

RESOLUTION NO. R-TBD

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

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

WHEREAS, the Board of County Commissioners (“Board”) is authorized to adopt a resolution for the control and licensing of ~~dogs and household pets~~ animals, pursuant to section 30-15-101, *et seq.*, CRS and;

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

WHEREAS, the Board wishes to repeal Resolution Nos. R-998-100 and R-999-177, 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 Office; the Tri-County Health Department; peace officers as defined in sections 18-3-201(2) and 30-15-105, CRS; 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~~thirty-five (3015) 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) *Dangerous animal means any animal, except a dog assisting a law enforcement officer engaged in law enforcement duties, that:*

Causes serious bodily injury to any person or domestic animal

Has been previously adjudged as a potentially dangerous animal under Section 7-7-4301.05 of this ~~Article~~ resolution and the owner or keeper has failed to obtain and maintain the required potentially dangerous animal permit, or the animal has engaged in subsequent behavior that poses a threat to public safety or for which any of the potentially dangerous animal permit conditions set forth for the keeping of potentially dangerous animals have been violated (unless the animal owner or keeper has been relieved of the obligation to maintain such permit as set forth in Subsection 7-7-430(f)1.05 (4)(j) of this ~~Article~~ resolution).

Engages in or has been trained for animal fighting as described and prohibited in Section 18-9-204, C.R.S.

(87) **DCZR** means Douglas County Zoning Resolution, as amended, available at www.douglas.co.us/zoning

(987) **Dog** means any animal of the canis familiaris species or any hybrid thereof.

(1098) **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.

(1109) **Harboring** means occupying any premises on which a dog is kept or to which a dog customarily returns for food and care.

(124) **Household Pet:** A small animal customarily permitted to be kept in a dwelling for company or pleasure, including, but not limited to, dogs, cats, pot-bellied pigs, gerbils, hamsters, tropical fish, or common house birds, provided that such animals are not kept to supplement food supplies or for any commercial purpose.

(1320) **Impound** means to physically confine a dog at a licensed boarding facility or licensed animal shelter at the direction of an animal control officer.

(1431) **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.

(1542) **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.

(165) Mediation means a confidential and impartial program (per 13-22-307 C.R.S.) hosted by the Douglas County Sheriff's Office that uses professional mediators to assist in finding agreeable solutions to neighborhood problems such as pets, noise, property maintenance, landscaping issues, landlords, zoning or code issues, etc.

(1763) **Owner/keeper** means any person, or the parent, guardian, or custodian of any child who owns, controls, keeps, harbors, or has custody of a household pet~~dog~~.

(18) Potentially dangerous animal means any animal, except a dog assisting a law enforcement officer engaged in law enforcement duties, that may be a threat to public safety as may be demonstrated by any of the following behaviors:

(a) Causes any injury less than serious bodily injury to any person or domestic animal at any place within the County.

(b) Without provocation, approaches any person in a menacing or terrorizing manner or in an apparent attitude of attack, whether such person is in motion or standing still, and whether such person is on foot or on or in a vehicle or device which allows such person to be in motion.

(c) Attacks any person who is lawfully on the owner's or keeper's property

(19) Proper enclosure means a structure which:

(a) Is suitable to prevent the entry of young children and to prevent the animal from escaping.

(b) Has secure sides and a secure top or secure sides which are of sufficient height to prevent the animal from escaping over the sides.

(c) Has sides that are constructed at the bottom so as to prevent the animal's escape by digging under the sides.

(d) Provides appropriate protection from the elements for the animal.

~~(1) **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.~~

(20175) **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.

(21) Serious bodily injury means any physical injury that results in broken bones or severe bruising, muscle tears, lacerations that require multiple sutures or cosmetic surgery, or any physical injury that requires corrective or cosmetic surgery or results in death.

~~(186) 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~~ four 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 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 to 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 (5) 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 (5) 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.

Potentially Dangerous Animals

1.05 (1) It is unlawful to keep or maintain any potentially dangerous animal within the County without compliance with this Section. Whenever any animal engages in behavior that meets the definition of a potentially dangerous animal, the owner or keeper of such animal shall be charged with a violation of this Section, and the animal may be seized and impounded as set forth in this Article resolution. If the animal is impounded, such owner or keeper shall also be required to meet the financial bonding requirements set forth in this Article resolution. If the identity of the owner or keeper of an animal which the animal control officer reasonably believes to be potentially dangerous cannot be reasonably determined, the animal shall be immediately confiscated. If the owner or keeper then claims such animal, the animal may, in the discretion of Animal Services, be released to its owner or keeper, together with a copy of the summons and complaint charging a violation of this Section. If the animal remains unclaimed for five (5) days, the animal shall be destroyed in an expeditious and humane manner. Such animals may be placed for adoption only with the consent of Animal Services.

