



Town of Castle Rock

Agenda Memorandum

Agenda Date: 3/6/2018

Item #: 26. File #: DIR 2018-007

To: Honorable Mayor and Members of Town Council

From: Heidi J. Hugdahl, Deputy Town Attorney

Discussion/Direction: Proposed Animal Code Amendment (One hour of public comment anticipated)

General Background

Town staff has undertaken a comprehensive and complete rewrite of the Town's Municipal Code Title 6 - Animals, after spending considerable time identifying and discussing the challenges attendant in the current iteration. The "team" primarily included the Municipal Prosecutor, the Town's Animal Control Officers, the Court Administrator, and the Town Attorney's office. Given the length of time that has elapsed, since that portion of the Town's Code was last reviewed in a comprehensive fashion, many sections of the current code are antiquated, and are in need of updating - to keep in step with best practices and developments in the law and technology, and our growing community. The team reviewed codes in other Colorado municipalities and across the country. Data (specific to dog bites) from the Town, and neighboring jurisdictions was taken into consideration as was input from others versed in this area. Numerous articles and literature have been reviewed during the process. The Town has supported this process through outreach to Castle Rock residents and held two Open Houses in an effort to fully engage residents in discussions related to all aspects of the current and proposed rewrite of Title 6.

Outreach and Community Input

On April 11, 2017, the Town held the first of two Open Houses. Every Town resident was mailed a postcard advisement (attached) of the Open House, and comment forms were made available-in hard copy, and on line. Town residents were afforded an opportunity to comment on a myriad of animal related matters, and broad topics were introduced in an effort to focus the discussion. (Attached is a copy of the packet that was made available). Information was also circulated to residents in "Your Town Talk," and included in the water bill, in April 2017, and again in January, 2018. (Attached).

Additionally, there were a number of social media postings: 1/18/2017 Twitter Post CCM Colorado News; 3/29/2017 Facebook Post Town of Castle Rock Government; 3/29/2017 Twitter Post Town of Castle Rock; 4/26/2017 Facebook Post Town of Castle Rock Government; 5/2/2017 Facebook Post Town of Castle Rock Government; 5/11/2017 Facebook Post Town of Castle Rock Government; 6/16/2017 Facebook Post Town of Castle Rock Government; 6/29/2017 Facebook Post Town of

Castle Rock Government; 9/5/2017 Facebook Post Town of Castle Rock Government; 12/13/2017 Twitter Post Town of Castle Rock; and 1/12/2018 Twitter Post Town of Castle Rock.

At the December 5, 2017 meeting, Council was provided an update (attached), and advised that a second Open House would be scheduled in January, 2018. On January 31, 2018, the Town held a second Open House (attached is a copy of the packet that was made available to the attendees and online). And, again, every Town resident was mailed a postcard advisement (attached).

During this entire process, the Town has continued to gather feedback from residents and non-residents. The feedback (with the exception of emails that contained graphic photographs) will be posted with this memorandum on the Town's website. (To the extent a request is made to see the graphic photographs, efforts will be made to make that information available to a requesting party). The information posted contains feedback from April 2017 through March 1, 2018.

For ease of review, a good faith effort has been made to sort the feedback by year - namely 2017 and 2018 - and by resident, non-resident, and unknown. We have undertaken our best efforts to compile all feedback, but the information came to the Town through a variety of channels. Efforts have been undertaken to redact email addresses and phone numbers. Also attached are unsolicited letters, received by the Town, from the Colorado Humane Society and the American Kennel Club. (Attached).

At this writing, the Town has received approximately 700 feedback forms, emails and online responses. (Please note that some are duplicative). This memo will be further supplemented with a breakdown of the data.

With regard to the responses received to date, a vast majority of the focus has been on the breed-specific ban. And, primarily, only Town residents have commented on a variety of other animal related topics such as feeding wildlife (and birds), chickens, bees, barking dogs, exotic animals, livestock, dogs running at large, licensing, cats and problems associated with animal waste on Town trails and open spaces.

Overview of the Proposed Code Rewrite

A draft of the proposed rewrite (attached) has been included for this discussion and direction item. Additional work will need to be done, based on a more in depth review of all the feedback, including information provided in and around the January Open House, and based on anticipated direction and input from Council. While not meant to be exhaustive, but illustrative, we envision making additional suggested changes to the potentially dangerous dog section, in an effort to better address some of the concerns that have been recently expressed by residents. We also believe there is a need to enhance sections related to feeding birds, again, based on recent resident input, and we want to revisit provisions related to enforcement tools, impoundment, penalties, and some of the suggested processes to fine tune those sections. We also think that we need to look at discrete topics related to animal waste, leashing and tethering, licensing, chickens (including coop size) and bees (including hive size and location). Finally, the definition section will require further work, and it is possible that we may receive additional feedback that might warrant further modifications before a final product will be completed. In any event, we wanted to provide residents and Council with the broad vision - albeit

in draft form - in an effort to better facilitate our discussions.

The primary purpose and focus of the rewrite is to promote the general welfare and safety of the public while promoting responsible animal ownership and regulating the general welfare of the citizens and animals residing in the Town.

One of the pivotal proposals in the introduction of a two-tiered behavior based system is dealing with any potentially dangerous and dangerous animals in Town. Under this proposal, the Town, through its Animal Control/Law Enforcement Officer, Prosecutors and Municipal Judges would have better guidance and additional resources to deal with complex issues presented in this arena. It is believed that this two-tiered system will better address and evaluate the animal's behavior while adding additional safeguards and processes for continued ownership of a potentially dangerous animal within the Town.

A potentially dangerous animal, by definition, is any animal that may be a threat to public safety as demonstrated by any of the following behaviors:

- causes injury (less than serious bodily injury) to any person or domestic animal;
- without provocation, approaches a person in a terrorizing manner;
- attacks a person;
- acts in a highly aggressive manner and is kept in such a way that it may be able to escape.

Any animal adjudged potentially dangerous, through conviction or entry of a plea in the Court, may be permitted to remain in the Town if the owner applies for and receives a potentially dangerous animal permit. The permitting process focuses on the safe return of the animal to its family with specific requirements to protect the public as a whole. After thirty-six months, from initial permitting, the animal may be released from the permit at the discretion of Animal Control.

Any animal adjudged to be a dangerous animal, which by definition is an animal that causes serious bodily injury or behaves in a manner which would have resulted in serious bodily injury, will not be permitted to remain in the Town.

The proposed rewrite would increase the permitted "barking" time from 5 consecutive minutes to 10 consecutive minutes. The new provisions also focus on intervention with an education of the dog owner by using an optional verbal and required written warning system. Safeguards have also been recommended in an effort to protect the integrity of this type of violation.

The proposed rewrite includes a comprehensive process for impoundment of animals within the Town. The importance of timely addressing impoundment issues and due process protections for animals and owners has been emphasized in this rewrite.

Updated provisions concerning licensing, collars, tags, or microchipping as a means of identification are also being proposed. The primary purpose of these sections is a renewed emphasis and

awareness of the importance of vaccinations for all dogs, cats or ferrets four (4) months of age or older.

The rewrite addresses and defines Pet Animal Facilities (including kennels, rescues, fosters, breeders, livestock, pet shops and pet spas) within the Town. Licensing requirements are consistent with the State and regulation of these licenses would be the responsibility of the Commissioner of the Colorado Department of Agriculture. The proposed revisions also introduce, incorporate and require compliance with the Pet Animal Care and Facilities Act "PACFA." This important legislation and the adoption of it by reference into our code will allow local Animal Control Officers to work in conjunction with representatives from the Department of Agriculture on applicable issues within our Town.

Regulations concerning the keeping and maintaining of bees will be moved from the zoning portion of the Town's Municipal Code to Title 6. Recommendations have been made regulating the humane care and treatment of bees, as well as the size, location and design of the hives, including a flyaway barrier or privacy fence.

A comprehensive ordinance concerning the keeping and maintaining of chickens in Town has been introduced. This provision has been recommended based on feedback from residents. The proposed section will regulate the keeping and maintaining of chickens, including provisions related to the numbers (only hens would be permitted), humane care and treatment, and the size, design, and location of the coop.

The proposed rewrite includes provisions prohibiting the feeding of wild animals and contemplates specific requirements related to the feeding of birds. A prohibition against keeping livestock, wild, or exotic animals has been recommended as well as clarification and enhanced definitions related to these sections.

The proposed rewrite would limit the number of dogs to no more than three, and the number of cats to no more than five, but only dogs or cats older than six months would be included in any count. (The current code caps the total number of animals allowed at six).

Finally, the proposed rewrite includes additions to the powers and duties section as it relates to the Town's Animal Control Officers/Law Enforcement and a prohibition against interfering with them.

Breed-Specific Ban

Under the current code, American Pit Bull Terriers, American Staffordshire Terriers, and Staffordshire Bull Terriers, and dogs presumed to be a majority mix of one or more of those breeds are generally referred to as "Pit Bulls."

Recommendations to replace the Town's current breed-specific ban provisions have included the following considerations:

- ▶ continued focus on public health and safety;
- ▶ the uncertainty the ban might cause for local vets, doggie day cares, boarding and grooming

facilities, and local stores that sell pet product;

- ▶ the difficulties related to enforcement for the Town's Animal Control Officers, Law Enforcement Officers, the Municipal Prosecutor and the Municipal Judge;

- ▶ review of neighboring jurisdictions laws and the absence or presence of breed specific legislation;

- ▶ developments in the law including Service Animals under the Americans with Disabilities Act;

- ▶ an evolution of thought regarding addressing an animal's behavior as an indicator of future acts, instead of how the animal looks; and

- ▶ feedback from Town residents that clearly favors lifting the breed specific ban as well as feedback from residents who are opposed to this recommendation.

The foregoing points serve as further augmentation to the more detailed bulleted information contained in the packet, and on line, from the January, 2018 Open House.

Feedback from the Public

Copy of the feedback is posted at www.CRgov.com/animals <<http://www.CRgov.com/animals>> and is available for review.

Additional Considerations Related to Breed-Bans (A number of articles have been posted as well at www.CRgov.com/animals <<http://www.CRgov.com/animals>>)

A number of organizations including: the American Bar Association; the American Kennel Club; the American Veterinary Medical Association; the American Veterinary Society of Animal Behavior; the Center for Disease Control and Prevention; the Obama Administration; State Farm Insurance; the U.S. Department of Housing and Urban Development; the National Canine Research Council; the U.S. Department of Justice; the American Society for the Prevention of Cruelty to Animals; the Association of Pet Dog Trainers; Best Friends Animal Society; the Humane Society of the United States; and the National Animal Control Association support the adoption of comprehensive breed-neutral dangerous dog laws. (People for the Ethical Treatment of Animals "PETA" supports breed-bans). Generally, it is thought that breed-neutral laws better ensure due process protections for owners and encourage responsible pet ownership, rather than attempting to distinguish dogs based on one or more specific breeds, including dogs thought to be mixes of those breeds, as inherently "dangerous" based on the dog's physical appearance. Under a breed-specific rubric dogs are judged based on a number of physical characteristics, none of which take into account the dog's actual disposition or behavior. As a result of the inherently subjective nature of such evaluations breed-specific provisions may impact the property rights of responsible dog owners related to the seizure and destruction of property (family pets) simply based on the fact that the dog may appear to belong to one or more of any targeted breed based on its genetic make-up or appearance.

The American Bar Association advocates that "public safety and property rights are safeguarded when governmental entities target a specific dog or dog owner's behavior, not appearance." Also, as a fundamental underpinning, are traditional notions of fairness and due process-which are typically triggered in situations where there are alleged failures related to adequate notice to the public and to the officers charged with enforcement in order to prevent arbitrary and discriminatory application of the law. Furthermore, given the subjective nature of such visual assessments there is significant room for error and even experienced professionals do not always agree. The vagueness attendant to making such determinations can lead to challenges related to notice considerations, and too much discretion by officials in identification practices can result in subjective and arbitrary enforcement of the law, which can lead to vagueness challenges and alleged due process violations. The ABA also discusses the economic and efficiency aspects of breed-bans, as well as the difficulties related to identification and enforcement and the negative impact on individuals, including those with disabilities under the Americans with Disabilities Act (ADA). The ABA states that "measures that protect the public from dogs that are actually dangerous have proven to increase public safety," and ultimately urges governmental agencies to enact comprehensive breed-neutral dangerous dog/reckless owner laws that ensure due process protections for owners, encourage responsible pet ownership and focus on the behavior of both individual dog owner and dogs, and to repeal any breed-specific provisions.

Review was undertaken of a comprehensive article regarding the issue of dog bite related fatalities. Data collected over a 10-year period supported the conclusion of the multifactorial nature of dog bites and stressed the importance of collaborating with professionals in animal behavior when attempting to understand and prevent dog bite-related injuries to humans. Multiple factors under the control of dog owners were identified as indicators including: isolation of dogs from positive family interaction and other human contact; mismanagement of dogs by owners; abuse or neglect of dogs by owners; dogs left unsupervised with a child or vulnerable adult who may be unfamiliar to the dog; whether a dog has been neutered; and maintenance of dogs in an environment where they are trapped, neglected, and isolated and have little control over either the environment or choice of behavior that can potentially predispose dogs to enhanced territorial, protective, and defensive behaviors toward stimuli that occur commonly in everyday life. The study's primary objective was to examine potentially preventable factors in human dog bite-related fatalities on the basis of data from sources that were more complete, verifiable, and accurate than media reports used in previous studies using a sampling of dog bite related fatalities occurring in the United States from 2000 to 2009. The major co-occurrent factors included absence of an able-bodied person to intervene, incidental or no familiar relationship of victims with dogs, owner failure to neuter dogs, compromised ability of victims to interact appropriately with dogs, dogs kept isolated from regular positive human interactions versus family dogs, owners' prior mismanagement of dogs, and owners' history of abuse or neglect of dogs characterized by coincident and preventable factors, *but breed was not one of them*. The results supported previous recommendations for multifactorial approaches, instead of single-factor solutions such as breed-specific legislation, for dog bite prevention.

The role of the breed was also analyzed in an article by the AVMA, titled "Dog Bite Risk and Prevention: The Role of Breed." As stated in the conclusion "[m]aulings by dogs can cause terrible injuries and death-and it is natural for those dealing with the victims to seek to address the immediate causes. However as Duffy et al (2008) wrote of their survey based data: "The substantial within breed variation. . . suggests that it is inappropriate to make predictions about a given dog's propensity for

aggressive behavior based solely on its breed." While breed is a factor, the impact of other factors relating to the individual animal (such as training-method, sex and neutering status), the target (e.g. owner versus stranger), and the context in which the dog is kept (e.g. urban versus rural) prevent a specific breed from having significant predictive value in its own right.

Also the nature of a breed has been shown to vary across time, geographically, and according to breed subtypes such as those raised for conformation showing versus field trials. Given that breed is a poor sole predictor of aggressiveness and pit bull-type dogs are not implicated in controlled studies it is difficult to support the targeting of this breed as a basis for dog bite prevention."

Dogs.Bite.org has published statistics that suggest in a 12 Year period from - 2005 to 2016, 392 Americans suffered death due to dog bite injury with Pit Bulls accounting for 254 deaths (or 64.8%), with Rottweilers next, at 14 deaths (or 11.0%). DogsBite.org also produced an article titled "Breed-specific legislation FAQ," that provides a number of reasons why breed-specific law work suggesting a dramatic reduction in pit bull attacks on people and animals as well as having a positive impact on shelters. The article states that well-written breed specific laws have a 100% success rate when challenged based on constitutionally grounds, it stresses the importance of mandatory spaying and neutering, and makes suggestions regarding enforcement. The article also explains that there are not negative impacts on the budget related to enforcement. An overview of how and why breed legislation first began is provided-namely in direct response to the "savagery" of pit bull attacks and the catastrophic and fatal injuries inflicted by Pit Bulls. The article claims that breed-specific legislation recognizes the cost and severity of victim's injuries and that of the 860 cities that regulate specific dog breeds, 100% target pit bulls because of their propensity to attack and inflict severe and disfiguring injuries.

Review was also undertaken of the more in depth complexities related to breed identification in an article titled Comparison of Adoption Agency Breed Identification and DNA Breed Identification of Dogs.

