

ANIMAL CONTROL AMENDMENT –

NOISY DOGS

RESOLUTION NO. 130104

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

