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RESOLUTION NO. R-998-100

DC9860024

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO**

**A RESOLUTION FOR THE CONTROL AND LICENSING
OF DOGS AND PET ANIMALS**

WHEREAS, the Board of County Commissioners ("Board") is authorized to adopt a resolution for the control and licensing of dogs and pet animals, pursuant to section 30-15-101, *et seq.*, C.R.S.; and

WHEREAS, it is the policy of the Board of County Commissioners that the keeping of a dog in Douglas County is a potential hazard and annoyance to the citizens of the County and that a dog owner must, therefore, assume full responsibility and strict liability for the actions of any dog that is owned, kept, controlled, or harbored by the dog owner or that is in the custody of the dog owner; and

WHEREAS, the Board wishes to repeal Resolution Nos. R-995-084 and R-997-152, pertaining to the control and licensing of dogs, and adopt a revised resolution; now, therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, COLORADO, AS FOLLOWS:

DEFINITIONS

1.00 As used in this resolution, unless the context otherwise requires:

(1) **Animal Control Officer** means any person empowered by Douglas County to enforce the provisions of this resolution, including personnel of the Douglas County Sheriff's Department; the Tri-County Health Department; peace officers as defined in sections 18-3-201(2) and 30-15-105, C.R.S.; and employees of any Contractor.

(2) **Attack** means violent or aggressive physical contact with a person or domestic animal, or violent or aggressive behavior that confines the movement of a person, including but not limited to cornering or circling a person;

(3) **Bodily injury** means an injury, caused by a dog bite or other form of attack by a dog, whereby, at a minimum, the victim's skin is broken, or the victim experiences external or severe internal bleeding or requires emergency medical treatment by a licensed physician;

- (4) **Contractor** means any person, corporation, company, or legal entity authorized by the County by contract to enforce the provisions of this resolution.
- (5) **Control** means the restraint of a dog by means of a leash or similar tether no more than thirty (30) feet in length or by means of confinement within a fully enclosed area adequate to ensure that the dog will not escape;
- (6) **County** means the unincorporated portion of Douglas County;
- (7) **Dog** means any animal of the canis familiaris species or any hybrid thereof;
- (8) **Guard Dog** means any dog kept for the purpose of deterring persons who are not authorized by the dog's owner from entering either any premises used solely for commercial purposes or any construction site, including any area used for storage of tools or construction equipment;
- (9) **Harboring** means occupying any premises on which a dog is kept or to which a dog customarily returns for food and care;
- (10) **Impound** means to physically confine a dog at a licensed boarding facility or licensed animal shelter at the direction of an animal control officer;
- (11) **Kennel** means any structure or area used to house more than four dogs of four months of age or older or used for the grooming, breeding, boarding, training or selling of dogs;
- (12) **License** means a current rabies certificate and tag indicating that a dog has been inoculated against rabies in the State of Colorado by a licensed veterinarian;
- (13) **Owner** means any person, or the parent, guardian, or custodian of any child who owns, controls, keeps, harbors, or has custody of a dog;
- (14) **Pet Animal** means and includes any animal owned or kept by a person for companionship or protection or for sale to others for such purposes.
- (15) **Running At Large** means off the premises of the dog owner and not under the real and immediate physical control of an owner able to control the dog.
- (16) **Vicious Dog** means a dog that:
- (a) bites or attacks a person or a domestic animal without provocation, or

(b) approaches any person in an apparent attitude of attack and/or in a vicious or terrorizing manner, or

(c) has been found to be a vicious dog by any court in any action brought pursuant to this resolution.

LICENSING

- 1.01 Every owner within the County shall obtain and maintain a current rabies certificate and tag issued by a licensed veterinarian for each dog that he or she owns after the dog is four months old. Each dog must possess a current certificate and tag by the time the dog is five months old, or within one month of being brought into the County if the dog is over five months old. Every dog required to have a tag shall wear its tag at all times. The tag shall be the County license and no other license is required. This Section 1.01 shall not apply to dogs that are residents of a licensed kennel or veterinary facility.

GUARD DOGS

- 1.02 A guard dog may be placed or kept in an area for the protection of property only under the following conditions:
- (1) The guard dog shall be confined to an enclosed area adequate to ensure that it will not escape or shall be under the complete control of a person at all times; and
 - (2) Warning signs shall be conspicuously posted indicating that a guard dog is present on the property and such signs shall plainly show a telephone number at which some person responsible for controlling the guard dog can be reached at all times.

IMPOUNDMENT OF DOGS

- 1.03 (1) An animal control officer may take into custody and impound any dog found running at large or any dog that has allegedly bitten a person or animal. Unless otherwise authorized by this resolution, the dog may be taken into custody and impounded for no more than ten (10) days.

Nothing in this Subsection (1) shall be construed to prevent an animal control officer or any other law enforcement officer from taking whatever action is reasonably necessary to protect his person or members of the public from being injured by any dog.