Conclusion

Based on a number of considerations our team will be making a recommendation to Council to lift the breed-specific ban and to institute a two-tiered, behavior based, potentially dangerous and dangerous dog system.

Attachments

- Draft Ordinance
- April 2017 Postcard
- 2017 Open House Information
- April 2017 Your TownTalk
- January 2018 Postcard
- 2018 Open House Information
- January 2018 Your TownTalk

Item #: 26. **File #:** DIR 2018-007

- American Kennel Club Legislation Position Paper
- Humane Society Letter

ORDINANCE NO. 2018-

**AN ORDINANCE REPEALING AND REENACTING TITLE 6 ANIMAL
OF THE CASTLE ROCK OF THE CASTLE ROCK MUNICIPAL CODE**

WHEREAS,

**NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF CASTLE ROCK, COLORADO:**

Section 1. Repeal and Reenactment. Title 6 of the Castle Rock Municipal Code is repealed in its entirety and reenacted to read as follows:

**Title 6
ANIMALS**

6.02.000	Purpose and citation
6.02.010	Scope
6.02.020	Interpretation
6.02.030	Definitions
6.02.040	Powers and duties of animal control officer and law enforcement officers
6.02.050	Interference
6.02.060	Prosecution
6.02.070-6.02.110	Reserved
6.02.120	Dog licensing; collar, tags or microchip required
6.02.130	Rabies control
6.02.140	Limits on animals
6.02.150	Animals running at large
6.02.160	Noisy dogs
6.02.170	Removal of animal excrement; damage to property
6.02.180	Reporting animal bites
6.02.190	Guard dogs
6.02.200	Dangerous animals
6.02.210	Potentially dangerous animals
6.02.220	Presumption of ownership
6.02.230	Animals from other jurisdictions
6.02.240	Impounded animals
6.02.250-6.02.290	Reserved
6.02.300	PACFA guidelines
6.02.310	Bees
6.02.320	Chickens
6.02.330	Restrictions on sale of animals

6.02.340	Disposition of dead animals
6.02.350	Care and treatment
6.02.360	Capturing animals
6.02.370	Feeding of wild animals prohibited
6.02.380	Fees
6.02.390	Keeping livestock, wild, or exotic animals
6.02.400-6.02.450	Reserved
6.02.460	Penalties

6.02.000 Purpose and citation.

The Town of Castle Rock has established this Animal Ordinance to protect the public health and safety of its citizens and to promote the general welfare of the citizens and animals residing within the Town. Animal ownership is encouraged and welcomed within the Town; however, strong emphasis is placed on responsible ownership of animals. Animal owners are encouraged to respect the rights of their fellow citizens and those of their animals. Primary responsibility is placed upon animal owners to properly train or secure their animals to prevent them from causing injuries or creating nuisances. This Title 6 may be cited and referred to as the "Animal Code."

6.02.010 Scope.

This Title is comprehensive and addresses many issues which may not be relevant to each animal owner within the Town; however, all animal owners are required to adhere to any portions of this Title that address their particular situations.

6.02.020 Interpretation.

A. In interpreting and applying this Title, the requirements set forth herein are the minimum requirements for the protection of the public health, safety, and welfare. The provisions of this Title shall be liberally construed to accomplish its purposes.

B. This Title shall not be deemed to interfere with abrogate, annul or otherwise affect in any manner whatsoever any ordinances, rules, regulations or permits or agreements between parties; provided, however, that where this Title imposes stricter requirements upon the care, maintenance and control of animals than are imposed or required by other ordinances, rules, regulations, permits or agreements, the provisions of this Title shall prevail.

6.02.030 Definitions.

The following words, terms and phrases, when used in this Title, shall have the following meaning, unless the context clearly indicates otherwise:

Abandon means the leaving of an animal 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. This shall include, but is not limited to, leaving the animal

at the owner's residence for more than 24 hours, depositing or dropping off an animal on public property or on property other than that of the owner or custodian without prior permission of the property owner.

Animal means any living, nonhuman vertebrate creature.

Animal Code means this Title 6 of the Castle Rock Municipal Code.

Animal Control Officer means an employee or agent of the Town authorized by the Chief of Police to enforce the provisions of this Title.

Animal Shelter means any premise designated by the Town for the purpose of boarding or the caring of any animal impounded under the provisions of this Title or any other ordinance of the Town or law of the State.

Attack means any violent or hostile physical contact with a person or any violent or hostile behavior that confines the movement of a person, including but not limited to chasing, cornering or encircling a person.

Attractant means any substance which could reasonably be expected to attract a wild animal or does attract a wild animal, including but not limited to garbage, food products, pet food, feed, grain or salt.

Bee means the hymenopterous insects in the genus *Apis*, especially *Apis mellifera*, primarily distinguished by honey and wax production in colonial, perennial, docile hives, when the hives are intentionally initiated and maintained on residential property for honey production. Bee shall not refer to naturally occurring bee colonies, mason bees, or other bee species that are not intentionally kept for honey production.

Cat means a domestic cat (*Felis catus*) regardless of sex.

Chicken means any member of the species *Gallus domesticus*. Chicken means a domestic fowl kept for its eggs or meat, excluding ducks, geese, pigeons, turkeys, pea fowl, and guinea hens.

Common Area means and include areas such as but not limited to the yards, grounds, garden areas, play areas, clubhouses, swimming pools, walkways, common garage areas, entryways, hallways, and driveways of condominiums, townhouses, apartment complexes, motels, hotels and mobile home parks.

Covered enclosure means an accessory structure with a minimum of four (4) sides that is covered and fully enclosed.

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 domestic animal or behaves

in a manner that would have resulted in such serious bodily injury except for the fact that there was intervention by a person to stop the behavior.

b. Has been previously adjudged as a potentially dangerous animal under this Title and the owner has failed to obtain and/or 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 has been relieved of the obligation to maintain such permit as set forth in this Chapter).

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

Dog means a domestic dog (*canus lupus familiaris*) regardless of sex.

Domestic Animal means domesticated or household dogs, cats, rabbits, guinea pigs, hamsters, rats, mice, ferrets, birds, reptiles, amphibians, and invertebrates, commonly found in a pet store and intended to live and breed in a tame condition. It shall also include pot-bellied pigs and expressly does not include Bees or Chickens.

Emotional Support Animal means comfort animals or therapy dogs that are not considered service animal as defined below. Other species of animals, whether wild or domestic, trained or untrained, are not considered service animals either.

Exotic Animal means an animal introduced from another country not normally kept as a household pet or farm animal.

Feed means all provisions of edible or drinkable materials, including, without limitation, bones, salt licks and water.

Feral means an animal that has escaped from domestication and returned, partly or wholly, to a wild state.

Fowl means ducks, geese, pigeons, turkeys, pea fowl, guinea hens, and the like. For purposes of this Title, fowl expressly does not mean Chickens.

Guard Dog means any dog disciplined through special training to protect persons or property by attacking or threatening to attack any person found within the enclosed area patrolled by such dog.

Harbor(ing) means the act of keeping and caring for an animal or providing a premise to which the animal returns for food, shelter or care.

Humane Trap means a box-type trap that does not cause bodily harm to the animal intended to be captured or to any other animal or person coming in contact with such trap.

Kennel means premises where more than five (5) nonlivestock animals, excluding offspring not exceeding four (4) months of age belonging to one (1) of the adult animals, are kept for any purpose, including boarding, foster care or training. The term "kennel" does not include pet shop.

Keeper means any person who is in possession of or is keeping, harboring or caring for any animal.

Keep(ing) means to care for, to have custody of, to provide premises to which the animal regularly returns for food and shelter, or to exercise physical control over or to have any right of property in, an animal, or to own, harbor or allow an animal to remain about any premises within the Town.

Livestock means any animal commonly kept or harbored, as a source of food, hides, income through agricultural sale, as a pack animal or draft animal or for use as transportation. Livestock includes, but is not limited to, horses, mules, sheep, goats, cattle, swine, ducks, geese, pigeons, turkeys, pea fowl, and guinea hens. In the event of uncertainty concerning whether a particular animal is a species of livestock, the presumption shall be that such animal is a species of livestock until the owner of such animal proves by a preponderance of the evidence to the satisfaction of the Municipal Court that the animal is not a species of livestock.

Miniature horse means a horse generally ranging in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds.

Nondomestic Animal means an animal not normally adapted to live and breed in a tame condition.

Owner means any person who has right of property in an animal or harbors an animal or allows an animal to remain about his premises for a period of forty-eight (48) hours or longer; claims responsibility for an animal; or is declared by court decree to be the responsible party for an animal or the authorized agent of any such person. The parent or guardian of any minor claiming ownership of an animal shall be deemed to be the owner of the animal for purposes of this Title.

PACFA means the Pet Animal Care and Facilities Act, C.R.S. §§ 35-80-101 through 35-80-117.

Person means any natural person, corporation, partnership, association, or other entity.

Pet means any domesticated animal commonly kept in a household, excluding livestock. Regulated pets shall include dogs (*Canis familiaris*) and cats (*Felis catus*). Nonregulated pets shall be animals that are typically kept indoors in a cage or container, including chinchillas (*Chinchilla laniger*), domestic rabbits (*Oryctolagus cuniculus*), guinea pigs (*Cavia porcellus*), hamsters (*Mesocricetus auratus*), domestic mice (*Mus domesticus*), domestic rats (*Rattus rattus* albino strain), Mongolian gerbils (*Meriones unguicularus*), domestic ferrets (*Mustela putorius*

furo), Central African hedgehogs (*Atelerix albiventris*), sugar gliders (*Petaurus breviceps*), canaries, finches, starlings, doves, domesticated parrots, aquarium fish, nonpoisonous amphibians, nonvenomous snakes, nonvenomous invertebrates and turtles of a species and size which is permissible under state law. The definition of a pet excludes canid and felid hybrids.

Pet Shop means an establishment engaged in the business of breeding, buying or selling animals, other than livestock, in commercial, wholesale or retail trade.

Potbellied Pig means a pig registered with a potbellied pig registry and weighing less than ninety-five (95) pounds.

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 Town.
- 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 property.
- d. Acts in a highly aggressive manner within a fenced yard or enclosure and appears to a reasonable person to be able to jump over or escape such fenced yard or enclosure.

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 to prevent the animal's escape by digging under the sides.
- d. Provides appropriate protection from the elements for the animal.
- e. The proper enclosure must comply with all zoning and building ordinances/regulations of the Town, be kept in a clean and sanitary condition, and be approved by an Animal Control Officer, and such approval shall not be unreasonably withheld.

Prohibited Animal means any animal that is ordinarily found in an unconfined state and is usually not kept as a household pet, including, but not limited to, lions, tigers, cheetahs, panthers, leopards, cougars, mountain lions, ocelots, any wild members of the genus felis, lynx, bobcats, foxes, minks, skunks, raccoons, bears, nonhuman primates, wolves and coyotes; poisonous or venomous snakes and lizards; lethal toads and arachnids (spiders, scorpions, and tarantulas), crocodilians and nonpoisonous snakes over six feet (6') in length. "Prohibited animal" shall not include Pets. Alleged domestication of any prohibited animal shall not affect its status under this definition. In the event of uncertainty whether a particular animal is a prohibited animal, it shall be presumed prohibited until proven not prohibited by a preponderance of the evidence to the satisfaction of the Municipal Court.

Rabies Vaccination means inoculation of a domestic animal with an anti-rabies vaccine approved by the Tri-County Health Department or similar agency and administered by a licensed veterinarian. The vaccination shall be valid for the period of time specified in writing by the veterinarian for the specific vaccine used.

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 as defined in CRS § 18-1-901.

Service Animal means dogs or miniature horses that have been individually trained to do work or perform tasks for people with disabilities.

Shelter means a moisture-proof structure made of durable material that allows retention of body heat and is of suitable size to accommodate the animal.

Spayed female means any female dog or cat on which an ovariectomy or ovariohysterectomy has been performed by a veterinarian, and for which the owner shall furnish a certificate certifying that such operation has been performed.

Tether means to tie up or chain to a fixed or heavy inanimate object so as to restrict the free movement of an animal to a distance no greater than the length of its leash or chain.

Stray Animal means any animal for which there is no identifiable owner.

Wild Animal shall mean all wildlife, including but not limited to, bears, coyotes, foxes, mountain lions, opossums, raccoons, skunks, raptors, all game animals, and all other species of animals, which exist in their natural, unconfined state and are usually not domesticated.

6.02.040 Powers and duties of animal control officers and law enforcement.

A. Animal Control Officers and Law Enforcement Officers of this Town shall have the power and duty to enforce all Chapters of this Title and any other ordinance or law

of the State pertaining to animals. In the furtherance of such duties, such officers may issue, sign and serve penalty assessments or summons and complaints to enforce the provisions of this Title.

B. Animal Control Officers and Law Enforcement Officers shall keep accurate and detailed records of the impoundment and disposition of all animals coming into custody and of all reports of any animal bites reported to any Animal Control Officer or Law Enforcement Officer.

C. It shall be lawful for any Animal Control Officer or Law Enforcement Officer to go upon private property to capture any animal to be impounded for, or to investigate any report of a violation of this Title, if:

1. The officer has obtained consent of the person in possession of the property;
2. The officer has obtained a search warrant pursuant to Rule 241 of the Colorado Municipal Court Rules;
3. The officer is in pursuit of an animal which is, or has been, running at large;
4. The officer is in pursuit of an animal which the officer has probable cause to believe has bitten a person; or
5. The officer is attempting to abate a continuing violation when the owner of the property is not available.
6. Nothing in paragraphs (c)(3), (c)(4) or (c)(5) of this Section shall be deemed to authorize entry into any enclosed building on private property.

D. If an affidavit has been submitted to the Municipal Court Judge which satisfies the Judge that an animal which is the subject of a violation of this Title is located within the Town and that the animal either poses a clear and present danger to the health, general welfare or safety of other persons or animals or is suffering extreme neglect or cruelty, the Municipal Court Judge may order the animal seized by a designated officer of the Town pursuant to Rule 241 of the Colorado Municipal Court Rules. The owner of the animal may request a hearing concerning any such order for seizure entered pursuant to this Section by filing an appropriate motion pursuant to Rule 241(e) of the Colorado Municipal Court Rules. Whenever an animal is seized by order of the Municipal Court or other court, the animal shelter shall not adopt out, donate or euthanize the animal unless such action is permitted by a subsequent order of the same court which ordered the initial seizure.

E. Notwithstanding paragraph C.2. or C.6., above, if an Animal Control Officer or Law Enforcement Officer has reasonable cause to believe that the keeping of harboring of any animal is so hazardous, unsafe or dangerous as to require immediate inspection to

safeguard the animal or the public health or safety, the Animal Control Officer or Law Enforcement Officer shall have the right to immediately enter and inspect the property or vehicle in or upon which the animal is kept and may use any reasonable means required to effect such entry and make such inspection, whether the property or vehicle is occupied or unoccupied and whether permission to inspect has been obtained or not. If the property or vehicle is occupied, the Animal Control Officer or Law Enforcement Officer shall first present proper credentials to the owner or occupant of the property or vehicle and demand entry, explaining his or her reasons therefor and the purpose of the inspection. Such entry shall be solely for the purpose of abating the violation, and no evidence obtained during or as a result of such entry shall be admissible for purposes of prosecution.

6.02.050 Interference.

A. It is unlawful for any person to intentionally interfere with, hinder, harass, molest, injure, obstruct or disobey a lawful order from any Animal Control Officer or Law Enforcement Officer in the discharge of his or her official duties under this Title or other applicable law.

B. It is no defense to a prosecution under this Section that the Animal Control Officer or Law Enforcement Officer was acting in an illegal manner, if he was acting in the regular course of assigned duties and in good faith based upon surrounding facts and circumstances.

C. It shall be unlawful for any person to refuse to reveal his correct name, address, and date of birth when requested to do so by an Animal Control Officer or Law Enforcement Officer in any of his or her duties prescribed herein.

6.02.060 Prosecution.

A. For the purpose of prosecution any violation of this Title, it shall not be necessary in order to obtain a conviction to prove knowledge or notice on the part of the owner of the animal in question that said animal was violating any of the Sections of this Title at the time and place charged. The purpose of this Section is to impose strict liability upon the owner of any animal for the actions, conduct and condition of such animal, unless the violation specifically provides otherwise.

