

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF DOUGLAS, COLORADO
RESOLUTION FOR THE CONTROL AND LICENSING OF HOUSEHOLD PETS**

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

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

WHEREAS, the Board wishes to repeal Resolution No. R-019-029, and adopt a revised resolution for the Control and Licensing of Household Pets: now, therefore,

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

1.0 DEFINITIONS

As used in this resolution unless the context otherwise requires:

- (1) **Abandon** means the leaving of household pet without adequate provisions for the animal's proper care by its owner, the person responsible for the animal's care or custody, or any other person having possession of such animal.
- (2) **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; Douglas County Health Department; peace officers as defined in sections 18-3-201(2) and 30-15-101, C.R.S.; and employees of any Contractor.
- (3) **Attack** means violation or aggressive physical contact with a person or household pet, or violent or aggressive behavior that confines the movement of a person

- (4) **At Risk** means any household pet, except a dog that is assisting a law enforcement that is engaged in law enforcement duties, that:
- (a) Without provocation, approaches any person or domestic animal in a menacing or terrorizing manner or in an apparent attitude of attack, whether such person or domestic animal 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.
 - (b) Without provocation causes minor injury to a person or a domestic animal
 - (c) Is cited for running at large on three or more occasions within a 12-month period of time.
- (5) **Bodily Injury** means any physical injury that results in severe bruising, muscle tears, or skin laceration requiring professional medical treatment or any physical injury that requires corrective or cosmetic surgery.
- (6) **Contractor** means any person, corporation, company, or legal entity authorized by the County by contract to enforce the provisions of this resolution.
- (7) **Control** shall mean that the dog is confined on its owner's property or when off property it is maintained on a leash, cord, or chain not more than 10 (10) feet in length and is held by a person of sufficient age, size, and physical ability to restrain the animal.
- (8) **County** means the unincorporated portion of Douglas County.
- (9) **Dangerous Animal** means any animal, except a dog assisting a law enforcement officer engaged in law enforcement duties, that:
- (a) Causes serious bodily injury to any person or the death of a domestic animal
 - (b) Has been previously adjudged as a potentially dangerous animal under section 1.06 of this 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 1.06(4)(h)(iii) of this resolution).
 - (c) Engages in or has been trained for animal fighting as described and prohibited in Section 18-9-204.5, C.R.S.
- (10) **DCZR** means Douglas County Zoning Resolution, as amended and available at <https://www.douglas.co.us/documents/section-24.pdf/>
- (11) **Dog** means any animal of the canis familiaris species or any hybrid thereof.
- (12) **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.

- (13) **Harboring** means occupying any premises on which a household pet is kept or tow which a household pet customarily returns for food and care.
- (14) **Household Pet** means an animal customarily permitted to be kept in a dwelling or on a property for company or pleasure, including, but not limited to, dogs, cats, pot-bellied pigs, hamsters, tropical fish, reptiles, amphibians, hedgehogs, common house birds, provided that such animals are not kept to supplement food supplies or for any commercial purpose. This definition does not exclude service animals.
- (15) **Impound** means to physically confine a household pet at a licensed boarding facility or licensed animal shelter at the discretion of an animal control officer.
- (16) **Kennel** means any structure or area used to house more than four dogs or cats of four months of age or older or used for the grooming, breeding, boarding, training, or selling of dogs and cats.
- (17) **License** means a current rabies certificate and tag indicating that a dog or cat has been inoculated against rabies by a licensed veterinarian.
- (18) **Livestock** means bovine, camelids, caprine, equine, ovine, porcine, and poultry.
- (19) **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.
- (20) **Minor Injury** means any physical injury that results in scratches, bruising, or any other physical injury that does not require immediate medical attention.
- (21) **Mistreat** means every act or omission that causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering.
- (22) **Neglect** means failure to provide food, water, protection from the elements, or other care generally considered to be normal, usual, and accepted for an animal's health and well-being consistent with the species, breed, and type of animal.
- (23) **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.
- (24) **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 bodily injury to any person or domestic animal at any place within the County.
 - (b) Attacks any person who is lawfully on the owner's or keeper's property.
 - (c) Continues to display behavior that caused the animal to be adjudicated as an "At Risk" animal.