(2) After any animal has been adjudged potentially dangerous through conviction or entry of a plea in the County Court, the animal may be permitted to remain in the County if and only if the owner applies for and receives a potentially dangerous animal permit from Animal Services, and the County Court shall order any such owner or keeper of a potentially dangerous animal to apply for such permit within five (5) days of the date of conviction and to maintain such permit for such animal at all times unless the animal is later determined by Animal Services to no longer be potentially dangerous in accordance with this Section. The owner or keeper of a potentially dangerous animal shall at all times comply with all conditions of such permit.

(3) Applications for potentially dangerous animal permits shall include:

The name and address of the applicant and of the owner or keeper of the animal and the names and addresses of two (2) persons who may be contacted in the case of emergency.

An accurate description of the animal for which the permit is requested.

The address or place where the animal will be located.

The owner or keeper of a potentially dangerous animal shall pay an annual permit fee of \$100 to register and maintain registration of such owner or keeper's animal as a potentially dangerous animal.

Proof that the animal has had a microchip implanted.

Proof that the animal has a current rabies vaccination.

Such other information as Animal Services may require to permit animal.

(4) Conditions of a potentially dangerous animal permit.

Any owner or keeper of a potentially dangerous animal shall be jointly and severally responsible with all other owners or keepers of such animal for compliance with the requirements of this Subsection and the permit issued hereunder.

The owner or keeper of any potentially dangerous animal shall be allowed only one (1) permitted potentially dangerous animal, and no household within the Citycounty shall be allowed to harbor more than one (1) permitted potentially dangerous animal at any time.

The owner or keeper of a potentially dangerous animal shall be a responsible adult eighteen (18) years of age or older.

The location where the potentially dangerous animal is possessed or maintained must be kept clean and sanitary, and the animal must be provided proper and adequate food, water, ventilation, shelter and care at all times.

Animal Services must be permitted at any reasonable time to inspect the animal and premises for compliance with this Section.

The owner or keeper of the potentially dangerous animal shall provide and pay for the implantation of a microchip within such animal and shall provide proof of compliance with this requirement at the time of making the permit application.

The owner or keeper of a potentially dangerous animal shall notify Animal Services in person or by telephone of any of the following occurrences within the scheduled time frames as set forth in this Subsection:

1. Within eight (8) hours after the animal has escaped or has otherwise ceased to be in custody of the owner or keeper for any reason, unless the owner or keeper knows such animal to be physically secured, restrained or confined and to be in the custody of another adult who is competent.

2. Within eight (8) hours after the animal has attacked a person or another domestic animal.

3. If the animal has died or if ownership or possession of the potentially dangerous animal or the location of the potentially dangerous animal's primary habitat is changed to a person or location outside of the Citycounty, the animal owner or keeper listed on the permit shall notify Animal Services within twenty-four (24) hours of such change, including the name, address and telephone number of the new owner, if relevant. If ownership or possession of the animal or the location of the animal's primary habitat is changed to a person or location at a different address within the Citycounty, the animal owner or keeper listed on the permit shall notify Animal Services within twenty-four (24) hours of the change, including the name, address and telephone number of the new owner, if relevant, and the new owner may be permitted to modify the permit to reflect the new owner's name in the discretion of Animal Services, but such modification must be obtained within five (5) days of the change.

(h) In the discretion of Animal Services and/or as ordered by the County Court, potentially dangerous animal permits may contain any or all of the following conditions:

a. Except under the circumstances otherwise specifically permitted by this Section, a potentially dangerous animal shall at all times be maintained inside of a proper enclosure.

b. The potentially dangerous animal shall not be present, kept or maintained at any location other than as specified in the permit.

c. A sign which is clearly visible to the general public shall be posted on the premises where a potentially dangerous animal is kept, warning that there is an animal on the premises which presents a potential danger to persons. Such sign shall have the dimensions, colors, graphics and lettering that comply with the standards as established by Animal Services. Such sign shall also include a symbol sufficient to convey, without the use of words, the message that there is an animal on the premises which presents a potential danger to persons.

d. The potentially dangerous animal shall not be permitted to be outside a proper enclosure on the premises named in the permit except for the purpose of obtaining supervised and attended exercise, veterinary care, being sold or given away or to comply with any provision of law or directive of an animal control officer. When outside the proper enclosure for such permitted purposes, the animal must be properly muzzled and restrained by a substantial chain or leash not to exceed six (6) feet in length under the control of a responsible adult at all times who has the physical ability to restrain the movement of such animal. Notwithstanding, potentially dangerous animals may be confined humanely within a vehicle, provided that the animal cannot escape or inflict injury upon any person or other domestic animal.

