahoe County contracts with to house animals.

The vote was:

Commissioner Baker, ___; Commissioner Conti, ___; Commissioner Holen, ___;
Commissioner Jackson, ___; Commissioner Sharpe, ___.

The Chair declared the motion carried and so ordered.

ANIMAL CONTROL

RESOLUTION NO. 060261

STATE OF COLORADO }
COUNTY OF ARAPAHOE } ss.

At a regular meeting of the Board of County Commissioners for Arapahoe County, Colorado held in the Administration Building, Littleton, Colorado on Tuesday the 21st day of March 2006, there were present:

Rod Bockenfeld, Chair	Present
Frank Weddig, Chair Pro-Tem	Present
Lynn Myers, Commissioner	Present
Susan Beckman, Commissioner	Absent and Excused
Bernard L. Zimmer, Commissioner	Present
Kathryn L. Schroeder, County Attorney	Present
John E. Bush, Jr., Deputy County Attorney	Present
Nancy A. Doty, Clerk to the Board	Absent and Excused
Jennifer Gayer, Deputy Clerk	Present

when the following proceedings, among others, were had and done, to-wit:

RESOLUTION NO. 060261 It was moved by Commissioner Weddig and seconded by Commissioner Zimmer to adopt the following resolution:

WHEREAS, Title 30, Article 15, Part 1, C.R.S. allows the Board of County Commissioners to adopt a resolution containing reasonable regulations and restrictions for the control, licensing and impoundment of dogs as the Board deems necessary; and

WHEREAS, by prior action on January 27, 2004, the Board adopted Resolution No. 040059 which established dog regulations for Arapahoe County; and

WHEREAS, the Board now desires to further amend and to reissue said regulations based upon certain recommendations of the Department of Public Works and Development, Animal Control Division; and

WHEREAS, at a public hearing held on March 21, 2006 the Board of County Commissioners of Arapahoe County received evidence and testimony regarding the following matters set forth herein; and

WHEREAS, the Arapahoe County Department of Public Works and Development, Animal Control Division has recommended that the Board of County Commissioners of Arapahoe County adopt this Resolution; and

WHEREAS, based upon evidence and testimony submitted, the Board of County Commissioners of Arapahoe County concurs with said recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the Arapahoe County that the following regulations regarding the control, licensing, and impoundment of dogs, and the number of allowable pet animals on residential properties are hereby adopted:

SECTION A - DEFINITIONS

As used in this Resolution, unless the context otherwise requires:

1) "Aggressive Dog" means a dog, without intentional provocation, engages in any of the following behaviors: a) threatens a person(s) by encroaching onto public property or property of another from a vehicle or from the owner's or custodian's yard through, under or over a fence; or b) injures another domestic animal while off the owner's or custodian's property; or c) approaches any person in an apparent attitude of attack, or in a terrorizing or menacing manner; or d) causes bodily injury to any person.

2) "Animal Control Officer" means the Director of the Department of Public Works and Development or any person authorized by said Director, including the Sheriff and/or a Sheriff's Deputy, to issue Summonses and Complaints enforcing this Resolution.

3) "Attack" means an assault against a person or domestic animal, whereby physical contact is made in an apparently hostile or terrorizing manner.

4) "Bite" means to seize with teeth or jaws so as to enter, grip, wound or cause a puncture to the skin.

5) "Bodily Injury" means an injury to a person or domestic animal caused by a dog whereby, at a minimum, the skin is broken, exterior bleeding occurs, or medical treatment by a licensed physician is reasonably necessary.

6) "Board" means the Board of County Commissioners of Arapahoe County.

7) "Control" means:

a) Having a dog on a leash, rope or other means of restraint so that freedom of the dog's movement is restricted within a ten foot (10') radius;

b) Having a dog exclusively within the private property of the Owner, Keeper or Possessor of a dog;

c) Accompanying a dog on public property when said dog is at all times within twenty feet (20') of, and immediately responsive to the voice commands of, the dog's Owner, Keeper or Possessor;

d) Accompanying a dog on private property with permission of the owner of such private property, when said dog is at all times within forty feet (40') of, and immediately responsive to the voice commands of, said dog's Owner, Keeper or Possessor.

8) "C.R.S." means the Colorado Revised Statutes.

9) "Custody" means providing food, shelter, water, other sustenance or care for a dog.

10) "Department" means the Arapahoe County Department of Public Works and Development, Animal Control Division.