- (25) **Proper Enclosure** means a structure which:
- (a) Has secure sides and a secure top or secure sides which are of sufficient height to prevent the animal from escaping over the sides.
 - (b) Has sides that are constructed at the bottom so as to prevent the animal's escape by digging under the sides.
 - (c) Has sides that are constructed at the top so as to prevent the animal's escape by climbing or jumping over.
 - (d) Provides appropriate protection from the elements for the animal.
- (26) **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.
- (27) **Shelter** means 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.
- (28) **Serious Bodily Injury** means bodily injury 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 burns of the second or third degree.

1.01 LICENSING

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

1.02 GUARD DOGS

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.

1.03 IMPOUNDMENT OF HOUSEHOLD PETS

An animal control officer may take into custody and impound any household pet that is found running at large or any household pet that has allegedly bitten a person or animal, caused bodily injury to a person or animal, or any animal that is not being provided with normal standards of care consistent with the species, age, or physical condition of the household pet. Unless otherwise authorized by this resolution, the household pet may be taken into custody and impounded for no more than ten (10) days.

Nothing in this Section 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/her person or members of the public from being injured by any household pet.

The owner or keeper of any impounded animal shall be responsible for the payment of all charges and fees, including those for impoundment, boarding and daily care, euthanasia, disposal, veterinary care, and all other services needed. Fees and charges for impounded animals shall be set by the Contractor in accordance with the fees and charges incurred by the County.

- (1) The owner or keeper of any animal impounded in conjunction with a violation of 1.06, 1.08(1)(i), (j), or 1.09 may prevent disposition of the animal by filing a payment for impoundment, care and provision costs set by the Contractor in an amount determined to be sufficient to provide said care for at least thirty (30) days with the Douglas County Clerk's Office.
- (2) The owner or keeper must file the payment:
 - (a) Within ten (10) days after the animal is impounded; or
 - (b) Within ten (10) days after the date of impoundment, the owner or custodian may request a hearing for the courts to determine whether there was sufficient probable cause for impoundment and whether the costs associated with impoundment are fair, reasonable, and necessary.

1.04 DISPOSITION OF IMPOUNDED HOUSEHOLD PETS

- (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 the 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 or cat has bitten a person or that a dog or cat may be rabid, the officer may hold the dog or cat for as long as the officer, in his or her discretion, deems necessary, even after the dog or cat is claimed by its owner.
- (5) An animal control officer shall destroy any household pet which a court has ordered to be destroyed in any Class 2 Misdemeanor action. Such destruction shall not occur prior to completion of observations for rabies in the dog or cat if such observation has been deemed necessary by the court or by an animal control officer.
- (6) Any animal that is impounded pursuant to Section 1.03(1), for which financial bond is not paid or a hearing is not requested, may be dispositioned as deemed necessary by the animal shelter.
- (7) No animal control officer shall sell or donate an impounded household pet to any institution that intends to use that household pet for research or experimentation purposes.

1.05 AT RISK ANIMAL

- (1) It is unlawful for any person to allow their household pet to engage in At Risk behavior within the County.
- (2) Whenever any animal engages in behavior that meets the definition of "At Risk" the owner may be issued a Penalty Assessment as described in Section 1.08.
- (3) Any second or subsequent violation of this Section 1.05 shall result in a charge of Potentially Dangerous Animal as described in Section 1.06.