(2) An impoundment fee of fifteen dollars (\$15.00), payable at the office of the Douglas County Sheriff, shall be collected from any dog owner whose dog is impounded. Boarding fees charged by the facility at which the dog is impounded shall be payable at that facility by the dog owner.

DISPOSITION OF IMPOUNDED DOGS

- 1.04 (1) No dog shall be disposed of prior to five (5) days after the date it is impounded unless the dog is critically ill or injured and the dog's owner is unknown or cannot be located.
- (2) If the owner of an impounded dog is not known, and if the dog is not claimed by its owner within five days after the date it is impounded, a Contractor may, at its sole discretion, sell, donate, or destroy the dog.
- (3) If the owner of an impounded dog is known, a Contractor shall take reasonable steps to notify the dog's owner of the impound. If the dog is not claimed by its owner within five days after receipt of such notification, a Contractor may, at its sole discretion, sell, donate, or destroy the dog. A dog owner shall be deemed to have received notification if an animal control officer contacts him or her by telephone or in person, or if the officer posts a notice on the owner's premises.
- (4) If an animal control officer has reasonable grounds to believe that an unlicensed dog has bitten a person or that a dog may be rabid, the officer may hold the dog for as long as the officer, in his or her discretion, deems necessary, even after the dog is claimed by its owner.
- (5) An animal control officer shall destroy any dog which a court has ordered to be destroyed in any Class 2 misdemeanor action. Such destruction shall not occur prior to completion of observation for rabies in the dog if such observation has been deemed necessary by the court or by an animal control officer.
- (6) No animal control officer shall sell or donate an impounded dog to any institution or facility that intends to use that dog for research or experimentation purposes.

VIOLATIONS - PENALTIES - ENFORCEMENT

Class 2 Petty Offenses

- 1.05 (1) A dog owner commits a Class 2 petty offense if:

- (a) The owner's dog is unlicensed as provided in Section 1.01 of this resolution;
 - (b) The owner's dog runs at large in the County;
 - (c) The owner's dog, under the control of the owner, bites a person without causing bodily injury or bites a domestic animal; provided that if the dog was provoked into biting, such provocation shall be an affirmative defense to this Subsection (c);
 - (d) The owner's dog, whether on or off the owner's premises, approaches any person in an apparent attitude of attack and/or in a vicious or terrorizing manner.
 - (e) A tag evidencing licensing and inoculation for another dog is worn by the owner's dog;
 - (f) The dog owner fails to keep a vicious dog under physical control;
 - (g) The dog owner possesses one or more guard dogs and fails to comply with the conditions of Section 1.02 of this resolution;
 - (h) The dog's owner fails to prevent his or her dog, regardless of whether the dog is on or off the owner's premises, from disturbing the peace of any other person by loud, habitual, or persistent barking, howling, yelping, or whining.
- (2) No dog owner shall be charged with violating Subsection (1) (h) of this Section 1.05 unless an animal control officer previously has issued a written warning to the owner in accordance with the following warning process:
- (a) The animal control officer shall issue the warning on the basis of a written statement from a complainant;
 - (b) The complainant shall clearly identify himself or herself by stating his or her name, address, and telephone number, and shall state the dog owner's address, a description of the owner's dog if possible, a description of the incident, and the date, time, place, and duration of the incident.
 - (c) The warning shall relate to a prior incident as described in Subsection (1) (h) of this Section 1.05;
 - (d) The warning shall include a description of the incident, the date, time, place, and duration of the incident, and the name and address of the complainant;
 - (e) The warning shall precede the incident being charged as a violation by at least seven (7) days;

(f) A dog owner shall be deemed to have received a warning under this Subsection (2) if the warning was personally served on the owner or was posted on the owner's premises;

(g) A Contractor shall keep records of all warnings issued and such records shall be *prima facie* evidence that such warnings were issued by an animal control officer and were received by the owner.

- (3) No person shall maintain or permit the maintenance of a doghouse, pen, yard, enclosure, shed, or compartment where dog urine or feces have been allowed to accumulate and where the doghouse, pen, yard, enclosure, shed, or compartment is not in a clean and sanitary condition and free of offensive odors, insects and rodents.
- (4) No person shall keep or harbor more than four dogs of four months of age or older on any premises, unless such dogs are kept or harbored in a kennel approved pursuant to the Douglas County Zoning Resolution.
- (5) No person or owner shall fail to provide food, water, shelter or the normal standards of care consistent with the species, age or physical condition of the pet animal. The term, "shelter", shall mean an adequate structure that is in good repair, provides protection from the weather, provides shade from the direct rays of the sun and provides appropriate ventilation.
- (6) No person or owner shall abandon any pet animal which he owns or has in his custody. The term, "abandon", shall mean to leave a pet animal unattended without food, shelter or water for a period of time greater than twenty-four hours.
- (7)
 - (a) Any person who violates Subsections (1), (3), (4), (5) or (6) of Section 1.05 commits a class 2 Petty Offense. Violations of each subsection shall be considered separate offenses, each of which is subject to a separate penalty. Except when otherwise prohibited herein, the penalty assessment procedure provided in section 16-2-201, C.R.S., may be followed by the animal control officer for any such violation of this resolution.
 - (b) The penalty schedule set forth in Subsection (c) below shall apply whether the violator is issued a penalty assessment notice or a summons and complaint. If the penalty assessment procedure is not used, and the alleged offender is found guilty, court costs may be assessed in addition to the fine. The penalty assessment procedure shall not be used after a person has been charged with a third violation of the same offense within a twelve month period. In no event shall a violator be fined more than \$300.00 for each separate offense.