11) "Keeper" means a person(s) who, or whose unemancipated child (children) under the age of eighteen (18) years who reside(s) with said person(s), has temporary custody of a dog through bailment, loan, entrustment or other arrangement between Keeper and Owner.

12) "Director" means the Director of the Department of Public Works and Development appointed by the Arapahoe County Board of County Commissioners.

13) "Owner" means a person(s) who, or whose unemancipated child (children) under the age of eighteen (18) years who reside(s) with said person(s), has permanent custody of a dog through purchase, gift, adoption or otherwise.

14) "Person" means any natural person or individual, corporation, business trust, estate, trust, partnership, association, business, or any other legal entity, but shall exclude all governments, governmental subdivisions or governmental agencies.

15) "Pet animal" means any dog, cat, or other animal owned or kept by a person for companionship or protection or for sale to others for such purposes.

16) "Possessor" means a person(s) who, or whose unemancipated child (children) under the age of eighteen (18) years who reside(s) with said person(s), has voluntarily assumed custody of a dog, or the responsibility for the control of a dog, through means other than as an Owner or Keeper. A person is not a Possessor if he/she, or their unemancipated child (children) under the age of eighteen (18) years who reside(s) with said person, assumes temporary custody of a dog for the sole purpose of summoning animal control authorities, or for the sole purpose of seeking emergency aid or medical treatment for a dog.

17) "Resolution" means this Arapahoe County Animal Control Resolution.

18) "Running at Large" or "Runs at Large" means a dog that is upon public property, or upon the private property of a person other than the dog's Owner, Keeper or

Possessor, when said dog is not under the Control of the dog's Owner, Keeper or Possessor; or a dog that is upon the private property of a person other than the dog's Owner, Keeper or Possessor, without permission from an owner of the private property or his/her agent, even if said dog is under the Control of the dog's Owner, Keeper or Possessor.

19) "Serious bodily injury" means an injury to a person or domestic animal caused by a dog which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures or injuries that require corrective surgery.

20) "Vicious Dog" means:

a) A dog whose freedom of movement is not restricted by confinement or by attachment to a leash, rope or other means of restraint; and which dog, in a dangerous or terrorizing manner, has physical contact with a person or domestic animal, with or without causing bodily injury. Said restriction shall prevent the escape of such dog from its Owner, Keeper or Possessor, or from such Owner's, Keeper's or Possessor's property; and shall prevent such dog from attacking or injuring a human being(s) or domestic animal(s); or

b) Any dog which has caused bodily injury to a human being or domestic animal during two or more separate episodes;

c) The control provisions of Subsection 20(a) and 20(b) shall not apply to any dog while actually working livestock, locating or retrieving wild game in season for a licensed hunter, or assisting law enforcement officers, or while being trained for any of these pursuits. A dog Owned, Kept or Possessed primarily as a domestic pet on residential property shall not be excluded from Subsections 20(a) and 20(b) of this Section A, and shall not be considered a guard or police dog;

d) Episodes wherein a dog attacked, bit, caused bodily injury, caused serious bodily injury, or caused death to a human being or domestic animal, when said human being or domestic animal intentionally provoked such dog's action without justifiable reason, shall be excluded from Subsections 20(a) and 20(b) of this Section A;

e) The exclusions provided for in Subsections 20(c) and 20(d) of this Section A shall be affirmative defenses.

SECTION B - LICENSING OF DOGS REQUIRED

1) Any Owner, Keeper or Possessor of a dog commits a Class Two Petty Offense if such dog is more than 180 days old, and a current license issued by the Director or his/her authorized agent has not been acquired for such dog.

2) It is the responsibility of any Owner, Keeper or Possessor of a dog, to cause such dog to wear at all times a metal tag bearing the legible number of a current dog license issued to such dog, as provided for in Section C of this Resolution. At a trial concerning a violation charged under this Section, the absence of such tag upon a dog shall be prima facie evidence that such dog was not properly licensed.

3) No person charged with violating this Section B shall be convicted if he/she produces to the Court, or produces to the Director or an Animal Control officer where such person has been issued a penalty assessment Summons and Complaint, a license for the dog which was current and in effect on the date of the alleged violation concerning such dog.