1.06 POTENTIALLY DANGEROUS ANIMAL

- (1) It is unlawful to keep or maintain any potentially dangerous household pet 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 may be charged with a violation of this Section, and the animal may be seized and impounded as set forth in this resolution. If the animal is impounded, such owner or keeper shall also be required to meet the financial requirements set forth in Section 1.03(1). 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 Douglas County 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 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:
 - (a) 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.
 - (b) An accurate description of the animal for which the permit is requested.
 - (c) The address or place where the animal will be located.
 - (d) Proof of payment for all fees and costs associated with any impoundment, board, veterinarian cost, permit fees, or other costs incurred by the impounding agency.
 - (e) Proof that the animal has had a microchip implanted.
 - (f) Proof that the animal has a current rabies vaccination.
 - (g) Such other information as Animal Services may require permitting animal.
- (4) Conditions of potentially dangerous animal permit.
 - (a) 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.
 - (b) 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. The owner of the animal will be responsible for submitting payment to the Douglas County Sheriff's Office Record's Division.

- (c) The owner or keeper of any potentially dangerous animal shall be allowed only one (1) permitted potentially dangerous animal, and no household within the County shall be allowed to harbor more than one (1) permitted potentially dangerous animal at any time.
- (d) The owner or keeper of a potentially dangerous animal shall be a responsible adult eighteen (18) years of age or older.
- (e) The location of 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.
- (f) Animal Services must be permitted at any reasonable time to inspect the animal and premises for compliance with this Section.
- (g) 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.
- (h) The owner or keeper of the 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:
 - i. 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.
 - ii. Within eight (8) hours after the animal has attacked a person or another domestic animal.
 - iii. 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 County, 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 County, 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.

- (5) 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 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 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 of 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 to comply with any provisions 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.
- (6) Except as provided in Subsection (a) below, the permit as provided in this Section shall be renewed annually with Animal Services.
- (a) In the discretion of Animal Services, 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 public safety for the twenty-four (24) 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.

1.07 NOISY HOUSEHOLD PETS

No household pet individually, or in combination with another household pets(s), shall disturb the peace of another by making any noise audible from an adjacent or nearby property for a twenty (20) minute period that is relatively continuous and uninterrupted.

- (1) No household pet owner shall be charged with violating this Section unless an animal control officer or deputy sheriff previously has issued a written warning to the owner:

- (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 with state issued identification or by stating his or her name, person or business address, telephone number, and date of birth, and shall state the household pet owner's address, a description of the owner's household pet(s) if possible, a description of the incident, 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 this Section;
 - (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);
 - (e) The warning shall precede the incident being charged as a violation by at least seven (7) days.
 - (f) A household pet owner shall be deemed to have received a warning under this Subsection (1) 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 warning, an animal control officer may offer other preventative remedies to include voluntary dog training and/or mediation when the animal noise situation appears to be caused by lack of training or causing a dispute between complainant(s) and dog owner(s). Participation in any dog 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).
- (2) A summons and complaint for a violation of Section 1.07 may be issued when:
- (a) A warning has first been issued in accordance with Section 1.07(1) and was issued within twelve (12) months of the reported complaint for the summons;
 - (b) 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.

1.08 VIOLATIONS AND PENALTIES

Petty Offense

- (1) A household pet owner commits a Petty Offense if:
 - (a) The owner's dog or cat 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 dog owner possesses one or more guard dogs and fails to comply with the conditions of Section 1.02 of this resolution;
 - (d) The owner's household pet engages in At Risk behavior as described in Section 1.05 of this resolution;
 - (e) The owner's household pet violates Section 1.06 of this resolution (Potentially Dangerous Animal). Any person charged with violation Section 1.06 of this resolution may be issued a summons and complaint requiring a mandatory court appearance.
 1. An affirmative defense to the violation of Section 1.06 may be:
 - a. That, at the time of the attack by the household pet 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 household pet which causes injury or death of a domestic animal, said animal was biting, scratching, or otherwise attacking the household pet or its owner.
 - c. That, at the time of the attack by the household pet 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 household pet's owner, and the attack did not occur on the owner's property.
 - d. That, at the time of the attack by the household pet which causes bodily injury 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;

- e. That the person who was the victim of attack by the household pet tormented, provoked, abused, or inflicted injury upon the household pet which resulted in the attack.
- f. Any affirmative defense set forth in this sub-section (e)(1) 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.

