

2018 Proposed Update to “Control and Licensing of Dogs and Pet Animals” Resolutions

| Section | Current Resolution R-998-100 as Amended by R-999-177 | vs. | Proposed Updated Resolution |
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| 1. Combine R-998-100 and R-999-177 into one final resolution. | R-998-100 is the main resolution regarding <u>“Control and Licensing of Dogs and Pet Animals.”</u> R-999-177 is an amendment that updates section 1.05(1) and 1.06 (2), <u>“Violations-Penalties-Enforcement.”</u> Citizens must refer to both. | | Including all updates, combine these into one 2018 resolution. |
| 2. Section 1.06 (1)(f) Noisy Animals (Barking Dogs). | <p>What Currently Constitutes a Violation =</p> <p><u>“Disturbing the peace of any person by loud, habitual, or persistent barking, howling, yelping, or whining.”</u> This is too subjective, vague, and difficult for residents to interpret reasonably.</p> | | <p>Update Definition to read:</p> <p><u>“A household pet individually, or in combination with another household pet or pets, disturbs the peace of another by making any noise audible from an adjacent or nearby property for a 10-minute period that is relatively continuous and uninterrupted.”</u></p> |

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| <p>3. Section 1.06 (2) of R-998-100</p> | <p>Requires a written warning to be issued prior to enforcement action.</p> <p>Does <u>not</u> require evidence or proof of a violation prior to filing a complaint.</p> <p>No resolution to the core problem, only a fine.</p> | <p>Still require a written warning prior to enforcement.</p> <p>Require written witness corroboration or audio and/or video evidence prior to an enforcement action/issuance of a summons. <u>“Unless an animal control officer witnesses a violation, he or she must have a signed written complaint from at least two complaining persons who are from separate households; or a signed written complaint from one person and that complaint is accompanied by audio and/or video evidence of the violation.”</u></p> <p>Allows for mediation or training as methods to seek preventative resolution at the warning stage.</p> |
| <p>4. Section 1.06 (2)(b) & (d) of R-998-100</p> | <p>Currently, this states <u>“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.”</u></p> <p>Because most initial complaints come into PPHS or the Sheriff’s Office via phone, Internet, or website, the language <u>“and the name and address of the complainant”</u> has been deemed to be in conflict with CRS 24-72-204(3) (a) (IX) of the Colorado Open Records Act, which specifically protects information provided by users of <u>“public utilities.”</u></p> | <p>Re-write Section 1.05 (2) (d) of R-998-100, to state <u>“the warning shall include a description of the incident, the date, time, place, and duration of the incident, and a description of any evidence provided to support the violation(s).”</u></p> <p>The <u>“name and address of the complainant”</u> is also removed from the Written Warning document.</p> |
| <p>5. Section 1.06 (2) (a) &</p> | <p>Only allows for warnings and citations with a citizen complainant.</p> | <p>Add that animal law enforcement officers or a deputy sheriff can witness violations and then issue warnings and citations without a written citizen complainant.</p> |
| <p>6. Section 1.06 (4)</p> | <p>Currently limits owners to <u>“...no more than</u></p> | <p>DC Zoning has changed their regulations to allow</p> |

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| | <p><u>four (4) dogs of four (4) months of age or older on any premises...</u> unless such dogs are kept or harbored in a kennel approved pursuant to the Douglas County Zoning Resolution.</p> | <p>“up to 8 household pets in A1 and LRR zones. Remove reference to allowable numbers and simply refer to zoning resolutions for allowable number of pets based on DCZR Zoning District Animal Limits.</p> |
| <p>7. Section . 1.05 Potentially Dangerous Animals and 1.07 Dangerous Animal</p> | <p>Bites or attacks a person or domestic animal. Approaches any person in an apparent attitude of attack. Has been found to be a vicious dog by any court of record. May impound if any dog has bitten a person or animal but no clear disposition process.</p> | <p>Potentially Dangerous Animal (PDA) – Causes injury less than serious bodily injury or without provocation approaches a person in a menacing or terrorizing manner or apparent attitude of attack. Attacks any person lawfully on owner/keeper’s property.</p> <p>Dangerous Animal (DA) - An animal that is a threat to public safety as demonstrated by: previously classified as potentially dangerous and is involved in second or subsequent PDA or DA case, causes bodily injury, causes death of a domestic animal, serious bodily injury.</p> <p>Clearly establishes affirmative defenses to a violation.</p> <p>Provides opportunity for confinement of DA or PDA when appropriate.</p> <p>Increased penalties for violations.</p> <p>Provides opportunity for animal to be removed from PDA status after a 24-month period of time with no additional animal violations and successful completion of court ordered requirements.</p> |
| <p>8. General</p> | | <p>Renumbered sections to allow for insertion of Section 1.05 Potentially Dangerous Animal. Subsequent sections had to then be renumbered. Current Summons and Complaint forms will need to be replaced should this Resolution move forward.</p> |