B. Each separate day, or any portion thereof, during which such violation of this Section occurs or continues shall constitute a separate offense and, upon conviction thereof, shall be punishable as provided in this Section.

6.02.070-6.02.110 Reserved.

6.02.120 Licensing, collar and tags or microchip required.

A. Dog license required.

1. It shall be unlawful for any owner of any dog being kept in the Town, over the age of six months, or within thirty (30) days of acquisition of said dog, whichever occurs last, to fail to obtain a license for such animal as required by this Section.

2. Application for a Dog License shall be made to the Castle Rock Police Department or to such agents as designated by the Police Department. Dog licenses and tags shall be issued, renewed, replaced and expired in accordance with the Town's application requirements.

3. The License fee, including the fee for replacement Licenses, shall be in amounts as set by the Town.

B. Dog license tag to be displayed. It is unlawful for any person to keep any dog that must be licensed pursuant to this Section A, which is not displaying a current dog license tag affixed to a collar or harness worn on the dog.

C. Keeping/harboring unlicensed dogs. It shall be unlawful for any person to keep any dog that has not been licensed or for this person to fail to produce proof that the animal is currently licensed as required by this Section when requested by an Animal Control Officer or Law Enforcement Officer.

D. Dog license tag not transferable. It is unlawful for any person to affix to the collar, or harness of any dog, or permit to remain affixed, a dog license tag for any other dog or to display such a tag to an Animal Control Officer or Law Enforcement Officer.

E. Identification required. It is unlawful for the owner of any dog or cat within the Town to fail to cause such dog or cat, while off the premises of such owner to either:

1. Wear at all times a collar with a tag made of durable material with legible and current identification attached thereto containing words, numbers or a combination thereof, which enables the Animal Control Officer or any Law Enforcement Officer to readily ascertain the name, current home address and current home telephone number of the owner and a valid current rabies tag attached thereto, which tag shall be furnished by a veterinarian, the number of such tag corresponding with the number of the rabies certificate issued to the owner of the dog or cat; or

2. Have a microchip surgically implanted into such dog or cat, or other similar type of identification in lieu of wearing a collar or harness which enables Animal Control Officer or any Law Enforcement Officer to readily ascertain the name, current home address and current home telephone number of the owner and a valid current rabies tag.

F. Lack of identification. Any dog or cat found neither collared/harnessed nor identified by microchip in violation of this Section may be seized and impounded by the Animal Control Officer or Law Enforcement Officer.

6.02.130 Rabies control.

A. Vaccinations. It shall be unlawful for any owner of a dog, cat or ferret four (4) months of age or older to fail to have such animal vaccinated against rabies. All dogs, cats and ferrets shall be vaccinated at four (4) months of age and revaccinated thereafter at the expiration of the validity of the vaccine used, as shown on the written document prepared by a licensed veterinarian. The vaccination shall be valid for the period shown on the document. Any person moving into the Town from a location outside the Town shall comply with this Section within thirty (30) days after having moved into the Town.

B. Proof of vaccination. It shall be unlawful for any person who owns a vaccinated animal to fail or refuse to exhibit a copy of the certificate of vaccination upon demand to any person charged with the enforcement of this Section. A current rabies tag should be attached to a collar, harness or other device and shall be worn by the vaccinated dog, cat or ferret at all times.

C. Keeping/harboring unvaccinated dogs, cats and ferrets. It shall be unlawful for any person to harbor any dog, cat or ferret that has not been vaccinated against rabies, as provided herein, or that cannot be identified as having a current vaccination certificate.

D. Non-transferability. Rabies vaccination certificates and tags are not transferable and cannot be used for any animal other than the animal that received the vaccination and for which the certificate was originally issued.

E. Exceptions. The owner of a dog, cat or ferret may request an exemption to the vaccination provisions if, for medical reasons, a dog, cat or ferret cannot be vaccinated. In this event, a dog, cat or ferret owner must submit an affidavit from a licensed veterinarian stating the reasons why the dog, cat or ferret is unable to be vaccinated.

6.02.140 Limits on animals.

A. It shall be unlawful for any person to own, keep or harbor more than three dogs that are six months of age or older on any premises.

B. It shall be unlawful for any person to own, keep or harbor more than five cats that are six months of age or older on any premises.

C. Only one litter of offspring of an age of six months or less may be kept on the premises.

6.02.150 Animals running at large.

A. Dogs running at large prohibited.

1. It shall be unlawful for the owner of any animal to permit the same to run or go or be at large on any street or public place within the Town or upon the premises of any other person without permission of such other person, unless the animal is accompanied by a person and is under control, as such term is defined in this Section.

2. For purposes of this Section, control shall mean that the animal is on a leash, cord or chain not more than ten (10) feet in length held by a person of sufficient age, size and physical ability to restrain the animal. Electronic leashes designed to control the animal while said animal is on any street or public place within the Town or upon the premises of any other person without permission of such other person are specifically prohibited.

3. It shall be unlawful to tether any animal on any property other than that of the owner without permission of the property owner or occupant or to allow any animal tethered on the property of the owner to have access to property other than that of the animal owner.

4. In addition to any other remedy provided by the Town to prohibit the running at large of animal, any animal running at large may be seized and impounded pursuant to this Section.

B. It shall be unlawful for any owner to fail to securely confine any unspayed animal in the state of estrus (heat), in a house, building or secure enclosure, in such a manner that such animal cannot come in contact with another animal except for planned breeding, and such that the animal does not create a nuisance by attracting other animals. When outside on the property of the owner for metabolic waste elimination, the animal must be physically restrained on a hand-held leash. Owners who do not comply may be ordered to remove the animals in heat to a boarding kennel, veterinary hospital or Animal Shelter. All expenses incurred as a result of the confinement shall be paid by the owner of the animal. Failure to comply with the removal order shall be a violation of this Section and the animal shall then be impounded as prescribed in this Chapter.

C. Sick or injured animals found on public property may be impounded and given adequate veterinary medical treatment. If the animal is significantly injured or sick such that recovery is improbable, the animal may be euthanized, without liability to the Town, Animal Shelter, their employees, officers, or agents, or to any veterinarian examining, diagnosing, or treating the animal. An Animal Control Officer or Law Enforcement Officer may humanely destroy any animal the officer reasonably believes to be so sick or injured that recovery is improbably, even if veterinary care could be provided, in order to avoid further pain and suffering by the animal, without liability to the Town or the Animal Control Officer or Law Enforcement Officer. The Animal Control Officer or a Law Enforcement Officer shall make a reasonable attempt to contact the owner if the injured animal is treated or impounded. The owner of such animal shall be liable for all expenses of the treatment or impoundment.

D. Dogs may be off leash in a designated, enclosed dog park, if accompanied by a person capable of controlling the animal off leash. (OTHER EXCEPTIONS)

6.02.160 Noisy dogs.

A. It is unlawful to keep a dog which, individually or in combination with another dog or dogs kept on the same premises, makes noise by barking, howling, whining, yelping or other utterance which is plainly audible beyond the premises on which the animal is kept, for a consecutive period in excess of ten (10) minutes at any time during the day or night.

B. As a courtesy only, an Animal Control Officer or Law Enforcement Officer may provide, at the officer's discretion, a one-time verbal warning to the owner of any animal upon receipt of a first complaint of a violation of this Section associated with such animals.

C. Whether or not the Animal Control Officer or Law Enforcement Officer provides a verbal warning as set forth in Subsection A above, prior to issuing any penalty assessment or summons and complaint, the Animal Control Officer or Law Enforcement Officer shall issue a written warning that a complaint of a violation of this Section has been received for any particular dog or owner. Such written warning shall be served by personal service on the owner or by posting of such written warning on the door of the premises of the owner. The warning shall be based on a written complaint by an identified complaining party or by the witnessing of a violation hereof by the Animal Control Officer or Law Enforcement Officer and shall include the name and address of the complaining party, the dog owner's address, description of the dog and a description of the incident, to include, at a minimum, the date, time, place, duration and a brief explanation of the nature of the violation.

D. If a written warning has been served in accordance with Subsection A above, no further written warning shall be provided to such premises in any twelve-month period, it being the intent of this Subsection that a penalty assessment or summons and complaint shall issue if a written warning has already been provided within any twelve-month retroactive period. The issuance of a penalty assessment or summons and complaint shall constitute a written warning for the purpose of calculating the new twelve-month retroactive period described in this Subsection.

E. Animal Control Officers shall keep records of all warnings and penalty assessments or summons and complaints issued pursuant to this Section, and such records shall constitute prima facie proof that such warnings were issued and properly served.

F. A summons and complaint shall be issued for a complaint of violation of this Section only if a minimum of five (5) days have lapsed between the date of the violation that was the subject of the written warning and a subsequent violation.

G. It shall not be a defense to a violation of this Section that the owner of such dog was that the dog was provoked by persons through the ordinary or reasonable use of private properties, public roadways, sidewalks or alleyways or common areas of condominiums, townhouses or apartment buildings.

H. A summons and complaint issued for violation of this Section shall either be issued by an Animal Control Officer and/or Law Enforcement Officer that 1) personally witnessed the violation based on a sworn affidavit or by at least two (2) identified complaining witnesses from separate households who are willing to testify at trial in addition to the signature of the serving officer or may be signed by only one (1) complaining witness other than the serving officer if there exists competent evidence admissible at trial to prove a prima facie case of a violation of this Section.

6.02.170 Removal of animal excrement; damage to property.

A. It shall be unlawful for any owner of any animal to refuse or fail to remove promptly

excrement deposited by said animal upon any common thoroughfare, street, sidewalk, play area, park, other public property, or any private property when permission of the owner or tenant of said property has not been obtained.

B. It shall be unlawful to place animal excrement in storm sewers, or to dispose of excrement in any manner except by depositing it in a toilet or a receptacle ordinarily used for garbage and covered by a lid, or in an otherwise lawful and sanitary manner.

C. It shall be unlawful to fail to remove promptly all fecal wastes from private property, including the premises of the owner of an animal or any other person consenting to the deposit of such waste on his or her premises, or to fail to place such waste in a closed container or to fail to remove the contents of said containers from the Town as necessary to prevent such contents from becoming a nuisance.

D. It shall be unlawful for any owner of any animal to permit said animal, whether or not it is running at large, to destroy, damage or injure any shrubbery, plants, flowers, grass, lawn, fence or anything whatsoever upon any public premises or private premises owned or occupied by a person other than the owner of said animal.

E. It shall be unlawful to fail to maintain the premises upon which animals are kept in a clean and sanitary condition, which premises shall be subject to inspection at all reasonable hours by Animal Control Officers or Law Enforcement Officers.

6.02.180 Reporting animal bites.

A. It shall be unlawful for any person having knowledge that an animal has bitten a human or animal to fail to immediately report the incident to the Castle Rock Police Department, Castle Rock Animal Control Officer, Tri-County Health Department or Colorado Department of Public Health and Environment. Every physician or other medical practitioner who treats a person for such bites shall, within twenty-four (24) hours, report such treatment to the Castle Rock Police Department, Castle Rock Animal Control Officer, Tri-County Health Department or Colorado Department of Public Health and Environment, including the name, contact information and any other relevant information for the person who was bitten.

B. Exclusions. Bites to humans from rodents, lagomorphs, birds and reptiles are excluded from the reporting requirements of this Section, unless otherwise specified by the Tri-County Health Department or Colorado Department of Public Health and Environment.

C. Suspected rabies. It shall be unlawful for any veterinarian who clinically diagnoses or suspects rabies infection in an animal, or any person who suspects rabies infection in an animal, to fail to immediately report the incident to the Castle Rock Police Department, Tri-County Health Department or Colorado Department of Public Health and Environment, stating precisely where such animal may be found. If a known or suspected rabid animal bites or attacks another animal, such shall also be reported as required above.

D. Confinement of animals. Any dog, cat, or ferret that has bitten a person or animal shall

immediately be quarantined to be observed for symptoms of rabies unless the animal is submitted to a laboratory for analysis. A dog, cat, or ferret must remain in quarantine for 10 days from the date of the bite, based upon the guidelines and requirements of the Tri-County Health Department and Colorado Department of Public Health and Environment. The procedure and place of observation or analysis shall be designated by the investigating officer or responsible agency. If the animal is not quarantined on the owner's premises, quarantine shall be by impoundment in the local Animal Shelter, or at any veterinary hospital of the owner's choice within the Town. Such quarantine shall be at the expense of the owner. Stray animals whose owners cannot be located shall be quarantined as designated by the Town.

E. Failure to produce. The owner of any animal that has been reported to have inflicted a bite on any person shall, on demand, produce said animal for impoundment if deemed necessary by the investigating officer, as prescribed in this Section. Refusal to produce said animal constitutes a violation of this Section, and each day of such refusal shall constitute a separate and continuing violation.

F. Removal of animals from confinement. It shall be unlawful for any person to kill, remove or release any animal that has been quarantined, impounded, or is in the custody of the Town or its agents as authorized under this Title, without the consent of the Town and approval by the Court.

6.02.190 Guard dogs.

A. It shall be unlawful to place or maintain a guard dog in any area for the protection of persons or property unless the following conditions are met:

1. The dog is physically confined to a specific enclosed area that is adequately built or constructed to ensure that the dog will not escape; or
2. The dog is under the complete and absolute control of the handler; and
3. Warning signs are conspicuously posted indicating the presence of the guard dog and such signs will include a current telephone number where some person responsible for controlling the guard dog can be reached immediately; and
4. The dog has a current Town license.

6.02.200 Dangerous animals.

A. It is unlawful to own, keep or maintain any dangerous animal within the Town. Whenever any animal engages in behavior that meets the definition of a dangerous animal, the owner 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 Section. Any person convicted of a violation of this Section shall, in addition to all other permitted penalties under this Section, be required to humanely destroy such animal or to remove and maintain it outside of the Town.

6.02.210 Potentially dangerous animals.

A. It is unlawful to keep or maintain any potentially dangerous animal within the Town without compliance with this Section. Whenever any animal engages in behavior that meets the definition of a potentially dangerous animal, the owner 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 Chapter. If the animal is impounded, such owner shall also be required to meet the financial bonding requirements set forth in this Chapter. If the identity of the owner 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 then claims such animal, the animal may, in the discretion of Animal Control, be released to its owner, 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 may be destroyed in an expeditious and humane manner. Such animals may be placed for adoption only with the consent of an Animal Control Officer.

B. After any animal has been adjudged potentially dangerous through conviction or entry of a plea in the Court, the animal may be permitted to remain in the Town if and only if the owner applies for and receives a potentially dangerous animal permit from an Animal Control Officer, and the Court shall order any such owner 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 an Animal Control Officer to no longer be potentially dangerous in accordance with Subsection ____ of this Section. The owner of a potentially dangerous animal shall at all times comply with all conditions of such permit.

C. Applications for potentially dangerous animal permits shall include:

1. The name and address of the applicant and of the owner of the animal and the names and addresses of two (2) persons who may be contacted in the case of emergency.
2. An accurate description of the animal for which the permit is requested.
3. The address or place where the animal will be located.
4. A permit fee for the animal. In addition to the license fees provided by this Section the owner of a potentially dangerous animal shall pay an annual permit fee as set by the Town Manager to register and maintain registration of such owner's animal as a potentially dangerous animal.
5. Proof that the animal has had a microchip implanted.
6. Proof that the animal has a current rabies vaccination.
7. Such other information as Animal Control may require.

8. Conditions of a potentially dangerous animal permit.
9. Any owner of a potentially dangerous animal shall be jointly and severally responsible with all other owners of such animal for compliance with the requirements of this Subsection and the permit issued hereunder.
10. The owner of any potentially dangerous animal shall be allowed only one (1) permitted potentially dangerous animal, and no household within the Town shall be allowed to harbor more than one (1) permitted potentially dangerous animal at any time.
11. The owner of a potentially dangerous animal shall be a responsible adult eighteen (18) years of age or older.
12. 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.
13. Animal Control Officers must be permitted at any reasonable time to inspect the animal and premises for compliance with this Section.
14. The owner 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.
15. The owner of a potentially dangerous animal shall notify an Animal Control Officer in person or by telephone of any of the following occurrences within the scheduled time frames as set forth in this subsection:
 - a. Within eight (8) hours after the animal has escaped or has otherwise ceased to be in custody of the owner for any reason, unless the owner knows such animal to be physically secured, restrained or confined and to be in the custody of another adult who is competent.
 - b. Within eight (8) hours after the animal has attacked a person or another domestic animal.
 - c. 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 Town, the animal owner listed on the permit shall notify an Animal Control Officer 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 Town, the animal owner listed on the permit shall notify an Animal Control Officer 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 an Animal Control Officer, but such modification must be obtained within five (5) days of the change. The fee for a permit modification shall be as set by the Town Manager.

