

**RESOLUTION NO. R-999-177**

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

DC99105767

**A RESOLUTION AMENDING RESOLUTION NO. R-998-100  
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**, on August 4, 1998, the Board adopted Resolution No. R-998-100, A Resolution for the Control and Licensing of Dogs and Pet Animals; and

**WHEREAS**, the Pikes Peak Humane Society has recommended adoption of amendments to said resolution; and

**WHEREAS**, the Board wishes to amend Resolution No. R-998-100 to incorporate such proposed amendments; now, therefore,

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

1. Section 1.05(1) of Resolution No. R-998-100, A Resolution for the Control and Licensing of Dogs and Pet Animals, is hereby amended to read as follows:

**VIOLATIONS - PENALTIES - ENFORCEMENT**

**Class 2 Petty Offenses**

- Section 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, 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;
- (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.
- (i) An affirmative defense to the violation of this subsection (c), (d), or (f) 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 to or the 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 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 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 defenses set forth in subsection (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, C.R.S.

2. Section 1.06(2) of Resolution No. R-998-100, a Resolution for the Control and Licensing of Dogs and Pet Animals, is hereby amended to read as follows:

**Class 2 Misdemeanors**

(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 stray, 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 defenses 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 18-9-204, C.R.S.

PASSED AND ADOPTED this 21<sup>st</sup> day of December, 1999, in Castle Rock, Douglas County, Colorado.

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

By: *James R. Sullivan*  
James R. Sullivan, Chairman

ATTEST:

*Wanda W. Bailey*  
Wanda W. Bailey, Deputy Clerk

