

## ARTICLE 2

### Animals

#### Sec. 7-2-10. Definitions.

For the purposes of this Article, the following terms shall have the following meanings:

*Aggressive dog* means a dog which, without intentional provocation, engages in any of the following behaviors:

- a. Threatens a person 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;
- b. Injures another domestic animal while off the owner's or custodian's property;
- 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.

*Animal Control Officer* means the Arapahoe County Director of the Department of Public Works and Development or any person authorized by said Director, including the Arapahoe County Sheriff or a Sheriff's Deputy, to issue summonses and complaints enforcing this Article.

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

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

*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 reasonable necessary.

*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 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 (20) feet 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 (40) feet of and immediately responsive to the voice commands of said dog's owner, keeper or possessor.

*C.R.S.* means the Colorado Revised Statutes, as amended.

*Custody* means providing food, shelter, water, other sustenance or care for a dog.

*Department* means the Arapahoe County Department of Public Works and Development, Animal Control Division.

*Director* means the Director of the Department of Public Works and Development appointed by the Arapahoe County Board of County Commissioners or his designee.

*Keeper* means a person who, or whose unemancipated child under the age of eighteen (18) years who resides with said person, has temporary custody of a dog through bailment, loan, entrustment or other arrangement between the keeper and owner.

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

*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.

*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.

*Possessor* means a person who, or whose unemancipated child under the age of eighteen (18) years who resides with said person, 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, or his unemancipated child under the age of eighteen (18) years who resides 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.

*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 agent, even if said dog is under the control of the dog's owner, keeper or possessor.

*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.

*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 or domestic animal.

b. Any dog which has caused bodily injury to a human being or domestic animal during two (2) or more separate episodes.

c. The control provisions of Subparagraphs a. and b. above shall not apply to any dog while actually working livestock 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 Subparagraphs a. and b. above 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 Subparagraphs a. and b. above.

e. The exclusions provided for in Subparagraphs c. and d. above shall be affirmative defenses. (Ord. 3 §3, 2010; Ord. 1 §1, 2012)

#### **Sec. 7-2-20. Licensing of dogs required.**

(a) Any owner, keeper or possessor of a dog commits a class 2 petty offense if such dog is more than one hundred eighty (180) days old and a current license issued by the Director has not been acquired for such dog.

(b) 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 7-2-30 of this Article. 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.

(c) No person charged with violating this Section shall be convicted if he 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. (Ord. 3 §3, 2010; Ord. 1 §1, 2012)

#### **Sec. 7-2-30. Dog licensing procedure.**

(a) Dog licenses shall be issued by the Director subject to the following requirements:

(1) 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;

(2) A dog licensing fee, as provided for in this Section, shall be paid to the Department.

(b) Upon completion of the requirements provided for in this Subsection, the Department shall give to the person paying the dog licensing fee: a dog license containing the dog owner's name and address; 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.

(c) 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.

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

(e) 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. (Ord. 3 §3, 2010; Ord. 1 §1, 2012)

**Sec. 7-2-40. Dogs not to run at large.**

(a) Any owner, keeper or possessor of a dog commits a class 2 petty offense if such dog runs at large.

(b) Any owner, keeper or possessor of a dog commits a class 2 misdemeanor if such dog causes bodily injury to any person or domestic animal on two (2) or more separate episodes while running at large.

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

(d) A violation of this Section shall not be proven solely by the uncorroborated testimony of a single witness unless the witness is an Animal Control Officer. (Ord. 3 §3, 2010; Ord. 1 §1, 2012)

**Sec. 7-2-50. Noisy dogs.**

(a) Any owner, keeper or possessor of a dog commits a class 2 petty offense if such dog individually makes, or in combination with another dog or dogs together, makes any noises which are audible from an adjacent or nearby property for a continuous twenty-minute period, such noises being separated by pauses, however slight, during said continuous twenty-minute period.

(b) A summons and complaint for a first violation of this Section shall not be issued. First-time violators will be issued a warning, which shall be signed by an Animal Control Officer and at least one (1) complaining person. Such warning shall contain the dates and times when the violation occurred, brief explanation of the nature of the notice complaint and a copy of this Section. 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 the owner, keeper or possessor of the dog.

(c) A summons and complaint for a violation of this Section shall be signed by at least two (2) 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 (1) occupied residence in the immediate area of the location of the barking dog, only one (1) complaining witness shall be required to sign the complaint.

(d) A violation of this Section shall not be proven solely by the uncorroborated testimony of a single witness unless the witness is an Animal Control Officer. (Ord. 3 §3, 2010; Ord. 1 §1, 2012)

**Sec. 7-2-60. Aggressive dogs.**

Any person who is the owner, keeper or possessor of an aggressive dog, as defined in this Article, commits a class 2 petty offense. (Ord. 3 §3, 2010; Ord. 1 §1, 2012)

**Sec. 7-2-70. Vicious dogs.**

(a) Any person who is the owner, keeper or possessor of a vicious dog, as defined in this Article, commits a class 2 petty offense.

(b) 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 2 misdemeanor.

(c) 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 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.

(d) 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 or to seize any vicious dog, when any person is refusing to consent to such entry or seizure.

(e) Animal Control Officers shall immediately impound all dogs seized under this Section. Any dogs impounded under this Section 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 Article, and should be destroyed by the Department. When a dog seized under this Article 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.

(f) Each and every day during which a violation of this Section occurs shall be deemed a separate violation. (Ord. 3 §3, 2010; Ord. 1 §1, 2012)

**Sec. 7-2-80. Number of animals allowed.**

(a) Any person who is the owner, keeper or possessor of more than four (4) pet animals, including but not limited to dogs, cats or small animals older than one hundred eighty (180) days upon residential property within the Town, commits a class 2 petty offense.