16. In the discretion of an Animal Control Officer and/or as ordered by the Municipal 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 Control. 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 ten (10) 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.

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

18. In the discretion of an Animal Control Officer, upon written request from the owner, if there are no additional documented findings by an Animal Control Officer of any behavior of the potentially dangerous animal which indicates that the animal remains a threat to the public safety for the thirty-six-month period from the effective date of the initial potentially dangerous animal permit, the owner may be relieved of the obligation to continue to maintain a potentially dangerous animal permit.

6.02.220 Presumption of ownership.

Any adult at whose residence a dangerous animal or potentially dangerous animal is kept or found shall be presumed to be an owner of such animal and shall have the burden of rebutting such presumption. If an animal has more than one (1) owner within the meaning of this Section, any one (1) of such owners may be prosecuted for violations of this Section whether or not any other owners are also prosecuted.

6.02.230 Animals from other jurisdictions.

No animal that has been previously determined to be dangerous or vicious after an administrative or court hearing by another jurisdiction shall be kept, owned or harbored in the Town. No animal that has previously been determined to be potentially dangerous or potentially vicious, or received a similar designation in another jurisdiction, shall be kept, owned or harbored in the Town unless the animal's owner obtains and maintains a potentially dangerous animal permit prior to bringing such animal into the Town, without need for further adjudication by the Court. Application and issuance of and conditions applicable to such permit shall be in accordance with the provisions set forth in this Section. Animals in violation of this Section are subject to impoundment and humane destruction after notice and a hearing under this Section, except that the only issues for hearing are whether the animal ever received a potentially dangerous, dangerous or vicious animal designation or similar designation in another jurisdiction, and whether the animal's owner complied with the requirements under this Section.

6.02.240 Impounded animals.

A. Impoundment – generally.

1. Any time an Animal Control Officer or a Law Enforcement Officer has reasonable suspicion to believe an animal has engaged in any form of prohibited behavior under this Title or any other ordinance or any law of the State, including but not limited to the failure of the animal to be properly collared or harnessed or identified as set forth in this Title, such animal may, at the discretion of an Animal Control Officer or Law Enforcement Officer, be taken into custody by any Animal Control Officer or Law Enforcement Officer and impounded in a humane manner.

2. Unless other time frames are specifically provided for in this Title (including but not limited to bite confinement periods), any animal impounded which is not claimed within a five-day period may be disposed of by the animal shelter. Disposal may be by adoption, donation or humane destruction at the sole discretion of the animal shelter. During the period of impoundment, the animal shelter or Animal Control Officer shall make reasonable effort to ascertain and notify the owner. Notwithstanding the other provisions of this Subsection, feral cats or dogs may be humanely destroyed at the sole discretion of the animal shelter at any time three (3) days after impoundment.

3. Any animal held as evidence at the shelter at the request of an Animal Control Officer or Law Enforcement Officer shall be impounded pending the hearing. Any animal so impounded which is not claimed or for which financial bond is not paid as set forth in this Section may be disposed of as set forth in Subsection (2) above. In no event shall said animal be released to the owner prior to the service of a penalty assessment or summons and complaint upon the owner.

4. The owner of any impounded animal shall be responsible for the payment of all charges and fees, including those for impoundment, boarding, euthanasia, disposal, veterinary and all other services as needed. Fees and charges for impoundment of animals shall be as set by Town in accordance with the fees and charges incurred by the Town. No impounded animal shall be released until the owner has paid or arranged to pay all such charges and fees. Failure of the owner of any impounded animal to claim such animal from the animal shelter shall not relieve the owner from payment of all applicable charges and fees as established by the shelter. It shall be unlawful for any owner to fail to pay such fees and charges.

5. In the sole discretion of the animal control officer, any dog found running at large in violation this Section, which is not otherwise a potentially dangerous or dangerous animal under the provisions of this Article, may be returned to its owner and, in the animal control or law enforcement officer's discretion, such owner may be required to pay a return-to-owner fee, the amount of which shall be set by resolution of the Town, as amended from time to time.

B. Seizure and immediate destruction.

1. Any animal which has caused injury to any person or animal, which has, without provocation, attacked any person or domesticated animal, or which otherwise meets the definition of a dangerous or potentially dangerous animal as set forth in this Section and is found running at large may be seized and impounded at the owner's expense by an Animal Control Officer or Law Enforcement Officer without notice to the owner, subject to the requirement that the Animal Control Officer, Law Enforcement Officer or animal shelter makes a reasonable effort to notify such owner after seizing and impounding the animal. If, after making every reasonable attempt to seize such animal, including the solicitation of assistance from the animal's owner, if such owner is immediately ascertainable and available, the officer determines that the animal cannot be seized without exposing the officer or other persons to danger of personal injury from the animal, and the animal presents a present danger to any person or other animal, it shall be lawful for the officer to destroy the animal without notice to the owner.

2. When a veterinarian, animal shelter, Animal Control Officer or Law Enforcement Officer has determined that an animal is critically ill or injured, is suffering extreme pain or has a poor prognosis for recovery, nothing in this Section shall be construed to prevent the immediate destruction of such domestic or wild animal.

C. Hearing on disposition of seized animals.

1. Whenever an animal is seized or impounded pursuant to this Section and a summons and complaint has been served, depending on the nature of the charge pending, the animal owner may be summoned before the Court on the next available court date following the seizure or impoundment to address only the issue of disposition of the seized and impounded animal. The Town, through Animal Services, shall make reasonable efforts to notify the owner in writing by personal service or by posting notice on the front door of the owner's residence at the address shown on the animal license records. Unless the animal owner waives the time frame for advance service of such notice in order to expedite a hearing, this notice shall be served at least four (4) days prior to the hearing and shall state the time, date, location and purpose of the hearing. Such hearings resulting from animal seizures or impoundments shall be given priority on the Court docket in order to minimize the expense to animal owners for impoundment of seized animals.

2. If an animal is seized and impounded on an evidence hold and the owner cannot be ascertained or served with either a penalty assessment or summons and complaint, disposition of the animal may proceed in accordance with the time frames and requirements of this Section.

3. If, on the date of the hearing, notice to the owner was provided as required under Subsection (C)(1) of this Section, the Court may proceed with the hearing as to the disposition of the animal, whether or not the owner appears.

4. Formal rules of evidence shall not apply at such animal disposition hearings, and any statements made at such hearings shall not be used as evidence at any subsequent hearing in the prosecution of the underlying charges. If the Town establishes by a preponderance of the evidence that there is a reasonable likelihood of future injury to persons, property or animals, the Court shall order the animal to remain impounded at the owner's expense until final disposition of the pending municipal charges. If the Court determines that it is inappropriate to order the animal impounded, the Court may order the animal returned to the owner and kept under such circumstances as will ensure the safety of persons, property or other animals, as the case may be.

D. Financial bonding for cost of holding impounded animals.

1. The owner of an animal that has been ordered impounded after the hearing may be required to post a bond with the Municipal Court in an amount sufficient to provide for the care and keeping of the animal from the date of impound, to the extent any such charges remain outstanding as of the date of the hearing, until the date set for trial on the pending municipal charges. Notice of such bond shall be given at the conclusion of the hearing to the owner, allowing five (5) days for the posting of such bond.

2. If the owner does not appear at the disposition hearing, the Town shall, if ascertainable, send notice of the bond amount to the owner allowing the owner five (5)

days from the date of the notice to post such bond.

3. If the owner fails to post the bond or cannot be ascertained by the Town following reasonable efforts, the animal shall be deemed abandoned, and the animal shelter may dispose of the animal at any time after five (5) days from the date of notice of the bond requirement. The date of notice shall be the later of the date the owner is provided notice or the date that the Animal Control Officer or animal shelter makes reasonable efforts to ascertain and provide the owner with such notice. Animal Services shall be provided copies of all notices issued under this Section.

4. At the end of the time for which expenses are covered by the bond, the animal shelter may determine disposition of the animal unless there is a court order prohibiting such disposition. The owner shall be liable for the cost of the care, keeping or disposal of the animal.

E. Destruction, seizure or release on Court's order.

1. If a penalty assessment or summons and complaint has been filed in the Court against the owner of an animal for a violation of this Code, the Court may, upon making a finding that the animal is dangerous or that it represents a clear and present danger to the citizens or to other animals in the community, order the animal to be destroyed in a humane manner. Surrender of an animal by the owner thereof does not relieve or render the owner immune from the decision of the Court, or to the fees, fines or other penalties which may result from a violation of this Code.

2. If the Court determines that an impounded animal should be released, the Court shall issue a release form signed by the Judge to the owner of the animal, which the owner shall present at the animal shelter to claim the animal. The Court shall also send a copy of the release form to Animal Services and to the animal shelter. Any animal held pursuant to court order may be disposed of by the animal shelter if unclaimed by the owner within three (3) days following the issuance of a court order authorizing the release of the animal.

3. Trials involving charges resulting in animal seizures or impoundments shall be given priority on the Court docket to minimize the expense to animal owners for impoundment of seized animals.

6.02.250-6.02-290 Reserved.

6.02.300 PACFA guidelines.

Any person operating a pet animal facility (kennels, rescue, foster, breeder, livestock, pet shops, pet spas) within the Town of Castle Rock must have a valid license issued by the Commissioner of the Colorado Department of Agriculture and such person operating said pet animal facility must operate in accordance with "PACFA" - the Pet Animal Care and Facilities Act, C.R.S. §§ 35-80-101 through 117.

6.02.310 Bees.

A. It shall be unlawful for any person to possess, harbor, keep, maintain or permit on his property within the Town bees or bee hives, unless the owner or occupant of the property complies with the requirements of this Chapter.

B. Bees may only be kept in a hive located in the rear yard of a single-family detached property with an existing residence.

C. The maximum number of hives per single-family detached lot shall be allowed as follows:

1. One-quarter ($1/4$) acre or less: two (2) hives;
2. More than one-quarter ($1/4$) acre up to and including one-half ($1/2$) acre: four (4) hives;
3. More than one-half ($1/2$) acre up to and including three-quarters ($3/4$) of an acre: six (6) hives;
4. More than three-quarters ($3/4$) of an acre: eight (8) hives.

D. At all times, bees must be provided with a properly designated beehive meeting the following requirements:

1. All hives shall provide a secure design, sufficient to protect the bee colony from predators;
2. All hives shall provide adequate shelter from inclement weather conditions, including protection from sun, wind, rain, snow, hail, and extreme temperatures;
3. Each hive shall not exceed a maximum gross floor area of nine (9) square feet;
4. Each hive shall not exceed six (6) feet in height, as measured from the ground, excluding the roof element, which may cause the hive's total height to measure not more than seven (7) feet from the ground.
5. Each hive shall be set back from all rear yard property lines by a minimum of ten (10) feet;

E. A six-foot tall flyaway barrier or privacy fence within the rear yard shall be erected and maintained in good condition.

F. A fresh water supply for the bees shall be maintained in the rear yard of the property, in a location readily accessible to all bees kept in the rear yard of the property.

G. Honeycomb that is removed from a hive must immediately be moved away from the hive and enclosed in a bee-proof and predator-proof location, building, or storage container.

H. Unused hive components, beekeeping equipment, and supplies associated with beekeeping must be enclosed in a bee-proof location, building, or storage container and inaccessible to bees.

I. Aggressive or Africanized bees are prohibited.

J. In addition to being a violation of this Chapter, the keeping of bees in violation of this Chapter is declared to be a public nuisance.

6.02.320 Chickens.

A. It shall be unlawful for any person to possess, keep, harbor, maintain or permit on his property within the Town any chickens, unless the owner or occupant of the property complies with the requirements of this Section.

B. Chickens may only be kept in the rear yard of a single-family detached property with an existing residence and with a proper chicken coop meeting the following requirements:

1. A coop shall be fully enclosed, having floors, walls, and roofs sufficient to protect the chickens from predators;

2. Each coop shall provide a minimum of six square feet of living space per chicken;

3. A coop shall provide adequate shelter from inclement weather conditions, including protection from sun, wind, rain, snow, hail, and extreme temperatures;

4. Each coop shall not exceed a maximum gross floor area of one hundred twenty (120) square feet;

5. A coop shall not exceed six (6) feet in height as measured from the ground;

6. A coop shall be set back from all rear yard property lines by a minimum of ten (10) feet;

7. Only one (1) coop is allowed per rear yard.

C. Only hens (female chickens) are permitted.

D. The maximum number of chickens per single-family detached lot shall be as follows:

1. Lots up to two (2) acres: six (6) chickens; and

2. Lots more than two (2) acres: twelve (12) chickens.

E. Chickens shall be securely kept within a coop in the rear yard from dusk until dawn. If allowed to roam within the enclosed rear yard at any time from dawn until dusk, chickens shall be rendered unable to fly.

F. A rear yard with chickens shall be fully screened by a privacy fence a minimum of six (6) feet in height located on or inside all property lines of the rear yard; except that lots opening to Town- owned open space are not required to erect a privacy fence along the property line shared with the Town.

G. Animal excrement shall be properly disposed of, and sanitary conditions maintained in order to minimize the presence of flies and other insects, and to minimize odor and potential for disease.

H. A fresh water supply for the chickens shall be maintained in the rear yard property at all times, in a location readily accessible to all chickens.

I. Chicken feed shall be enclosed in a re-sealable, airtight, vermin-proof container.

J. The slaughtering of chickens is permitted only indoors and slaughtering shall be limited only to those chickens allowed for the specific property. Entrails and remains shall be disposed of properly. The slaughtering of chickens outdoors is prohibited.

K. In addition to being a violation of this Chapter, the keeping of chickens in violation of this Chapter is declared to be a public nuisance.

6.02.330 Restrictions on sale of animals.

A. It shall be unlawful for any person to sell, trade, barter, lease, rent, give away, or display for any purpose a live animal on a roadside, public right of way, commercial parking lot, or at an outdoor special sale, swap meet, flea market, parking lot sale, or similar event.

B. This section does not apply to:

1. An agent of a business that is licensed by the Colorado Department of Agriculture to operate a pet store;

2. An event primarily for the sale of agricultural livestock such as hooved animals or animals or fowl commonly raised for food, dairy, or fiber products; or

3. A tax exempt nonprofit organization founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals.

6.02.340 Disposition of dead animals.

A. It is unlawful for the owner of any animal which has died to fail to dispose of such dead animal within twenty-four (24) hours of death by burial, incineration in a State-approved facility, rendering or other State-approved means.

B. It shall be unlawful to dump or abandon any dead animal on any public or private property within the Town.

C. If any animal dies on public property or on property other than that of the owner, it may be removed by an Animal Control Officer or Law Enforcement Officer. The owner shall be responsible for disposal fees, in addition to penalties for violation of this Section.

6.02.350 Care and treatment.

A. It shall be unlawful for any person knowingly, recklessly or with criminal negligence to overload, overwork, torture, torment, deprive of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate, needlessly kill, carry or confine in or upon any vehicle in a cruel or reckless manner, or allow to be housed in a manner that results in chronic or repeated serious physical harm of any animal. Neglect of an animal resulting in the death of the animal shall constitute cruelty. Ownership of the animal or the commission of such acts on private property shall not be a defense to prosecution for violation of this Section.

B. It shall be unlawful for any person to knowingly poison any domestic animal or livestock, or to knowingly distribute poison or toxicants on public or private property in any manner whatsoever that causes the poisoning of any domestic animal or livestock. This provision shall not apply to the extermination of undesirable pests as defined by this Section and in **Chapters 7, 10, and 43 of Title 34, C.R.S.**

C. A domestic animal is deprived of minimum care if it is not provided with care sufficient to preserve the health and well-being of the animal considering the species, breed and type of animal; and, except for emergencies or circumstances beyond the reasonable control of the owner or keeper, minimum care includes, but is not limited to, the following requirements:

1. Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight. Food receptacles should be located for easy accessibility to the domestic animal and to minimize contamination from trash, debris and waste.