SECTION C - DOG LICENSING PROCEDURE

1) Dog licenses shall be issued by the Director or his/her authorized agent(s), subject to the following requirements:

a) A dog license shall not be issued until the Owner, Keeper or Possessor of the dog to be licensed provides satisfactory evidence, acceptable to the Director, that a valid rabies vaccination certificate has been issued for such dog by a licensed veterinarian;

b) A dog licensing fee, as provided for in Section K of this Resolution, shall be paid to the Department, which fee shall be deposited in the Arapahoe County General Fund.

2) Upon completion of the requirements provided for in Subsection (1) of this section C, the Department shall give to the person paying the dog licensing fee: a dog license containing the dog Owners' names and addresses, a description of the dog, the dog's rabies tag number, the date of the dog's rabies vaccination, and the license number issued to the dog, and a metal tag bearing the same number of the license issued to the dog.

3) The Department shall keep a record of the names and addresses of all Owners, Keepers or Possessors who license a dog and of all dog licenses which are issued, including the information required and contained on such licenses.

4) All dog licenses shall expire on December 31 of the year of issue. Renewals shall be obtained by March 1 of the following year.

5) Dog license fees shall not be prorated, regardless of the month or day within the year upon which a dog license is issued or renewed.

SECTION D - DOGS NOT TO RUN AT LARGE

1) Any Owner, Keeper or Possessor of a dog commits a Class Two Petty Offense if such dog Runs at Large.

2) Any Owner, Keeper or Possessor of a dog commits a Class Two Misdemeanor if such dog causes bodily injury to any person or domestic animal on two or more separate episodes while Running at Large.

3) Each and every day during which a violation of this Section D occurs shall be deemed a separate violation.

4) A violation of this Section D shall not be proven solely by the uncorroborated testimony of a single witness, unless the witness is an Animal Control Officer.

SECTION E - NOISY DOGS

1) Any Owner, Keeper or Possessor of a dog commits a Class Two Petty Offense if such dog individually makes, or in combination with another dog or dogs together make, any noises which are audible from an adjacent or nearby property for a continuous twenty (20) minute period, such noises being separated by pauses, however slight, during said continuous twenty (20) minute period.

2) A Summons and Complaint for a first violation of this Section E shall not be issued. First time violators will be issued a warning, which warning shall be signed by an Animal Control Officer and at least one complaining person. Such warning shall contain the dates and times when the violation occurred, and a brief explanation of the nature of the noise complaint and a copy of this Section E. No Summons and Complaint shall be issued for subsequent violations unless and until seven (7) days have elapsed between the first violation and any subsequent violations. Said initial warning shall be made by personal service of said warning to either an Owner or Keeper or Possessor of the dog or dogs.

3) A Summons and Complaint for any violation of this Section E shall be signed by at least two complaining persons who are from separate households and are willing to testify at trial, which signatures shall be in addition to the required signature of an Animal Control Officer, or an Arapahoe County Deputy Sheriff. In the event there is only one occupied residence in the immediate area of the location of the barking dog, only one complaining witness shall be required to sign the complaint.

4) A violation of this Section E shall not be proven solely by the uncorroborated testimony of a single witness, unless the witness is an Animal Control Officer.

SECTION F - AGGRESSIVE DOGS

Any person who is the Owner, Keeper, or Possessor of an Aggressive Dog, as defined in this Resolution, commits a Class Two Petty Offense.

SECTION G - VICIOUS DOGS

- 1) Any person who is the Owner, Keeper or Possessor of a Vicious Dog, as defined in this Resolution, commits a Class Two Petty Offense.
- 2) Any person who is the Owner, Keeper or Possessor of a Vicious Dog, which dog has caused bodily injury to another person other than said Owner, Keeper or Possessor, or to a domestic animal during two (2) or more separate episodes commits a Class Two Misdemeanor.
- 3) Any Arapahoe County Animal Control Officer or Deputy Sheriff may seize any Vicious Dog which is Running at Large, either upon public property, or upon private property, when an owner of such private property or his/her agent is not present and the dog is unrestricted on such property. The impoundment of such dog shall be at the dog owner's expense.
- 4) After a request in writing by the Director, an Arapahoe County Deputy Sheriff may request a County or District Court to issue a Search and Seizure Warrant in accordance with Colorado laws, for the purpose of entering upon private property to search for and/or to seize any Vicious Dog, when any person is refusing to consent to such entry or seizure.
- 5) Animal Control Officers shall immediately impound all dogs seized under Section G of this Resolution. Any dogs impounded under Section G of this Resolution shall be under the authority of the Department, until a court of proper jurisdiction reaches a final determination and issues an order that a seized dog is to be released to its Owner, Keeper or Possessor; or is a Vicious Dog, as defined by this Resolution, and should be destroyed by the Department. When a dog seized under this Resolution is returned to its Owner, Keeper or Possessor, all costs for the care of such dog while in the custody and under the authority of the Department, shall be borne by Arapahoe County.
- 6) Each and every day during which a violation of Section G occurs shall be deemed a separate violation.