(c) The penalties for any person violating Subsections (1), (3), (4), (5) or (6) of Section 1.05 shall be as follows:

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| (i) | First violation of Subsections (1), (3), or (4) of Section 1.05: | \$50.00 |
| (ii) | Second violation of Subsections (1), (3), or (4) of Section 1.05 within a period of twelve months: | \$75.00 |
| (iii) | Third and subsequent violations of Subsections (1), (3), or (4) of Section 1.05 within a period of twelve months: | \$75.00 plus an additional \$25.00 for each repeat offense after the second offense |
| (iv) | First violation of Subsection (5) or (6) of Section 1.05: | \$150.00 |
| (v) | Second violation of Subsection (5) or (6) of Section 1.05 within a period of twelve months: | \$225.00 |
| (vi) | Third and subsequent violation of Subsection (5) or (6) of Section 1.05 within a period of twelve months: | \$300.00 |

(8) The provisions of Subsection (1) of this Section 1.05 shall not apply to the owner of any dog that is actually working livestock, locating or retrieving wild game in season for a licensed hunter, assisting law enforcement officers, or being trained for any of these pursuits.

Class 2 Misdemeanors

- 1.06 (1) A dog owner commits a Class 2 misdemeanor if:
- (a) The owner's dog, while unlicensed, bites a person, causing bodily injury;
 - (b) The owner's dog, while running at large, bites or attacks a person, causing bodily injury; or

(c) The owner's dog, while off the owner's premises but under the control of the owner, bites or attacks a person, causing bodily injury.

(d) The owner's dog, while on the owner's premises, bites or attacks a person, causing bodily injury.

(2) If a dog is provoked into biting or attacking, such provocation shall constitute an affirmative defense which may be asserted by any dog owner charged with a Class 2 misdemeanor pursuant to this resolution.

(3) Any person convicted of a Class 2 misdemeanor pursuant to this resolution shall be fined not less than two hundred fifty dollars (\$250.00) and not more than one thousand dollars (\$1000.00), or imprisoned in the County jail for not less than three (3) months and not more than twelve (12) months, or both.

(4) If a dog owner is twice convicted of a Class 2 misdemeanor relating to the same dog, or if a court finds a dog to be a vicious dog, the dog may be destroyed by order of the court.

(5) The provisions of Subsection (1) of this Section 1.06 shall not apply to the owner of any dog that is actually working livestock, locating or retrieving wild game in season for a licensed hunter, assisting law enforcement officers, or being trained for any of these pursuits.

ENFORCEMENT

- 1.07 Whenever an animal control officer has probable cause to believe that a violation described in this resolution as a class 2 misdemeanor has occurred or has personal knowledge of any other violation of this resolution, the officer may issue a citation or summons and complaint to the violator, stating the nature of the violation with sufficient particularity to give notice of the charge to the violator. Animal control officers shall enforce all other provisions of this regulation as set forth herein.

DISPOSITION OF FINES AND FORFEITURES

- 1.08 All fines and forfeitures for the violation of this resolution shall be paid into the treasury of the County.

LIABILITY FOR ACCIDENT OR SUBSEQUENT DISEASE FROM IMPOUNDMENT

- 1.09 The Board of County Commissioners, any of its employees or assistants, or any other person authorized to enforce the provisions of this dog control and licensing resolution shall not be liable for injury or disease that may occur to a dog in connection with the administration of this resolution.

SEVERABILITY

- 1.10 In the event that any section, clause, sentence, or part of this resolution is adjudged by any court of competent jurisdiction to be unconstitutional or invalid, that judgment shall not affect, impair, or invalidate the resolution as a whole or any part of the resolution other than the part adjudged to be invalid.

REPEAL OF PRIOR RESOLUTIONS

- 1.11 Resolution Nos. R-995-084 and R-997-152 pertaining to the control and licensing of dogs are hereby repealed.

EFFECTIVE DATE

- 1.12 This resolution shall become effective on the date and at the time of its adoption.

PASSED AND ADOPTED this 4th day of August, 1998, in Castle Rock, Douglas County, Colorado

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS**

By: 
James R. Sullivan, Chairman

ATTEST:


Wanda W. Bailey, Deputy Clerk