(i) Except as provided in Subsection (f) below, the permit as provided in this Section shall be renewed annually with Animal Services.

(j) In the discretion of Animal Services, upon written request from the owner or keeper, if there are no additional documented findings by Animal Services of any behavior of the potentially dangerous animal which indicates that the animal remains a threat to the public safety for the twenty-four-month period from the effective date of the initial potentially dangerous animal permit, the owner or keeper may be relieved of the obligation to continue to maintain a potentially dangerous animal permit.

VIOLATIONS – PENALTIES – ENFORCEMENT

Class 2 Petty Offenses

- 1.065 (1) A ~~dog~~household pet 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, except in public parks where ~~dogs~~ are permitted to run at large within designated areas;
 - (c) ~~The owner’s dog, under the control of the owner, bites a person without causing bodily injury or bites a domestic animal.~~
 - ~~(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.
- ~~(gd)~~ — The dog owner possesses one or more guard dogs and fails to comply with the conditions of section 1.02 of this resolution.
- ~~(de)~~ The owner's pet violates Section 1.05 of this Article resolution (Potentially Dangerous Animal). Any person charged with violating Section 1.05 of this Article resolution shall be issued a summons and complaint requiring a mandatory court appearance.

~~(feh)~~ 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.

~~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 person by loud, habitual, or persistent barking, howling, yelping, or whining.~~

~~(fgi)~~ An affirmative defense to the violation of this subsection ~~(c), (d), or (f) shall be:~~ shall be:

- (1) That at the time of the attack by the dog which causes injury to or the death of a domestic animal, the domestic animal was at large, was an estray, and entered upon the property of the owner and the attack began, but did not necessarily end, upon such property;
- (2) That at the time of the attack by the dog which causes injury or death of a domestic animal, said animal was biting or otherwise attacking the dog or its owner;
- (3) That, at the time of the attack by the dog which causes bodily injury to or the death of a person, the victim of the attack was committing or attempting to commit a criminal offense, other than a petty offense, against the dog's owner, and the attack did not occur on the owner's property;
- (4) That, at the time of the attack by the dog which causes bodily injury to or the death of a person, the victim of the attack was committing or attempting to commit a criminal offense, other than a petty offense, against a person on the

owner's property or the property itself and the attack began, but did not necessarily end, upon such property; or

- (5) That the person who was the victim of the attack by the dog tormented, provoked, abused, or inflicted injury upon the dog in such an extreme manner which resulted in the attack.
- (6) The affirmative defense set forth in subsection ~~(i)(i)~~ shall not apply to any dog that has engaged in or been trained for animal fighting as said term is described in section 18-9-204 CRS.

- (2) No ~~dog~~household ~~owner~~pet owner shall be charged with violating Subsection ~~(1)(eh)~~(f) of Section 1.065 unless an animal control officer or deputy sheriff previously has issued a written warning to the owner: ~~on accordance with the following warning process:~~
 - (a) The animal control officer or deputy sheriff shall issue the warning on the basis of a written statement from a complainant, unless an animal control officer or deputy sheriff witnesses the violation. If any animal control officer or deputy sheriff is witness to a violation, he/she must document the evidence and details in a written report in conjunction with the issuance of any warning;
 - (b) The complainant shall clearly identify himself or herself by stating his or her name, personal or business address, and telephone number, and shall state the household pet dog owner's address, a description of the owner's household pet dog if possible, a description of the incident, ~~and~~ the date, time, place, and duration of the incident, and note any evidence that supports the violation;
 - (c) The warning shall relate to a current or prior incident as described in Subsection ~~(1)(eh)~~(f) of Section 1.065;
 - (d) 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); ~~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 household pet 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:

(h) In addition to a warning, an animal control officer may offer other preventative remedies to include voluntary household pet control training and/or mediation when the animal noise situation appears to be caused by a lack of training or causing a dispute between complainant(s) and household pet owner(s). Participation in any household pet control training or mediation is voluntary and intended to help all parties involved by preventing future disputes or violations. -Any costs -associated with voluntary training or mediation is the responsibility of the complainant(s) and owner(s).