SECTION H - LEGAL NUMBER OF ANIMALS/LIMIT

- 1) Any person who is the Owner, Keeper or Possessor of more than three pet animals, including, but not limited to, dogs, cats, or small animals, older than 180 days, upon residential property within unincorporated Arapahoe County commits a Class Two Petty Offense.
- 2) Legally permitted and licensed kennels and/or veterinarian offices shall be exempt from the provisions of this Section H.
- 3) For the purposes of this Section H, each lot or parcel which is zoned residential and contains a residential structure shall constitute one residential property, and a lot or

parcel that is zoned residential with no residential structure located thereon shall not be considered a residential property with a right to keep or maintain any pet animals as an accessory use.

4) Each and every day during which a violation of Section H occurs, shall be deemed a separate violation.

5) A violation of this Section H shall not be proven solely by the uncorroborated testimony of a single witness, unless the witness is an Animal Control Officer.

6) Any Summons and Complaint issued for a violation of this Section H shall be signed by at least one complaining person; which signature shall be in addition to the required signature of an Animal Control Officer, or Arapahoe County Deputy Sheriff.

SECTION I - SEIZURE AND IMPOUNDMENT OF DOGS

1) Animal Control Officers shall seize and impound any dog which is Running at Large, either upon public property, or upon private property, when an owner of such private property or his/her agent has given consent to an Animal Control Officer or Deputy Sheriff, to enter upon said private property and to seize such dog, or to seize a Vicious Dog for impoundment at the dog owner's expense, when said dog is unrestricted on the owner's property with no owner present..

2) The Department shall impound all dogs which have been lawfully seized for Running at Large or for being a Vicious Dog.

3) Upon the impounding of any dog, the Department shall cause written or verbal notice to be given to the Owner, Keeper or Possessor (if known) of such dog. Any Owner, Keeper or Possessor of an impounded dog may recover possession of such dog upon the payment for the costs of such dog's impoundment, unless the dog has been mistreated or is a Vicious Dog.

4) If an Owner, Keeper or Possessor of a dog impounded under the provisions of this Resolution, refuses to claim such dog, does not claim such dog, or does not pay the costs for such dog's impoundment, all within six (6) days after receipt of the written or verbal notice required by Subsection 3 of this Section I, then such dog shall come under the authority of the Department for final disposition, either by adoption or destruction.

5) If an Owner, Keeper or Possessor of a dog impounded under the provisions of this Resolution is unknown, said dog shall be held for a period of six (6) days, after which said dog will come under the authority of the Department for final disposition, either by adoption or destruction.

6) An Officer of the Department may exercise his/her discretion, and return a dog found Running at Large to such dog's Owner, Keeper or Possessor if the dog's Owner,

Keeper or Possessor first pays a "Release in Lieu of Impoundment Fee" as provided for in Section K of this Resolution.

SECTION J - ENFORCEMENT/LIABILITY

Pursuant to C.R.S. §30-15-104, the Board of County Commissioners of Arapahoe County, any of their assistants or employees, or any other person authorized to enforce the provisions of this Resolution, shall not be held responsible for any accident or subsequent disease that may occur to a dog in connection with the administration of this Resolution.

SECTION K - FEES

The following fees are established for the administration of this Resolution:

- 1) Annual License Fees
 - a) A spayed female or neutered male dog annual fee - \$12.00
 - b) An un-spayed female or un-neutered male dog annual fee - \$24.00
 - c) The above license fees shall be waived for one dog for Owners over the age of 65 years.
- 2) Impoundment Fees
 - a) Cost to impound - first day - \$56.00
 - b) Subsequent daily costs for care and feeding while impounded - \$6.00
- 3) Release in Lieu of Impoundment Fee - \$30.00
- 4) Dead Animal Pickup for Disposal Fee - animals 0-15 pounds - \$15.00; animals 16-50 pounds - \$30.00; animals 51-100 pounds - \$50.00; any animal exceeding 100 pounds - \$75.00.
- 5) Animal Pickup for Destruction and Disposal - small animals (dog, cat) - \$30.00; an additional shelter fee will apply if the animal is destroyed.