(b) Legally permitted and licensed kennels and/or veterinarian offices shall be exempt from the provisions of this Section.

(c) For the purposes of this Section, each lot or parcel which is zoned residential and contains a residential structure shall constitute one (1) 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.

(d) Each and every day during which a violation this Section occurs shall be deemed a separate violation.

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

(f) Any summons or complaint issued for a violation of this Section shall be signed by at least one (1) complaining person, which signature shall be in addition to the required signature of an Animal Control Officer or Arapahoe County Deputy Sheriff. (Ord. 3 §3, 2010; Ord. 10 §1, 2010; Ord. 1 §1, 2012)

**Sec. 7-2-90. Seizure and impoundment of dogs.**

(a) 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 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's owner's expense, when said dog is unrestricted on the owner's property with no owner present.

(b) The Department shall impound all dogs which have been lawfully seized for running at large or for being a vicious dog.

(c) 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 cost of such dog's impoundment, unless the dog has been mistreated or is a vicious dog.

(d) If an owner, keeper or possessor of a dog impounded under the provisions of this Article 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 the receipt of the written or verbal notice required by this Article, then such dog shall come under the authority of the Department for final disposition, either by adoption or destruction.

(e) If an owner, keeper or possessor of a dog impounded under the provisions of this Article 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.

(f) An officer of the Department may exercise his 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 7-3-110 of this Article. (Ord. 3 §3, 2010; Ord. 1 §1, 2012)

**Sec. 7-2-100. Enforcement and liability.**

Pursuant to Section 30-15-104, C.R.S., the Board of Trustees, 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 Article shall not be held responsible for any accident or subsequent disease that may occur to a dog in connection with the administration of this Article. (Ord. 3 §3, 2010; Ord. 1 §1, 2012)

**Sec. 7-2-110. Fees.**

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

- (1) Annual license fees:

- a. A spayed female or neutered male dog annual fee: twelve dollars (\$12.00).
- b. An unspayed female or unneutered male dog annual fee: twenty-four dollars (\$24.00).

The above license fees shall be waived for one (1) dog for owners over the age of sixty-five (65) years.

(2) Impoundment fees:

- a. Cost for first day of impoundment: fifty-six dollars (\$56.00).
- b. Subsequent daily costs for care and feeding during impoundment: six dollars (\$6.00).

(3) Release in lieu of impoundment fee: thirty dollars (\$30.00).

(4) Dead animal pickup for disposal fee:

- a. Animals zero (0) through fifteen (15) pounds: fifteen dollars (\$15.00).
- b. Animals sixteen (16) through fifty (50) pounds: thirty dollars (\$30.00).
- c. Animals fifty-one (51) through one hundred (100) pounds: fifty dollars (\$50.00).
- d. Animals exceeding one hundred (100) pounds: seventy-five dollars (\$75.00).

(5) Animal pickup for destruction and disposal:

- a. Small animals (dog, cat): thirty dollars (\$30.00).
- b. An additional shelter fee will apply if the animal is destroyed. (Ord. 3 §3, 2010; Ord. 1 §1, 2012)

**Sec. 7-2-120. Enforcement: peace officer designation.**

The provisions of this Article shall be enforced primarily by the Department, with assistance from the Arapahoe County Sheriff's Department. For purposes of enforcement and pursuant to Section 30-15-105, C.R.S., Arapahoe County Animal Control Officers may issue summonses and complaints to enforce this Article. (Ord. 3 §3, 2010; Ord. 1 §1, 2012)

**Sec. 7-2-130. Violations; strict liability.**

Violations of any provision of this Article 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 Article 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 Article are ones of "strict liability," as defined by Title 18, Article 1, C.R.S. (Ord. 3 §3, 2010; Ord. 1 §1, 2012)

**Sec. 7-2-140. Penalties.**

(a) Each violation of any provision of this Article which constitutes a class 2 petty offense, notwithstanding the provisions of Section 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 7-2-70 of this Article shall require a mandatory court appearance. Each violation of Section 7-2-70 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 Section 30-15-102, C.R.S., and in addition to Subsection (a) above, 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 2 petty offense violations of this Article, except for violations of Section 7-2-70 of this Article, the following graduated penalty assessment schedule shall be applicable:

- (1) First offense: fifty dollars (\$50.00).
- (2) Second repeated offense: one hundred dollars (\$100.00).
- (3) Third repeated offense: three hundred dollars (\$300.00).
- (4) Fourth repeated offense: five hundred dollars (\$500.00).
- (5) Fifth and above repeated offenses: mandatory court appearance.

(6) Repeated offenses shall be cumulative only within a three-hundred-sixty-five-day period counting from and including the day of the first violation.

(7) Repeated offense means a conviction of a person for an additional repeated violation of the same provisions of this Article, for which violation of said same provision of such person has been previously convicted.

(d) Each violation of any provision of this Article which constitutes a class 2 misdemeanor by involving bodily injury to any person by a dog shall be punished upon conviction as provided for in Section 18.1.3-501, C.R.S. (Ord. 3 §3, 2010; Ord. 1 §1, 2012)

**Sec. 7-2-150. Incorporation of state statutes.**

All provisions of Title 30, Article 15, Part 1, C.R.S., are hereby adopted and incorporated by reference into this Article. (Ord. 3 §3, 2010; Ord. 1 §1, 2012)

**Sec. 7-2-160. Applicability.**

The provisions of this Article shall apply to and may be enforced within all areas of the Town. (Ord. 3 §3, 2010; Ord. 1 §1, 2012)