(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 or owner shall keep or harbor more household petspet animals than permitted by the Douglas County Zoning Resolution (DCZR). The number of allowable household petspet animals is based on the zoning district of the property and the parcel size. See the Section 24, Animals of the DCZR-Zone District Animal Limits, for allowable numbers.-and zone districts.

~~No person shall keep or harbor more than four (4) dogs of four (4) 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 household petpet 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 household pet pet animal which he/she owns or has in his/her custody. The term “abandon,” shall mean to leave a household pet pet animal unattended without food, shelter or water for a period of time greater than twenty-four (24) hours.

(7) (a) Any person who violates Subsections (1), (3), (4), (5), OR (6) of Section 1.065 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 CRS, may be followed by the initial animal control officer for any such violation of this resolution.

(b) A summons and complaint for a violation of Subsections (1)-(eh)(f) of Section 1.065 may be issued when:

1. A warning has first been issued in accordance with Section 1.065 (2);
2. 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.
3. Written complaints must clearly identify the complainant by his or her name, personal or business address, and telephone number, and shall state the household pet owner's address, a description of the owner's household pet if possible, a description of the incident, the date, time, place, and duration of the incident, and note any evidence that supports the violation.

~~Except when otherwise prohibited herein, the penalty assessment procedure provided in section 16-2-201 CRS, may be followed by the initial animal control officer for any such violation of this resolution.~~

~~(c)~~ The penalty schedule set forth in Subsection ~~(de)~~ 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 (12) month period. In no event shall a violator be fined more than \$300.00 for each separate offense.

~~(de)~~ The penalties for any person violating Subsection (1), (3), (4), (5), or (6) of Section 1.065 shall be as follows:

- (i) First violation of Subsection (1), (3), or

- (4) of Section 1.0~~56~~: \$50.00
- (ii) Second violation of Subsections (1), (3), or (4) of Section 1.0~~56~~ within a Period of twelve (12) months: \$75.00
- (iii) Third and subsequent violations of Subsections (1), (3), or (4) of Section 1.0~~65~~ within a period of twelve (12) 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 1.0~~65~~: \$150.00
- (v) Second violation of Subsection (5) or (6) of Section 1.0~~65~~ within a Period of twelve (12) months: \$225.00
- (vi) Third and subsequent violation of Subsections (5) or (6) of Section 1.0~~65~~ within a period of twelve (12) months: \$300.00
- (8) The provisions of Subsection (1) of this Section 1.0~~65~~ 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

DANGEROUS ANIMALS

1.067 (1) It is unlawful to own, keep or maintain any dangerous animal within the County. Whenever any animal engages in behavior that meets the definition of a dangerous animal, the owner or keeper of such animal shall be charged with a violation of this Section, and the animal shall be seized and impounded as set forth in this resolution. Any person convicted of a violation of this Section shall, in addition to all other permitted penalties under this resolution, be required to humanely destroy such animal or to remove and maintain it outside of the County.~~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) An affirmative defense to the violation of this subsection (1) ~~(b), (c), and (d)~~ shall be:

- (a) That, at the time of the attack by the dog which causes injury to or the death of a domestic animal, the domestic animal was at large, was an estray, and entered upon the property of the owner and the attack began, but did not necessarily end, upon such property;
- (b) That, at the time of the attack by the dog which causes injury to or the death of a domestic animal, said animal was biting or otherwise attacking the dog or its owner;
- (c) That, at the time of the attack by the dog which causes injury to or the death of a person, the victim of the attack was committing or attempting to commit a criminal offense other than a petty offense, against the dog's owner, and the attack did not occur on the owner's property;
- (d) That, at the time of the attack by the dog which causes injury to or the death of a person, the victim of the attack was committing or attempting to commit a criminal offense other than a petty offense, against a person on the owner's property or the property itself and

the attack began, but did not necessarily end, upon such property;
or

- (e) That the person who was the victim of the attack by the dog tormented, provoked, abused, or inflicted injury upon the dog in such an extreme manner which resulted in the attack.
 - (f) The affirmative defense set forth in subsection (2) shall not apply to any dog that has engaged in or been trained for animal fighting as said term is described in section 19-9-204, CRS.
- (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**

DRAFT

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 or 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-998-100 and R-999-177 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 _____ day of _____, 201~~8~~⁴, in Castle Rock, Douglas County, Colorado.

By: _____

~~Lora Thomas~~Roger Partridge, Chairman

ATTEST:

Emily Wrenn, Deputy Clerk