2. Open or adequate access to potable water in sufficient quantity to satisfy the domestic animal's needs. Water receptacles must be kept clean and sanitary.

3. In case of domestic animals other than livestock or poultry, access to a barn, doghouse or other enclosed structure:

- a. Sufficient to protect the animal from wind, rain, snow or sun;

- b. Which has adequate bedding to protect against cold and dampness;

c. Which is large enough to prevent overcrowding and to allow the animal to turn about freely and to easily stand and lie in a comfortable normal position;

d. Which is structurally sound and maintained in good repair so as to contain the animal and protect it from injury and adverse conditions; and

e. That is adequately ventilated to provide for the health and comfort of the animal.

4. Veterinary care deemed necessary by a reasonable and prudent person to relieve distress from injury, neglect or disease.

5. Premises on which the domestic animals are kept shall be kept clean, healthy and in good repair to protect the animal from injury and disease and so that the animal can avoid contact with feces, urine, moisture, trash or debris.

D. It shall be unlawful for the owner of any animal to fail to maintain the premises upon which animals or bees are kept in a clean and sanitary condition, which premises shall be subject to inspection at all reasonable hours by an Animal Control Officer or Law Enforcement Officer.

E. It shall be unlawful for any person to knowingly abandon an animal by leaving the animal with intent not to return within a reasonable time. Abandonment includes, but is not limited to, the dumping of an animal from a moving or stationary motor vehicle. This Section shall not apply to voluntary relinquishments to the Animal Shelter, an Animal Control Officer or to a licensed veterinarian.

F. Every person who keeps an animal confined in an enclosed area shall provide it with an adequate exercise area as well as adequate shelter, food, and water. If the animal is restricted by a leash, rope, chain or cable, it shall be affixed in such manner that it will prevent the animal from becoming entangled or injured, and permit access to adequate shelter, food and water.

G. It shall be unlawful for any person to possess, display, sell, barter or give away, dyed, colored or in any way artificially treated baby chicks, ducklings, fowl, rabbits or any other animal as pets, playthings, novelties, gifts or for any other purpose.

H. It shall be unlawful for any person to cause, sponsor, instigate, allow or encourage any animal to fight with another of its own species or with another of a different species. It shall be unlawful for any person to train, breed or keep any animal for the purpose of fighting. It shall be unlawful for any person to maintain a place where animals are permitted to fight for exhibition, wager or sport.

6.02.360 Capturing animals.

A. An Animal Control Officer or Law Enforcement Officer is authorized to enter in or upon private property, including motor vehicles and fenced areas but not private buildings, to

apprehend an animal running at large, a dangerous animal, an animal suspected of being infected with rabies, or an animal that the officer reasonably believes is neglected, sick or injured such that the animal faces a serious risk of death or substantially suffering.

B. An Animal Control Officer or Law Enforcement Officer is authorized to use tranquilizer guns, humane traps or other suitable devices to subdue or apprehend a stray animal, pet animal running at large, or wild animal, and is authorized to destroy an animal that the officer reasonably believes to be an immediate danger to the officer or to the public.

C. An Animal Control Officer or Law Enforcement Officer is authorized to place a humane trap on private property for the purpose of capturing a stray animal, wild animal, or pet animal running at large, when requested to do so by the owner or possessor of the property.

D. It shall be unlawful for any person to set or cause to be set any steel-jaw leg hold trap, snare, or any trap other than a humane trap for the purpose of capturing an animal, whether wild or domestic, excepting a licensed or recognized business that has been given permission by the Colorado Division of Wildlife, the Tri-County Health Department or similar agency, or an Animal Control Officer. Any trapping authorized under this Section must be in compliance with the Colorado Constitution and Statutes.

6.02.370 Feeding of wild animals prohibited.

A. It is unlawful for any person to feed, provide, leave, store or maintain any attractant in a manner, area or location accessible to any wild animal.

B. This Section shall not apply to any person utilizing a bird feeder, provided that the feeder is elevated or suspended on a pole, cable or other device to make it inaccessible to wild animals and the area below the feeder is kept free from the accumulation of seed debris.

6.02.380 Fees.

A. Fees for permits, licenses, impound, adoptions and other services or fees shall be established by the Town, the Animal Control Division and/or the local Animal Shelter.

B. Fees shall be waived for any active certified governmental police dogs, military dogs or service dogs provided the owner has appropriate certifying documentation.

C. It shall be unlawful to fail to pay for permits, licenses, impound, adoption or any other services or fees levied by the Town, the Animal Control Division and/or the local Animal Shelter.

6.02.390 Keeping livestock, wild, or exotic animals.

A. It shall be unlawful for any person to own, possess, harbor, sell, or in any other manner traffic in the following species of animals:

1. All poisonous or venomous animals, anacondas, Reticulated Pythons, Burmese Pythons and Amethystine Pythons.

2. All other non-venomous snakes with a length greater than six feet measured from the tip of the nose to the tip of the tail.

3. All other reptiles with a length greater than three feet measured from the tip of the nose to the tip of the tail.

4. Gorillas, chimpanzees, orangutans, baboons and any other primates.

5. Any species of feline not falling within the categories of ordinary domesticated house cats.

6. Bears of any species.

7. Marsupials, squirrels, raccoons, porcupines, skunks, badgers or other like species, except ferrets (*Mustela furo*).

8. Foxes, wolves, coyotes or other species of canines other than dogs.

9. Crocodilians and monitor lizards.

10. Any animal that is not indigenous to the state and is not classified as a household pet.

11. Livestock as defined in 6.02.030 is not permitted unless allowed by zoning district provisions.

B. Alleged domestication of any prohibited animal shall not affect its status under this section.

C. This Section shall not apply to any zoological garden or any special event licensed by the Town or any approved research institute using livestock, wild, or exotic animals for scientific research or any state licensed wildlife rehabilitator, organization or individual who performs wildlife rescue and rehabilitation.

D. Animal Control Officers and Law Enforcement Officers will have the authority to apprehend any livestock, wild, or exotic animal that may be at large within the Town. Such livestock, wild, or exotic animal may be impounded, released in wild areas outside of the Town which are representative of the animal's natural habitat or released to an appropriate keeper or humanely destroyed when the Animal Control Officer or Law Enforcement Officer in his or her discretion shall determine such, subject to applicable state law. The Animal Control Officer and Law Enforcement Officer is authorized to use any tranquilizer gun or other firearm to subdue or destroy any livestock, wild, or exotic animal that is determined by the Animal Control Officer or Law Enforcement Officer in his or her discretion to be of danger to either itself or to the public health and safety.

6.02.400-6.02.450 Reserved.

6.02.460 Penalties.

A. The Animal Control Officer or Law Enforcement Officer, or the Town Attorney or designee may recommend that one or more special sanctions be levied against any owner convicted of any violation of this Section. This recommendation may be presented to the Court as a proposed condition of sentencing upon conviction and may be in lieu of or in addition to any other penalty permitted under this Code. The Court may take into consideration the severity of the incident, the prior history of the animal or the owner and the recommendation of the Animal Control Officer, Law Enforcement Officer or Town Attorney. Without in any way limiting the power of the Court to impose special sanctions as it deems appropriate, special sanctions may include but not limited to:

1. Construction of a secure animal enclosure (built to specifications as ordered by the Court and in compliance with Town zoning requirements).
2. Spaying or neutering of the animal.
3. Obedience training or behavior modification.
4. Responsible pet ownership class(es).
5. Community service work.
6. Surrender or Euthanasia of the animal.
7. Prohibition from owning animals for a specified period of time.
8. Use of specified humane training devices for behavior modification.
9. Inspections of premises where the animal is kept.
10. Restitution for costs of care rendered, shelter provided at the animal shelter and costs of veterinary care and medical treatment.
11. Treatment or counseling programs.
12. 6 foot leash.
13. Microchip dog if running at large.
14. Any other appropriate sanction.

B. Any person convicted of violating Section 6.02.120 Licensing shall be fined fifty dollars (\$50.00) for the first offense; seventy-five dollars (\$75.00) for the second offense

within a two-year period; and a minimum of one hundred dollars (\$100.00) for all similar offenses within a two-year period thereafter, with a mandatory court appearance required at the time the person is charged with such violation. The Court may suspend all or part of any fine hereunder if the person convicted of violating provides proof that the animal was properly licensed and/or identified on the date of the violation.

C. Any person convicted of violating Section 6.02.130 Rabies shall be fined fifty dollars (\$50.00) for the first offense; seventy-five dollars (\$75.00) for the second offense within a two-year period; and a minimum of one hundred dollars (\$100.00) for all similar offenses within a two-year period thereafter, with a mandatory court appearance required at the time the person is charged with such violation. The Court may suspend all or part of any fine hereunder if the person convicted of violating provides proof that the animal was properly vaccinated on the date of the violation.

D. Any person convicted of violating Section 6.02.140 Limits shall be fined fifty dollars (\$50.00) for the first offense; seventy-five dollars (\$75.00) for the second offense within a two-year period; and a minimum of one hundred dollars (\$100.00) for all similar offenses within a two-year period thereafter, with a mandatory court appearance required at the time the person is charged with such violation.

E. Any person convicted of violating Section 6.02.150 Running at Large shall be fined fifty dollars (\$50.00) for the first offense; seventy-five dollars (\$75.00) for the second offense within a two-year period; and a minimum of one hundred dollars (\$100.00) for all similar offenses within a two-year period thereafter, with a mandatory court appearance required at the time the person is charged with such violation.

F. Any person convicted of violating Section 6.02.160 Noisy Dogs shall be fined fifty dollars (\$50.00) for the first offense; seventy-five dollars (\$75.00) for the second offense within a two-year period; and a minimum of one hundred dollars (\$100.00) for all similar offenses within a two-year period thereafter, with a mandatory court appearance required at the time the person is charged with such violation.

G. Any person convicted of violating Section 6.02.170 Removal of Excrement shall be fined fifty dollars (\$50.00) for the first offense; seventy-five dollars (\$75.00) for the second offense within a two-year period; and a minimum of one hundred dollars (\$100.00) for all similar offenses within a two-year period thereafter, with a mandatory court appearance required at the time the person is charged with such violation.

H. Any person charged with violating any other Sections of this Chapter shall be issued a summons and complaint requiring a mandatory court appearance.

I. Notwithstanding any other provision set forth in this Section, any person charged with a violation of this Chapter related to any incident for which there is an issue of injury or damage or for which restitution by a victim may be requested or ordered shall be issued a summons and complaint requiring a mandatory court appearance.

J. Unless the penalty is specifically set forth herein, any person convicted of violating any other provisions of this Chapter shall be guilty of a minor offense punishable by a fine of up to the maximum amount authorized in Section 1.08.010 of this Code and imposition of any special sanctions as ordered by the Court and authorized herein.

Section 2. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

Section 3. Safety Clause. The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this ____ day of _____, 2018 by a vote of ____ for and ____ against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2018, by the Town Council of the Town of Castle Rock by a vote of ____ for and ____ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jennifer Green, Mayor

Approved as to form:

Approved as to content:

Robert J. Slentz, Town Attorney



we want your
feedback



Join us for an open house as we update our Town Code related to animals.

We want your feedback!

**Join us for an open house Tuesday, April 11
6-7:30 p.m. at Town Hall, 100 N. Wilcox St.**

As a home rule municipality, the Town of Castle Rock has its own set of local laws and codes. From time to time, those local laws need to be reviewed. A topic currently being discussed relates to animals, and the Town wants resident feedback.

During the open house

Learn about the current ordinance and give your feedback on what you like and what might need to change. Specifically, the Town is also looking for feedback related to:

- Licensing requirements
- The number and kinds of animals allowed as well as breeds
- Regulations related to pet shops, kennels or doggie daycares

If you can't attend, please visit CRgov.com/animals to provide feedback online.

Next steps:

Resident feedback will be provided to Town Council and will be taken into consideration regarding changes that may be made to Town Code related to animals. That update could be provided to Council as early as May.

Please note that these codes are separate from HOA rules and regulations.

Questions? Contact the Town Attorney's Office, TownAttorney@CRgov.com.

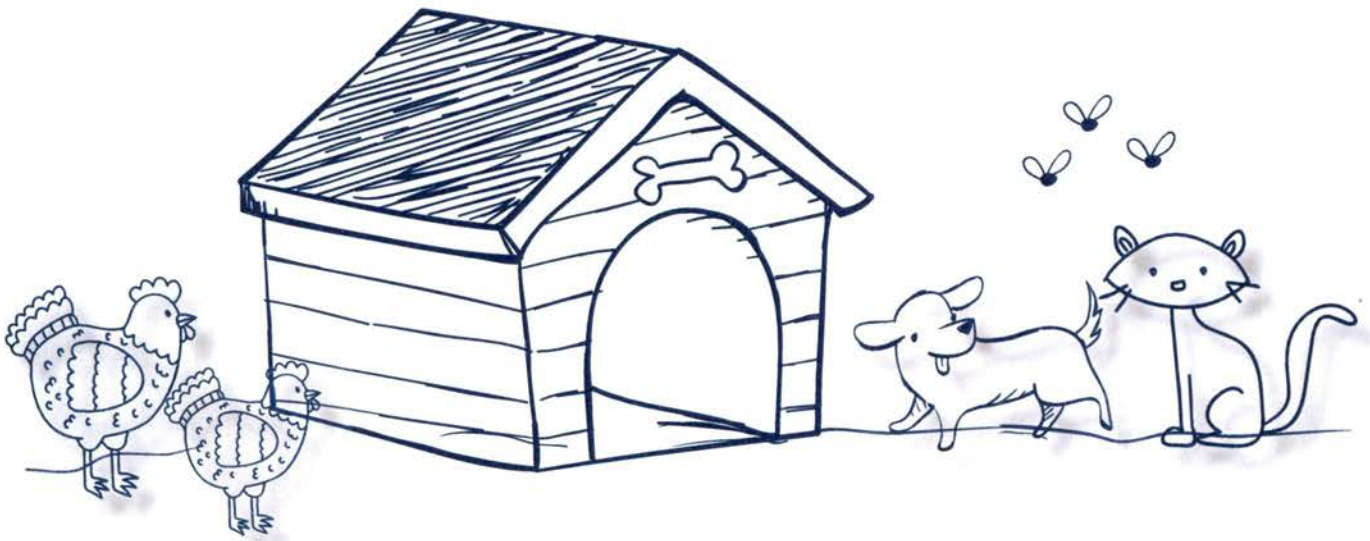


Town of Castle Rock
100 N. Wilcox St
Castle Rock, CO 80104

Welcome!

Animal Ordinance Review Open House

April 11, 2017



CRgov.com/Animals

Animal Ordinance Review

Commonly Reported Issues:

Barking dogs

Current Code: 5 or more minutes of barking, day or night

What do you think?

- Expand or limit 5-minute timeframe?
- Difference between daytime and nighttime?
- Radius/distance/noise levels?
- Warning/anonymous complaints?
- Types of evidence (video, recording, neighbor complaints)?

woof
woof

Number of animals

Current Code: Capped at 6 total animals, including not more than 3 dogs or 5 cats

What do you think?

- How many dogs or cats?
- Other animals to be included?
- Distinguish between dogs, cats or other animals?



Wildlife feeding

Current Code: Nothing included

What do you think?

- Prohibit feeding of wildlife?
- Possible exceptions?



Animal Ordinance Review

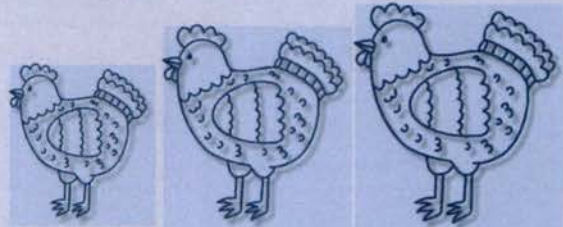
Chickens, Bees, Livestock, Exotic or Wild Animals

Chickens

Current Code: Nothing included

What do you think?

- Number?
- Permits required?
- Roosters?
- Coop requirements?

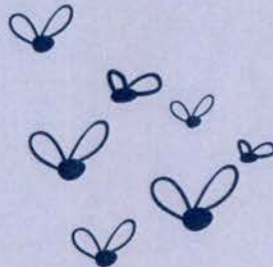


Bees

Current Code: Adopted 2012 (§§ 17.52.240)

What do you think?