SECTION L - ENFORCEMENT/PEACE OFFICER DESIGNATION

The provisions of this Resolution shall be enforced primarily by the Department, with assistance from the Arapahoe County Sheriff's Department. For purposes of enforcement, and pursuant to C.R.S. §30-15-105, Arapahoe County Animal Control Officers may issue Summonses and Complaints to enforce this Resolution.

SECTION M - VIOLATIONS/STRICT LIABILITY

Violations of any provision of this Resolution shall be proven by establishing beyond a reasonable doubt that a person voluntarily acted, or omitted to perform an act which such person was capable of performing, and that such act or omission was contrary to any provision of this Resolution constituting a violation. It shall not be necessary to prove a culpable mental state on the part of any person with respect to any material element of any violation. Any violations of this Resolution are ones of "Strict Liability" as defined by Title 18, Article 1, C.R.S.

SECTION N - PENALTIES

1) Each violation of any provision of this Resolution, which constitutes a Class Two Petty Offense, notwithstanding the provisions of C.R.S. §18-1.3-503, shall be punishable upon conviction by a fine not to exceed one thousand dollars (\$1,000.00) or by imprisonment in the County Jail for not more than ninety (90) days, or by both such fine and imprisonment for each separate offense.

2) Any offense and repeated offenses of section G (1) shall require a mandatory court appearance. Each violation of section G (1) shall be punishable, upon conviction, by a fine not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) or by imprisonment in the County jail for not more than ninety days, or by both such fine and imprisonment for each separate offense.

3) By the authority granted in C.R.S. §30-15-102, and in addition to Subsection 1 of this Section N, the Penalty Assessment Procedures as provided for in Title 16, Article 2, Part 2, C.R.S. are herein adopted by reference. If, in the discretion of the Director, such Penalty Assessment Procedures are utilized in relation to Class Two Petty Offense violations of this Resolution, except for violations of section G (1) of this Resolution, the following graduated Penalty Assessment schedule shall be applicable:

- | | | |
|----|---|----------|
| a) | First Offense | \$50.00 |
| b) | Second Repeated Offense | \$100.00 |
| c) | Third Repeated Offense | \$300.00 |
| d) | Fourth Repeated Offense | \$500.00 |
| e) | Fifth and above repeated offenses, mandatory court appearance. | |
| f) | Repeated offenses shall be cumulative only within a 365 day period, counting from and including the day of the first violation. | |

g) "Repeated Offense" means a conviction of a person for an additional repeated violation of the same provision of this Resolution, for which violation of said same provision such person has been previously convicted.

4) Each violation of any provision of this Resolution, which constitutes a Class Two Misdemeanor by involving bodily injury to any person by a dog, shall be punished upon conviction as provided for in C.R.S. §18-1.3-501.

SECTION O - DISPOSITION OF FINES

All fines collected for convictions of violations of this Resolution, and all monies collected for dog licenses or otherwise pursuant to this Resolution, shall be paid into the Treasury of Arapahoe County, by depositing such monies as collected into the General Fund of Arapahoe County.

SECTION P - INCORPORATION OF COLORADO STATUTES

All provisions of Title 30, Article 15, Part 1, C.R.S. are hereby adopted and incorporated by reference into this Resolution.

SECTION Q - SEVERABILITY CLAUSE

If any of the provisions of this Resolution are determined by a court with proper jurisdiction to be invalid, such determination shall not affect the remaining provisions of this Resolution.

SECTION R - APPLICABILITY

The provisions of this Resolution shall apply to, and may be enforced within, all areas of unincorporated Arapahoe County. It shall also apply to, and may be enforced within, any municipality that adopts the provisions of this Resolution, or any portion thereof, for purposes of enforcement within such municipality.

SECTION S - PRIOR RESOLUTIONS REPEALED

It is the intent of the Board of County Commissioners of Arapahoe County that this Resolution completely embody all rules, regulations and requirements within unincorporated Arapahoe County regarding the licensing, control and impoundment of dogs. Therefore, all prior Animal Control Resolutions heretofore adopted by the Board are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any repealed Animal Control Resolution and prior to the effective date of this Resolution.

The vote was:

Commissioner Beckman, Absent and Excused; Commissioner Bockenfeld, Yes; Commissioner Myers, Yes; Commissioner Weddig, Yes; Commissioner Zimmer, Yes.