- (f) The owner's household pet violates Section 1.07 Noisy Household Pets.
- (g) No person shall maintain or permit the maintenance of a doghouse, pen, yard, enclosure, shed, or compartment, where 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, or rodents.
- (h) No person or owner shall keep or harbor more household pets than permitted by the DCZR. The number of allowable animals is based on the zone district of the property and the parcel size. See Section 24, Animals of the DCZR for allowable numbers.
- (i) No person or owner shall neglect or mistreat a household pet at any location within the County.
- (j) No person shall abandon any household pet which he/she owns or has in his/her custody.

(2) Penalties

- (a) Any person who violates Section 1.08(1)(a), (b), (c), (d), (e), (f), (g), (h), (i), or (j) of this Resolution commits a petty offense. Violation 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 initial animal control officer for any such violation of this resolution.
- (b) The penalty schedule set forth in Subsection (c) below shall apply whether 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.

- (c) The penalties for any person violating Section 1.08(1)(a), (b), (c), (d), (f), (g), or (h) shall be as follows:
1. First violation: \$50.00
 2. Second violation within a period of twelve (12) months: \$75.00
 3. Third and subsequent violations within a period of twelve (12) months: \$75.00 plus an additional \$25.00 for each repeat offense after the second offense.
 4. First violation of Section 1.08(1)(e), (i), or (j): \$150.00
 5. Second violation of Section 1.08(1)(e), (i), or (j) within a period of twelve (12) months: \$250.00
 6. Third and subsequent violation of Section 1.08(1)(e), (i), or (j): \$300.00
- (d) The provisions of Section 1.09(1)(b) or (f) shall not apply to any dog that is working livestock, locating and retrieving wild game in season for a licensed hunter, assisting law enforcement officers, or being trained for any of these pursuits.

1.09 DANGEROUS HOUSEHOLD PETS

- (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 keep of such animal may be charged with a violation of Section 1.09, and the animal shall be seized and impounded. Any person convicted of a violation of this Section may, in addition to all other permitted penalties under this resolution, be required to humanely destroy such animal.
- (2) An affirmative defense to the violation of this subsection (1) shall be:
- (a) That, at the time of the attack by the household pet 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 household pet which causes injury or death of a domestic animal, said animal was biting, scratching, or otherwise attacking the household pet or its owner.
 - (c) That, at the time of the attack by the household pet 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 household pet's owner, and the attack did not occur on the owner's property.

- (d) That, at the time of the attack by the household pet which causes bodily injury 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;
 - (e) That the person who was the victim of attack by the household pet tormented, provoked, abused, or inflicted injury upon the household pet which resulted in the attack.
 - (f) Any affirmative defense set forth in this sub-section (e)(1) 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.
- (3) Any person convicted of Section 1.09 is guilty of either a Class 1 or 2 Misdemeanor pursuant to this resolution shall be fined not more than one thousand (\$1000) dollars or imprisoned in the County jail for not more than 364 days, or both.
 - (4) If a household pet owner is convicted of a violation of Section 1.09 the household pet may be humanely destroyed by the order of the court.
 - (5) The provisions of subsection (1) of this section 1.09 shall not apply to any dog that is working livestock, locating and retrieving wild game in season for a licensed hunter, assisting law enforcement officers, or being trained for any of these pursuits.

1.10 ENFORCEMENT

Whenever an animal control officer or Deputy Sheriff has probable cause to believe that a violation described in this Resolution has occurred or has personal knowledge of any other violation of this resolution, the Office or Deputy may issue a penalty assessment 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.

1.11 DISPOSITION OF FINES AND FORFEITURES

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

1.12 LIABILITY FOR ACCIDENT OR SUBSEQUENT DISEASE FROM IMPOUNDMENT

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

1.13 SEVERABILITY

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 judgement shall not affect, impar, or invalidate the resolution as a whole o any part of the resolution other than the part adjudged to be invalid.

1.14 REPEAL OF PRIOR RESOLUTIONS

Resolution R19-029 pertaining to the control and licensing of dogs and household pets is hereby repealed.

1.15 EFFECTIVE DATE

This resolution shall become effective immediately upon adoption.