- Move from zoning code to animal code?
- Limit number/size of colonies/hives?
- Humane care and treatment

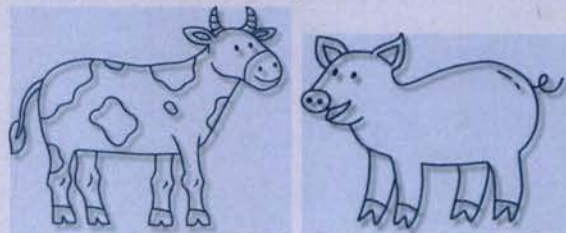


Livestock

Current Code: Hooved animals prohibited including horse, cattle, swine, Vietnamese pot-bellied pigs, sheep and goats

What do you think?

- Prohibit or allow?
- Type of livestock?
- Ducks or geese?



Exotic or wild animals

Current Code: Prohibited, including wild and dangerous animals, all poisonous snakes and reptiles, all nonpoisonous snakes greater than six-feet long, all species of primates, all species of canine, feline, bear and other carnivorous animals other than dogs and cats

What do you think?

- What should or should not be prohibited?

Animal Ordinance Review

Licensing, Identification and PACFA

Licensing

Current Code: Licensing is required for dogs and cats; 1-3 years

What do you think?

- License required or not required?
- What should the term for renewal be?
- Registration – online or in-person?

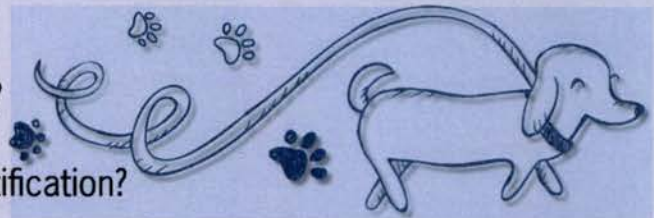


Identification

Current Code: Dogs and cats are required to display identification when off-premises.

What do you think?

- Microchip or standard tags?
- Required to display tags?
- Dogs and cats require identification?



Kennels, rescue, foster, breeder, pet shops, pet spas

Current Code: Pet Animal Care and Facilities Act, C.R.S. §§ 35-80-101-117

What do you think?

- Regulate pet animal facilities (adoption, breeding, boarding, grooming, handling, selling, sheltering, trading or otherwise transferring such animals within Town?)
- Town Code to include reference to State code PACFA?
- Town to work with State jointly

Animal Ordinance Review

Breed-specific Ban

Pit Bulls

Current Code: Currently banned. There is a hearing process to determine breed classification

Pit Bull defined: American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier and any dog displaying the majority of physical traits of any one (1) or more of the above breeds, or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club.

What do you think?

- Keep breed-specific ban?
- Eliminate the breed-specific ban?
- General comments on a hearing process?
- Other comments and concerns?



Animal Ordinance Review



Dangerous and Potentially Dangerous Animals



Dangerous animals

Current Code: Unlawful to keep in Town after conviction in Municipal Court with no exceptions

What do you think?

- Two-tiered system – dangerous AND potentially dangerous. See definitions below



Note: Moving to a two-tiered system better enables situations to be treated on a case-by-case basis, it would likely enhance the ability to track the animals that have been previously adjudged potentially dangerous, it would increase flexibility in assessing the severity of the incident, and may not require euthanasia or removal (from the Town) for minor bites.



Definitions

Dangerous Animal

Means any animal, except a dog assisting an Animal Control Officer that:

(a) Causes serious bodily injury to any person or domestic animal or behaves in a manner that would have resulted in such serious bodily injury except for the fact that there was intervention by a person to stop the behavior.



(b) Has been previously adjudged as a potentially dangerous animal under this Title and the owner 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 has been relieved of the obligation to maintain such permit as set forth in this Chapter).

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



Potentially Dangerous Animal

Means any animal, except a dog assisting an Animal Control Officer 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 Town.

(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 in a vehicle or device which allows such person to be in motion.

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



(d) Acts in a highly aggressive manner within a fenced yard or enclosure and appears to a reasonable person to be able to jump over or escape such fenced yard or enclosure.

Animal Ordinance Review



Service Animals, Emotional Support Animals, Enforcement

A special note

The Town's Code related to animals has not been revisited in a global fashion in over 15 years. State statutes and Federal regulations continue to evolve. The lives of Castle Rock residents, their living philosophies, and animal welfare considerations have also continued to evolve.



Service Animals and Emotional Support Animals

Definitions:

Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

In addition to the provisions about service dogs, the Department's revised ADA regulations have a new, separate provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities. (Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds).

Emotional support animals, comfort animals, and therapy dogs are not considered service animals as defined above. Other species of animals, whether wild or domestic, trained or untrained, are not considered service animals either.

While Emotional Support Animals or Comfort Animals are often used as part of a medical treatment plan as therapy animals, they are not considered service animals under the ADA. Typically, emotional support animals are dogs but sometimes cats or other animals may be used to provide companionship, relieve loneliness, and sometimes help with depression, anxiety, and certain phobias, but do not have special training to perform tasks that assist people with disabilities. Therapy animals provide people with therapeutic contact, usually in a clinical setting, to improve their physical, social, emotional, and/or cognitive functioning.



Enforcement

We hope to streamline our enforcement tools.



Animal Ordinance Review

Home Owners Associations

HOAs

HOA's may have more restrictions than the Castle Rock Municipal Code. Castle Rock Police does not enforce HOA requirements.







As a home rule municipality, the Town of Castle Rock has its own set of local laws and codes. From time to time, those local laws need to be reviewed. A topic currently being discussed relates to animals. We want your feedback!

[illegible]

Your Town Talk

April 2017



Good to Know

Spring up the season

Celebrate the change of season while doing something good for the environment at this year's Spring Up the Creek. The annual event will be held from 8 to 11 a.m., Saturday, May 6. Join us at a new location – Douglas County High School (far north parking lot). The Town, along with Douglas County, Castle Pines Metro District, Plum Creek Reclamation Authority and the Chatfield Watershed Authority, hosts the event to promote the importance of protecting the environment. In addition to cleaning up trash, this year, volunteers are encouraged, but not required, to also clean up dog waste. Preregistration and more information are available at CRgov.com/SpringUp.

Beautiful landscapes made easy

Looking to spruce up the yard, but not sure where to start? Garden In A Box is a selection of professionally designed perennial gardens, with plants perfect for Castle Rock. The do-it-yourself garden kits come with 15 to 30 starter plants, a comprehensive care guide, and a plant-by-number map. All of the plants are locally grown in Colorado, and, once established, will need little, or no irrigation to thrive. The gardens are offered by Castle Rock Water in partnership with the Center for ReSource Conservation in support of our community's commitment to water conservation. Learn more at ConservationCenter.org/gardens.



PROJECT UPDATE REIMAGINED

Festival Park reimagined – update

Construction is officially underway, and big changes are happening fast at Festival Park. The work in Sellars Gulch is moving upstream, and the rock work in the gulch can be seen from the Wilcox Street Bridge. Additionally, crews have started work on the shade structure near the corner of Second and Perry streets.

In partnership with the Downtown Development Authority, Downtown Merchants Association and the Town, the goal is to transform the park into a modern downtown center.

Stay up-to-date as construction progresses throughout summer and fall at CRgov.com/FestivalPark. Or, sign up for email updates at CRgov.com/NotifyMe.

Conquer conservation: Mayor's challenge to "Fill the Rock" back for second year

Castle Rock is a community that understands conservation. For years, residents have made great strides in making sure our entire community cuts back. While the Town has embraced the call to conserve by saving more than 20 percent over the last 10 years, Mayor Jennifer Green and Castle Rock Water want to take water efficiency to the next level.

Of course, our Town landmark, the Rock, is solid. But what if we could "fill" it with water? Join Castle Rock Water, Mayor Green and other Castle Rock residents in taking a pledge to conserve water and help the environment. This fun, free pledge will only take a few minutes to complete, but could add up to big savings for our community. Pledge to take a shorter shower, fix that leaky faucet, wash only full loads of laundry, or invest in Energy Star appliances. We'll track those savings during April to "fill" the rock!

Head to CRconserve.com/WaterPledge April 1-30 to take the pledge and "fill" the Rock. The Town is partnering with the Wyland Foundation, as well as the National League of Cities, EPA Office of Water and the U.S. Forest Service to encourage communities around the country to take the online pledge to conserve. Not only do we want to "fill" the Rock with water savings, we want to get more pledges than our surrounding communities. Help us come out as the most water-conscious community in Colorado.

If Castle Rock is ranked among the top-pledging communities, the Town's participants could get entered to win one of more than 1,000 prizes provided by the Wyland Foundation, worth a total of \$50,000.

Get more information, or take the pledge, at CRconserve.com/WaterPledge.

Help update local laws related to animals

As a home rule municipality, the Town of Castle Rock has its own set of local laws and codes. From time to time, those local laws need to be reviewed. A topic currently being discussed relates to animals, and the Town wants resident feedback.

The Town will host an open house from 6 to 7:30 p.m. Tuesday, April 11, at Town Hall, 100 N. Wilcox St. Learn about the current ordinance and give your feedback on what you like, as well as what might need to change. If you can't attend, visit CRgov.com/animals to provide feedback online.

Tell us about dogs, cats, chickens, or bees. The Town is also looking for feedback related to licensing requirements; the number and kinds of animals allowed; breed-specific bans; regulations related to pet shops, kennels or doggie daycares; as well as handling activities such as fostering, rescues and feral cats.

Resident feedback will be provided to Town Council and will be taken into consideration regarding changes that may be made to Town Code related to animals. An update to Council is anticipated as early as May. Please note that these codes are separate from HOA rules and regulations.

Rebate rewards water-wise residents

As the season begins to turn, more residents will be headed outdoors. But, before irrigation season officially begins, the Town is encouraging residents to keep conservation in mind.

Town Council recently approved the 2017 Conservation Rebate Incentive Program, which encourages residents to be water-conscious and offers several rebates as part of an overall conservation plan.

On average, 50 percent of a resident's water consumption is used outdoors.

The incentive program encourages residents to transition from inefficient landscaping to more water-conscious alternatives. It's funded with water restriction violations and tier 4 conservation surcharges. Funds are limited, and rebates are awarded on a first-come, first-served basis.

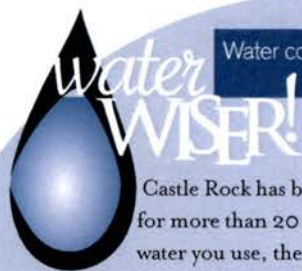
The smartscape renovation incentive is the most popular rebate in the program and rewards residents for replacing high-water-use plant material, such as Kentucky Bluegrass, with either xeriscape or hardscape. Residents can earn \$1 per square foot for all high-water-use plant material removed. A minimum of 250 square feet must be removed to qualify. The maximum rebate given is \$1,500 per address.

A household can only qualify for each rebate once.

Other rebates include:

- Smart irrigation controllers (50 percent of the controller cost up to \$300)
- Rotary nozzle retrofit (up to \$5 per nozzle and \$2,000 maximum for nonresidential customers)
- Rain sensors (50 percent of the sensor cost up to \$50)

Find more water-saving tips and rebate applications at CRconserve.com.



Water conservation and efficiency tip
CRgov.com/WaterWiser

Castle Rock has been using a tiered water rate structure for more than 20 years. In a tiered structure, the more water you use, the more you pay. Fees start with a customer's average winter monthly consumption.

Fees are then progressively charged at a higher rate. Each April, a customer's average winter monthly consumption is updated. Changes will appear in this month's bill. An average winter monthly consumption is calculated by averaging indoor water used during the months of November, December, January and February. Additionally, wastewater rates are also recalculated annually. More information is available at CRgov.com/WaterRates.

CONTACTS

Town information	303-660-1015
Library	303-791-7323
Recreation Center	303-660-1036
The MAC	303-733-2222

Events in Castle Rock

April 8: Grand opening of World War I exhibit, 11 a.m.-4 p.m., Castle Rock Museum, 420 Elbert St. Be the first to see a new exhibit. Event includes re-enactors in uniform displaying their own collections of memorabilia.

April 10: Third and Perry Roundabout Open House, 9-10:30 a.m. or 5-6:30 p.m., Castle Rock Fire and Rescue Headquarters, 300 Perry St. Learn what's next for this construction project.

April 11: Coffee with a Cop, 10-11 a.m., Castle Rock Senior Center, 2301 Woodlands Blvd. Get to know your local police officers in a relaxed atmosphere.

April 19: Transportation Master Plan Open House, 6-7:30 p.m., Douglas County High School, 2842 Front St. Weigh in as the Town gets closer to completing its next long-range plan for transportation. Learn more at CRgov.com/TMP.

April 20: Senior Life Expo, 2-6 p.m., Douglas County Events Center, 500 Fairgrounds Road. This free event is where Douglas County seniors and their family members will be able to speak with more than 70 senior-related businesses and organizations from throughout the County. Participating partner lists, seminar schedules and information is available at castlerockseniorcenter.org, or by calling 303-688-9498.

April 22: Castle Rock Fire and Rescue Department Open House, 1-3 p.m., Station 154 along Prairie Hawk Drive in The Meadows. Learn wildland mitigation and ways to protect your home. Also, learn how firefighters fight wildland fires.

April 25: Applications for Town board and commissions due, 5 p.m. to Town Hall, 100 N. Wilcox St. Be involved by serving on a board or commission. Learn more, view vacancies and apply online at CRgov.com/BandC.

April 26: Plum Creek Parkway Water Purification Facility Tour, 10-11 a.m., 1929 Liggett Road. Watch as your water gets purified by touring the Town's state-of-the-art water purification facility. Reservations are required. Please call 720-733-6000, or visit CRgov.com/WaterTours.

April 29: Drug Take Back, 10 a.m.-2 p.m., Castle Rock Police Department, 100 Perry St. Turn in unused or expired medications for safe disposal.

May 5: Cinco de Mayo Concert, 6-10 p.m., Downtown along Perry Street, between Fourth and Fifth streets. Join the celebration for bounce houses, live music, food vendors and family activities.

During April: If you visit Town Hall to drop off your water payment, please use the South Street entrance. The parking lot entrance from the west (at First Street) will be closed this month as construction continues on the Town Hall addition.

crgov.com
On the Web:
Keep up with Parks & Rec!