The Chair declared the motion carried and so ordered.

I, Nancy A. Doty, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid, do hereby certify that the annexed and foregoing Order is truly copied from the records of the proceedings of the Board of County Commissioners for said Arapahoe County, now in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Littleton, Colorado this 8th day of July, 2009.

Nancy A. Doty, Clerk to the Board

by: Nancy A. Doty



STATE OF COLORADO }
COUNTY OF ARAPAHOE }^{ss.}

At the regular meeting of the Board of County Commissioners for Arapahoe County, Colorado, held at the Administration Building, 5334 South Prince Street, Littleton, on Tuesday, the 5th day of February, 2013, there were present:

Rod Bockenfeld, Chair	Commissioner District 3	Present
Nancy A. Doty, Chair Pro-Tem	Commissioner District 1	Absent and Excused
Nancy Sharpe	Commissioner District 2	Present
Nancy Jackson	Commissioner District 4	Present
Bill Holen	Commissioner District 5	Present
Ron Carl	County Attorney	Present
Terri L. Maulik	Asst. Clerk to the Board	Present

RESOLUTION NO. 130104 It was moved by Commissioner Sharpe and duly seconded by Commissioner Holen to adopt the following Resolution:

WHEREAS, Title 30, Article 15, Part 1, C.R.S. allows the Board of County Commissioners to adopt a resolution containing reasonable regulations and restrictions for the control, licensing and impoundment of pet animals; and

WHEREAS, by prior action on January 27, 2004, the Board adopted Resolution No. 040059 which established pet animal regulations for Arapahoe County; and

WHEREAS, on March 21, 2006, the Board adopted Resolution No. 060261 which further amended the above regulations; and

WHEREAS, the Board now desires to further amend said recommendations of the Arapahoe County Department of Public Works and Development, Animal Control Division; and

WHEREAS, the Animal Control Division has recommended the Board adopt this Resolution; and

WHEREAS, based upon the evidence and testimony submitted, the Board concurs with said recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that Section E. -- Noisy Dogs of the Animal Control Resolution, as set forth in Resolution No. 060261, is hereby amended to read as follows:

Section E. -- Noisy Dogs

- 1) Any person who owns or keeps a dog commits a class 2 petty offense if such dog individually makes, or in combination with another dog or dogs together make, any noises or disturbances by barking, howling, yelping, whining or other utterance which is

audible beyond the premises on which the dog is kept, for a consecutive period in excess of twenty (20) minutes during the day (7 A.M to 9 P.M.) or for a consecutive period in excess of ten (10) minutes during the night (9:01 P.M. to 6:59 A.M.) and/or a cumulative period in excess of one-hundred twenty (120) minutes during any twenty-four (24) hour period.

- 2) No summons and complaint for a violation of this Section shall be issued unless at least one written warning, signed by the Animal Control Officer and at least one complainant, has been issued to an owner or keeper of the dog or dogs that have exceeded the noise limits. Such written warning shall contain the date and time when the violation occurred and a brief explanation of the nature of the noise complaint. Once a written warning has been issued, a summons and complaint may be issued for any violations that occur seven (7) or more days after the written warning without the necessity of an additional warning.
- 3) No summons and complaint shall be issued nor shall there be a conviction for a violation of this Section unless there are two (2) complaining witnesses from separate households who have signed such complaint; except that only one (1) complaining witness shall be required to sign the complaint under either of the following circumstances:
 - a) An Animal Control Officer or Deputy Sheriff has personally investigated the complaint of a single complainant and observed the nature and duration of the noise created by the dog and can testify as to such observations, or
 - b) A complainant has presented to the Animal Control Officer or Deputy Sheriff at the time of the complaint other credible and admissible corroborative evidence of the alleged violation such as a video recording with a date stamp.

The vote was:

Commissioner Bockenfeld, Yes; Commissioner Doty, Absent and Excused; Commissioner Holen, Yes, Commissioner Jackson, Yes; Commissioner Sharpe, Yes.

The Chair declared the motion carried and so ordered.

I, Mary C. Whitley, Chief Deputy County Clerk, in and for the County of Arapahoe and State of Colorado, do hereby certify that the annexed and foregoing order is truly copied from the records of the proceedings of the Board of County Commissioners for said Arapahoe County, now in the office of the Arapahoe County Clerk and Recorder.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Littleton, Colorado this 14th day of February, 2013.

Mary C. Whitley, Chief Deputy County Clerk