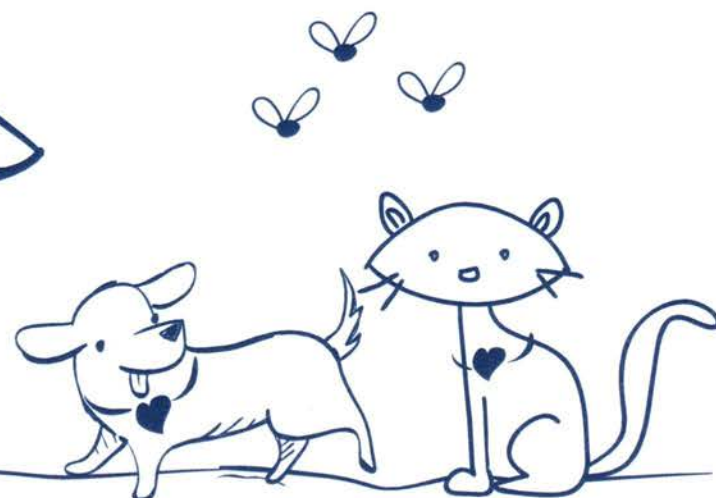
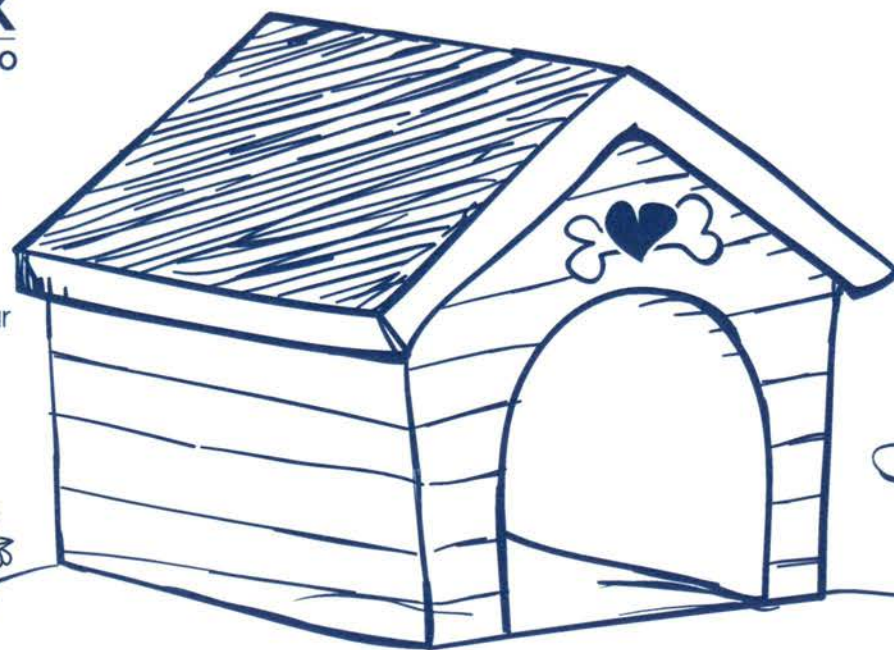
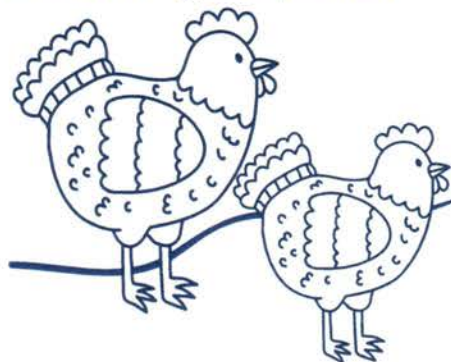
Summer is a busy time of year. With vacations, kids' activities and community events, it's hard to keep up with everything happening in Castle Rock. Sign up for Parks and Recreation's new email list to stay connected. Get a monthly update straight to your inbox. Plus, sign up for additional program updates like aquatics, youth activities and more. Log on to CRgov.com/NotifyMe for more information.



@CRgov

We want to hear from you!

Attend this open house, or submit your feedback at CRgov.com/animals.



Animal Ordinance Proposed Code Changes **OPEN HOUSE**

Wednesday, Jan. 31, 2018

6 to 8 p.m. at Town Hall

Join us to learn about proposed changes to our Town Code related to animals

Hear about proposed changes to Town Code relating to animals

Join us for an open house from 6 to 8 p.m.
on Wednesday, Jan. 31 at Town Hall, 100 N. Wilcox St.

The Town knows residents care about their animals. So, in order to keep all our residents safe, including the furry ones, Town staff has been reviewing the Town Code related to animals. Through extensive research meetings, community feedback forms and public meetings, the Town is now ready to present recommendations to Town Council. Learn about the proposed changes to the Town Code at an open house.

During the open house

Learn about the proposed changes to the Animal Ordinance, including:

- Lifting the Town's current breed-specific ban and replace it with a two-tiered dangerous and potentially dangerous provision
- Keeping the licensing requirement
- Clearly defining service and emotional support animals
- Allowing chickens and bees with clear guidelines
- Better defining the number and types of animals allowed
- Clearly prohibiting wildlife feeding (except birds)
- Incorporating new state and federal laws related to the Pet Animal Care Facilities Act
- Updating penalty and enforcement provisions

Additional information, including a summary of the feedback, is available online at CRgov.com/animals.

We want to hear from you!

Attend this open house, or submit feedback at CRgov.com/animals.



Town of Castle Rock
100 N. Wilcox St
Castle Rock, CO 80104
CRgov.com



@CRgov



Welcome

Animal Ordinance Revisions *Open House*

January 31, 2018

CRgov.com/**Animals**



@CRgov

Welcome

Although the Town's Animal Code has undergone revisions to specific sections since it was enacted, it has been a number of years since the Town has undertaken a comprehensive review or update of its Animal Code.

Our team – primarily comprised of the Town's Municipal Prosecutor, two Town Animal Control Officers, the Court Clerk, and representatives from the Town Attorney's Office – met over the course of a year with the primary objective to review our current Code with an eye toward improving public health and safety.

Our Animal Control Officers have approximately 15 years of combined experience, and our Municipal Prosecutor has worked with the Town for nearly 20 years and serves as a Prosecutor in multiple jurisdictions across the Front Range.

The team reviewed animal codes from a number of municipalities within the state (with a primary focus on some of our neighboring jurisdictions), and the team also reviewed various animal codes from across the country.

Before our Animal Ordinance Open House last spring, the team identified areas in the current Animal Code it thought could work better to address a variety of animal-related issues facing Town residents.

The team outlined those areas and invited input from residents.

Since the Open House, the Town has undertaken additional research, studied data, reviewed scholarly articles, met with a representative with integral knowledge of the Pet Animal Care and Facilities Act, and conferred with other Colorado jurisdictions. The team also discussed a variety of proposed changes to the current Code.

Our goal was to work to develop a proposed Code that:

- is more easily understood
- is consistent with developments in the law
- provides more certainty and uniformity in enforcement
- will work more efficiently in our growing community
- recognizes responsible pet ownership, and the shared place animals hold in many residents' lives
- will better serve to increase public health and safety

We hope that the information tonight is helpful in understanding the basis for the recommendations we will be making to Town Council.

We have question and comment forms available, and boxes for submittal stationed throughout the venue tonight for your convenience.

Responses to most questions will be provided at a later date.

Because the Animal Code review team is proposing to completely rewrite the Code to bring it up-to-date with modern standards and to provide for continued public safety, apples-to-apples comparisons with the current 25-year-old code are difficult.

In presenting the proposed ordinance revisions, the team has created the following key to help those interested understand which proposed revisions are updates; which are proposed moves from other Town Code sections; and which would be new elements within Town Code.

In some instances, more than one of these classifications applies to a proposed revision; those items will have both applicable symbols alongside them.



UPDATE

The most common proposed ordinance revision is an update, which is indicated by a U in a **ORANGE** circle.



MOVE

A few provisions are being recommended for relocation to the Animal Code from other areas of Town Code. These are indicated with an M in a **BLUE** circle.



NEW

A couple of the provisions within the proposed ordinance would be completely new to the Town Code. These are indicated with an N in a **GREEN** circle.

Proposed Ordinance REVISION

NOISY DOGS



- Written warning required before summons
- Enhanced evidentiary requirements
- Ten-minute consecutive period day or night

The enhancement of this section will provide law enforcement another tool in addressing noisy dog complaints without the necessity of issuing a summons and complaint. The proposed changes also provide further safeguards to all involved parties to protect against retaliatory or unfounded claims.

NUMBER OF DOGS AND CATS



- No more than three dogs
- No more than five cats
- Dogs and cats younger than six months old not included in count

The proposed ordinance limits the number of dogs that may be kept on a premises to three and number of cats to five. The age of dogs and cats has been increased to six months (for animals counted in this total) based on resident feedback.

LICENSING AND IDENTIFICATION



- All dogs must be licensed
- Cats and dogs must be able to be identified
- Enhanced licensing application process and procedures

The enhancement and modernization of these sections should allow the Town to implement and enforce already existing licensing requirements. At present, Animal Control has only estimates as to the number of dogs within the Town's limits. It is anticipated that an educational campaign will be developed to encourage compliance in licensing and identification before any enforcement actions would be taken.

KEY



Move

A few provisions are being recommended for relocation to the Animal Code from other areas of Town Code.



Update

The most common proposed ordinance revision is an update.



New

A couple of the provisions within the proposed ordinance would be completely new to the Town Code.

CRgov.com/**Animals**

HOAs may have more restrictions than the Castle Rock Municipal Code. Castle Rock Police does not enforce HOA requirements.



@CRgov

Proposed Ordinance REVISION

CHICKENS



- Allow up to six chickens
- Prohibit roosters
- Regulate enclosures and humane care and treatment

The addition of this section to the Town Code is in response to community feedback. Residents expressed desire to have chickens within the Town limits. Roosters are specifically prohibited, and this section provides clear and specific guidelines for the keeping of such animals.

BEES



Bees are allowed within Town limits. This ordinance was previously adopted by the Town in 2012 and will be moved from zoning to this Chapter for ease of reference. A provision for humane care and treatment has been added.

WILDLIFE FEEDING



- Prohibit feeding of wildlife
- Regulate feeding of birds

The proposed ordinance addresses the recommendations of the Colorado Parks and Wildlife regarding wildlife feeding. It also regulates the feeding of birds within the Town. The proposed ordinance prohibits the keeping of livestock and specific wild or exotic animals within the Town limits. This Chapter is enhanced by the addition of comprehensive definitions for livestock and wild or exotic animals.

KEY



Move

A few provisions are being recommended for relocation to the Animal Code from other areas of Town Code.



Update

The most common proposed ordinance revision is an update.



New

A couple of the provisions within the proposed ordinance would be completely new to the Town Code.

Proposed Ordinance REVISION

KEEPING LIVESTOCK, WILD OR EXOTIC ANIMALS

The proposed ordinance prohibits the keeping of livestock and specific wild or exotic animals within the Town limits. This Chapter is enhanced by the addition of comprehensive definitions for livestock and wild or exotic animals.

Generally, an animal introduced from another country and not formally kept as a household pet or farm animal is considered an exotic animal. Normally, livestock includes, but is not limited to, horses, mules, sheep, goats, cattle, swine, ducks, geese, pigeons, turkeys, pea fowl, and guinea hens. And, wild animals are often comprised as bears, coyotes, foxes, mountain lions, opossums, raccoons, skunks, raptors, all game animals, as well as all other species of animals, which exist in their natural, unconfined state and are usually not domesticated.

KEY



Move

A few provisions are being recommended for relocation to the Animal Code from other areas of Town Code.



Update

The most common proposed ordinance revision is an update.



New

A couple of the provisions within the proposed ordinance would be completely new to the Town Code.

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@CRgov

Proposed Ordinance REVISION

IMPOUNDMENT

- Provide a clear and concise impoundment process
- Expedite impoundment hearings in Municipal Court
- Provide financial bonding requirements

The proposed ordinance has a comprehensive procedure for the impoundment of animals who engage in prohibited behavior within the Town limits. The proposed ordinance completely replaces the prior impoundment section. The proposal contains specific requirements for hearing and disposition in the Municipal Court. Expedited requirements have been incorporated into this section to ensure timely hearings with an effort to reduce the costs borne by a defendant or the Town and minimize the stress to the animal.

PET ANIMAL FACILITIES

- Recognizes the adoption of the Pet Animal Care and Facilities Act "PACFA," by the Colorado State Department of Agriculture as Pet Animal Facilities
- Defines Pet Animal Facilities within the Town
- Identifies kennels, rescues, fosters, breeders, pet shops and pet spas

Pet Animal Facilities are required to be operated in accordance with the Pet Animal Care and Facilities Act, which is found in Sections 35-80-101 through 35-80-117, C.R.S. PACFA is comprehensive legislation that has been enacted by the State of Colorado.

KEY



Move
A few provisions are being recommended for relocation to the Animal Code from other areas of Town Code.



Update
The most common proposed ordinance revision is an update.



New
A couple of the provisions within the proposed ordinance would be completely new to the Town Code.

CRgov.com/**Animals**

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In the current code, it refers to Dangerous/Vicious Animal. The proposed ordinance revision would:

- Replace current dangerous/vicious animal code with a two-tiered system
- Define a potentially dangerous animal
- Define a dangerous animal

The proposed two-tiered system recognizes and defines prohibited animal behavior within the Town. The addition of a potentially dangerous animal section would allow law enforcement, through the Municipal Court, to effectively address dog behavior on the underlying facts rather than in a restrictive and global manner.

Proposed Ordinance REVISION

POTENTIALLY DANGEROUS ANIMAL

- This is the first tier of the proposed two-tiered section
- A Potentially Dangerous Animal will be defined as an animal that causes an injury to any person or domestic animal that is less than serious bodily injury
- Serious bodily injury is defined in the Colorado Revised Statutes § 18-1-901(3)(p)

The addition of a Potentially Dangerous Animal section will allow the Municipal Court to deal with animals that cause injury (less than serious bodily injury) on a case-by-case basis based on the facts of each case.

A conviction under this section would require specific registration requirements combined with behavior modification and other special sanctions as may be ordered by the Court.

DANGEROUS ANIMAL

- Dangerous Animals are defined as any animal that causes serious bodily injury to any person or domestic animal, **or**
- That behaves in a manner that would have resulted in serious bodily injury without intervention by a person to stop such behavior

This section will prohibit the keeping of a dangerous animal with the Town.

KEY



Move
A few provisions are being recommended for relocation to the Animal Code from other areas of Town Code.



Update
The most common proposed ordinance revision is an update.



New
A couple of the provisions within the proposed ordinance would be completely new to the Town Code.

CRgov.com/**Animals**

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Recommendation to consider lifting Breed-Specific Legislation

Our recommendation that Council consider lifting the Breed-Specific Legislation is based on a myriad of factors including:

- 1) Continued focus on public health and safety;
- 2) Addressing difficulties related to enforcement for the Town's Animal Control Officers, Law Enforcement Officers, the Municipal Prosecutor and the Municipal Judge, including costs, time and resources devoted to impounding and prosecuting a dog that has not done anything wrong, but instead is in the Court system based solely on how the dog looks.
- 3) Bite data from our Town and surrounding jurisdictions and the lack of reliable scientific data suggesting one breed is any more or less aggressive than another;
- 4) Review of our neighboring jurisdictions in terms of how they handle potentially dangerous and dangerous animals;
- 5) Review of our neighboring jurisdictions related to the absence, or presence, of Breed-Specific Legislation;
- 6) Breed-Specific Legislation is not endorsed by a number of organizations including the State of Colorado (C.R.S. § 18-9-204.5, et. seq.);
- 7) Challenges attendant to enforcing Breed-Specific Legislation including issues related to breed identification and the complexities related to same;
- 8) Developments in the law including Service Animals under the Americans with Disabilities Act and Emotional Support Animals;
- 9) An evolution of thought regarding addressing an animal's behavior as an indicator of future acts, instead of how the animal looks;
- 10) Feedback from Town residents in favor of lifting the Breed-Specific Ban and those against;
- 11) The concern that Breed-Specific Legislation may drive residents to not license their dogs, or seek appropriate and necessary veterinary care, including shots, and spaying or neutering, as well as keeping their dogs indoors, where they may not be socialized or get proper exercise;
- 12) Eliminates the ability of one neighbor from using a dog's breed in retaliation for something unrelated to the dog's behavior;
- 13) Practical considerations related to representatives from the Town forcing people to give up their pets when the animal has done nothing wrong and based solely on how it looks. Also difficult are the situations where:
 - a) new residents unwittingly move to the Town, with their pets, and are not aware of the Town's Breed Ban (there are 271 Towns and Cities throughout the state and only 9 have some form of Breed Specific Legislation, and there are 64 Counties in Colorado and none have Breed Specific Legislation); or
 - b) fosters and rescues are not aware of the Breed Ban and place an animal in Town that might fall within the Breed Specific Legislation; or
 - c) a prospective pet owner is not aware of the Breed Ban, and adopts an animal that might fall within with the Breed Specific Legislation; or
 - d) it might limit a type of dog from being fostered, rescued, or permanently placed in a home based solely on how the dog looks; and, finally,
 - e) someone might adopt a puppy – whose breeding is uncertain – only to have it grow up to look like a dog (whether or not it actually is) that might fall under the Breed Ban.
- 14) The difficulties attendant to euthanizing or removing a dog that has a home, where the dog has not done anything wrong. Thereby forcing the dog to a shelter – and taking space that could be used for animals that may not have homes. Or, forcing the resident to move outside the Town's limits.
- 15) What to do with the dogs currently in Town that might fall within the Breed Ban.

Overview of Breed-Specific Legislation

The Town's Breed-Specific Ordinance

The Town's Breed-Specific Legislation was introduced in 1992. We are not aware of any specific precipitating event, but believe the Town may have been following a national trend, at the time, and certainly it is fair to conclude that the Town was influenced by the breed-specific legislation enacted in Denver and Aurora.

An Overview of Statewide and Neighboring Communities

Breed-Specific Legislation is not endorsed by the State of Colorado (C.R.S. § 18-9-204.5, et. seq.).

There are 271 towns and cities in Colorado, and of those, nine (including Castle Rock) have Breed-Specific Legislation. There are 64 counties in Colorado, and of those, none have Breed-Specific Legislation.

In our neighboring jurisdictions including Centennial, unincorporated Douglas County, Douglas County, Elbert County, Arapahoe County, Jefferson County, Parker, Franktown, Elizabeth, Littleton, Englewood, Greenwood Village, Cherry Hills Village, Sedalia, Monument, Larkspur, do not have Breed-Specific Legislation.

The eight other towns and cities that have some form of Breed Specific Legislation, include Aurora, Broomfield, Commerce City, Denver, Fort Lupton, Lone Tree, Louisville and Simla.

National Overview

To the best of our knowledge, there are:

- 18 states that do not have any breed-specific ordinances;
- 10 states where (1-4) municipalities have breed-specific ordinances;
- 10 states where (5-9) municipalities have breed-specific ordinances;
- 8 states where (20-39) municipalities have breed-specific ordinances; and
- 4 states where (40+) municipalities have breed-specific ordinances.

To the best of our knowledge, there are:

- 15 states that do not have breed-specific legislation and also have a pre-emption law prohibiting breed-specific legislation from being enacted at the state or local level;
- 3 states that do not have a state level pre-emption law, however, upon information and belief, there is no breed-specific legislation being enforced;
- 6 states that have a state-level preemption law, but either have breed-specific ordinances grandfathered in, or home-rule exemptions, or other exemptions in the statutory language; and
- 26 states that have existing breed-specific legislation and no state law pre-emption law to prevent new bans from being enacted.

Challenges Attendant to Identifying Pit Bulls based on Visual Inspection and Genetics/DNA

Animal Control Officers, Law Enforcement Officers and other trained animal experts may face challenges in assessing breed characteristics, in order to determine a dog's breed based on a visual inspection.

To determine whether a dog might fall under the breed-specific ban requires a visual inspection, based on 27 points including height, weight, length, skull, ears, eye shape, eye to snout angle (stop), cheek muscles, muzzle, lips, bite, neck length, neck shape, back, chest, shoulders, front/hind legs, thighs, feet size/shape, tail length, tail shape, skin pliability, coat length, coat texture, and gait.

Even genetic and DNA testing, which takes time and costs money, may not be dispositive. A dog may look like a dog subject to a breed ban, but not have the DNA of a banned breed OR a dog may not look like one subject to the breed ban, but might have the DNA of a banned breed. This is particularly true where a dog is not pure bred, but instead is a cross breed. Additionally, companies that perform the DNA testing typically are not willing to testify as to the results or methodology.

Breed identification may present difficulties related to enforcement for the Town's Animal Control Officers, Law Enforcement Officers, the Municipal Prosecutor and the Municipal Judge, including cost, time and resources devoted to trying to determine whether a dog meets a majority of the visual characteristics subject to a breed ban, or whether a majority of the genetic makeup, subjects it to the breed ban.



Which dog do you think is a pit bull based on appearance?



Look on back to find out

Look on back to find out

Which dog do you think is a pit bull based on genetics?



▶ ▶ ▶ Look on back to find out ▶ ▶ ▶

None of these dogs are pit bulls.



Presa Canario (Canary Dog) 84-106 lbs.



Cane Corso – 99-110 lbs.



Dogo Argentino – 80-100 lbs.



Presa Mallorquin (Ca De Bou) 121-150 lbs.



Fila Brasileiro (Fila, Brazilian Mastiff) 90-110 lbs.



Tosa (Tosa Inu) 200 lbs.

None of these dogs are more than 51% pit bull.



50% American bulldog
25% American
Staffordshire terrier
9.28% Pembroke Welsh corgi
7.97% Irish wolfhound



25% German shepherd
25% Staffordshire bull terrier
13.36% Weimaraner
7.29% German
wirehaired pointer



25% rottweiler
12.5% boxer
12.5% German
shorthaired pointer
11.09% Manchester terrier



25% American
Staffordshire terrier
25% collie
21.41% black Russian terrier
19.86% Norwegian buhund



25% American
Staffordshire terrier
25% Dogue de Bordeaux
3.66% Irish terrier
2.17% Dandie
Dinmont terrier



25% American Staffordshire
terrier
25% boxer
25% soft-coated wheaten
terrier
18.66% Great Dane



50% Catahoula leopard dog
25% Siberian husky
9.94% briard
5.07 Airedale terrier



25% basset hound
25% American
Staffordshire terrier
25% chow chow
25% English cocker spaniel



25% American Staffordshire
terrier
25% Staffordshire bull terrier
8.83% flat-coated retriever
3.14% Irish wolfhound



25% boxer
25% Alaskan malamute
21.95% Sealyham terrier
19.67% pointer

Dog Bite Statistics

It is believed there are Pit Bull, and Pit Bull crosses (dogs that upon visual inspection have 14 or more characteristics of the three breeds of dogs that fall within the Town's breed ban, or 51% of the genetic/DNA make-up of the three breeds of dogs that fall within the Town's breed ban). It is hard to know how many such dogs are currently in Town because typically, unless there is an issue involving Animal Control Officers, or Law Enforcement Officers, these dogs appear to largely go unnoticed.

In the last ten years there were approximately 600 (cat and dog) bites in the Town. Of the 600 bites, approximately 20 involved Pit Bulls and Pit Bull crosses.

Of the 600 bites, 21 were categorized as "severe," and none involved a Pit Bull or a Pit Bull cross. With regard to the 21 "severe" bites, there were 4 Black Lab/Yellow Lab/mixes; 4 Huskies; 2 Boxer/mixes; 2 German Shepherds; 2 Cats; 1 Alaskan Malamute; 1 Australian Sheppard; 1 Belgian Malinois; 1 Borzoi; 1 Great Pyrenees; 1 Mastiff; and 1 Rottweiler.

Efforts to compile data from some of our neighboring jurisdictions has been difficult because not all jurisdictions record data the same way, or track bite data based on breeds of dogs.



However, data compiled with regard to Centennial, unincorporated Douglas County, unincorporated Castle Rock, and unincorporated Parker has been analyzed. None of these jurisdictions have Breed-Specific Legislation.

For additional information, please see the Board identifying dog bite data in the City of Centennial, Unincorporated Douglas County with Castle Rock Mailing Address, Unincorporated Douglas County and Unincorporated Parker Dog Bites 2010-2017 by Breed and Severity.

City of Centennial Dog Bites 2010-2017 by Breed and Severity

Animal to Animal										Animal to Human										Animal to Both Animal and Human									
Minor	No. Bites	Moderate	No. Bites	Severe	No. Bites	Fatal	No. Bites	Unknown	No. Bites	Minor	No. Bites	Moderate	No. Bites	Severe	No. Bites	Fatal	Unknown	No. Bites	Minor	No. Bites	Moderate	No. Bites	Severe	No. Bites	Unknown	No. Bites			
BOXER	9	GERM SHEPHERD	7	AMER BULLDOG	1	SIBERIAN HUSKY	2	PIT BULL	9	LABRADOR RETR	58	LABRADOR RETR	25	BORDER COLLIE	2	No data	GERM SHEPHERD	3	PIT BULL	3	BOXER	1	PIT BULL	2	AMER BULLDOG	1			
LABRADOR RETR	8	LABRADOR RETR	4	AMERICAN STAFF	1	GERM SHEPHERD	1	LABRADOR RETR	8	GERM SHEPHERD	27	GERM SHEPHERD	15	GERM SHEPHERD	2		LABRADOR RETR	3	LABRADOR RETR	2	PIT BULL	1	ROTTWEILER	1					
GERM SHEPHERD	6	PIT BULL	4	BORDER COLLIE	1	LABRADOR RETR	1	AUST CATTLE DOG	4	CHIHUAHUA SH	26	BOXER	13	AKITA	1		MIN PINSCHER	2	AMER BULLDOG	1	ROTTWEILER	1							
AMER BULLDOG	2	BOXER	2	CHESA BAY RETR	1			BOXER	4	AUST CATTLE DOG	19	BORDER COLLIE	9	AMER BULLDOG	1		PIT BULL	2	BOSTON TERRIER	1									
BORDER COLLIE	2	SHIBA INU	2	GERM SHEPHERD	1			GERM SHEPHERD	3	GOLDEN RETR	17	AUST CATTLE DOG	6	AUST CATTLE DOG	1		TERRIER	2	GOLDEN RETR	1									
MASTIFF	2	SIBERIAN HUSKY	2	LABRADOR RETR	1			GREAT PYRENEES	3	PIT BULL	17	AUST SHEPHERD	6	AUST SHEPHERD	1		AUST SHEPHERD	1	UHASA APSO	1									
PIT BULL	2	AKITA	1	PIT BULL	1			MASTIFF	3	TERRIER	15	AKITA	5	BOXER	1		BEAGLE	1	POODLE STND	1									
STAFFORDSHIRE	2	AMER BULLDOG	1	ROTTWEILER	1			AMER BULLDOG	2	BORDER COLLIE	14	AMER BULLDOG	5	CHOW CHOW	1		BOXER	1	WELSH CORGI CAR	1									
AKITA	1	AUST CATTLE DOG	1	SIBERIAN HUSKY	1			AUST SHEPHERD	2	AUST SHEPHERD	12	CHOW CHOW	5	COCKER SPAN	1		CHIHUAHUA LN	1											
ALASKA MALAMUTE	1	BORDER COLLIE	1					CANE CORSO	2	BOXER	12	GOLDEN RETR	5	ENG SPRNGR SPAN	1		COCKER SPAN	1											
AMERICAN STAFF	1	CHESA BAY RETR	1					JACK RUSS TER	2	MASTIFF	8	ROTTWEILER	5	GREAT DANE	1		GOLDEN RETR	1											
AUST CATTLE DOG	1	CHINESE SHARPEI	1					SHIBA INU	2	AMER BULLDOG	8	DACHSHUND	4	LABRADOR RETR	1		JACK RUSS TER	1											
BERNESE MTN DOG	1	ENG BULLDOG	1					ST BERNARD ROT	2	COCKER SPAN	8	MASTIFF	4	NS DUCK TOLLING	1		JINDO	1											
BULL TERR MIN	1							WEIMARANER	2	ROTTWEILER	8	PIT BULL	4	ROTTWEILER	1		AKOMODOR	1											
CATAHOULA	1							AKITA	1	SHIH TZU	8	SIBERIAN HUSKY	4	ROTTWEILER	1		POODLE TOY	1											
CHESA BAY RETR	1							ALASKA MALAMUTE	1	BEAGLE	6	BERNESE MTN DOG	3	TIBETAN TERR	1		ROTWEILER	1											
ENG BULLDOG	1							ANATOL SHEPHERD	1	JACK RUSS TER	6	CHESA BAY RETR	3				SHETLD SHEEPDOG	1											
ENG SPRNGR SPAN	1							BERNESE MTN DOG	1	MIN PINSCHER	6	GERM SH POINT	3				SHIBA INU	1											
FLAT COAT RETR	1							YORKSHIRE TERR	6	YORKSHIRE TERR	6	RHOD RIDGEBACK	3				TIBETAN TERR	1											
GERM SH POINT	1							BULLMASTIFF	1	BICHON FRISE	5	SHIBA INU	3																
OLD ENG BULLDOG	1							CHINESE SHARPEI	1	GREAT DANE	5	BICHON RISE	2																
PUG	1							DACHSHUND	1	UHASA APSO	5	BLACK MOUTH CUR	2																
RHOD RIDGEBACK	1							DOBERMAN PINSCH	1	POODLE MIN	5	BLACK/TAN HOUND	2																
ROTTWEILER	1							ENG SPRNGR SPAN	1	PUG	5	CATAHOULA	2																
SIBERIAN HUSKY	1							IBIZAN HOUND	1	SCHNAUZER MIN	5	ENG BULLDOG	2																
YORKSHIRE TERR	1							IRISH SETTER	1	SIBERIAN HUSKY	5	GREAT DANE	2																
								REDBONE HOUND	1	WEST HIGHLAND	5	JACK RUSS TER	2																
								RHOD RIDGEBACK	1	CHOW CHOW	4	TERRIER	2																
								ROTTWEILER	1	DACHSHUND	4	WEIMARANER	2																
								SCHNAUZER MIN	1																				
								SIBERIAN HUSKY	1																				
								WHIPPET	1																				
Total Bites by Category	61	Total Bites by Category	28	Total Bites by Category	9	Total Bites by Category	4	Total Bites by Category	66	** The remaining 118 bites involves breeds where there were 3 or less bites	445	** The remaining 32 bites involves breeds where there were 1 bite per breed	180	Total Bites by Category	19	0	Total Bites by Category	26	Total Bites by Category	11	Total Bites by Category	3	Total Bites by Category	2	Total Bites by Category	2			

Unincorporated Douglas County with Castle Rock Mailing Address 2010-2017 by Breed and Severity

Animal to Animal										Animal to Human										Animal to Both Animal and Human				
Minor	No. Bites	Moderate	No. Bites	Severe	No. Bites	Fatal	No. Bites	Unknown	No. Bites	Minor	No. Bites	Moderate	No. Bites	Severe	No. Bites	Fatal	Unknown	No. Bites	Minor	No. Bites	Moderate	No. Bites	Severe	No. Bites
CHINESE SHARPEI	1	No data		AMER BULLDOG	1	No data		BORDER COLLIE	1	GERM SHEPHERD	9	GERM SHEPHERD	2	No data		No data		LABRADOR RETR	4	No data		No data	No data	No data
								BOXER	1	LABRADOR RETR	6	AUST SHEPHERD	1					AUST CATTLE DOG	2					
								DUTCH SHEPHERD	1	BOXER	3	COTON DE TULEAR	1					GERM SHEPHERD	2					
								GERM SHEPHERD	1	AMER ESKIMO	2	LABRADOR RETR	1					BERNESE MTN DOG	1					
								PIT BULL	1	AUST CATTLE DOG	2							BICHON FRISE	1					
								PLOTT HOUND	1	AUST SHEPHERD	2							ROTTWEILER	1					
								ROTTWEILER	1	DACHSHUND	2							SIBERIAN HUSKY	1					
								SIBERIAN HUSKY	1	DOBERMAN PINSCH	2							VIZSLA	1					
										ENG SPRNGR SPAN	2													
										GOLDEN RETR	2													
										RAT TERRIER	2													
Total Bites by Category	1	0	Total Bites by Category	1	0	Total Bites by Category	8	** The remaining 12 bites involves breeds where there were 1 bite per breed	46	Total Bites by Category	5	0	0	Total Bites by Category	13	0	0	0	0					

Unincorporated Douglas County Dog Bites 2010-2017 by Breed and Severity																											
Animal to Animal								Animal to Human								Animal to Both Animal and Human											
Minor	No. Bites	Moderate	No. Bites	Severe	No. Bites	Fatal	No. Bites	Unknown	No. Bites	Minor	No. Bites	Moderate	No. Bites	Severe	No. Bites	Fatal	No. Bites	Unknown	No. Bites	Minor	No. Bites	Moderate	No. Bites	Severe	No. Bites	Unknown	No. Bites
BEAGLE	1	LABRADOR RETR	2			AKITA	2	PIT BULL	2	LABRADOR RETR	4	GERM SHEPHERD	24	GERM SHEPHERD	2	No data		LABRADOR RETR	9	ALASKA MALAMUTE	3	CHESA BAY RETR	1	No data		No data	
CHOW CHOW	1	PIT BULL	2			LABRADOR RETR	1	AMER BULLDOG	3	LABRADOR RETR	44	LABRADOR RETR	20	ROTTWEILER	2			BOXER	7	PIT BULL	2						
FRENCH BULLDOG	1	ROTTWEILER	2					GERM SHEPHERD	3	AUST SHEPHERD	35	PIT BULL	10	SIBERIAN HUSKY	2			AUST CATTLE DOG	6	AUST CATTLE DOG	1						
GERM WH POINT	1							MASTIFF	3	PIT BULL	28	AUST CATTLE DOG	9	AUST SHEPHERD	1			AUST SHEPHERD	5	SCHNAUZER GIANT	1						
IRISH WOLFHOUND	1							TERRIER	3	AUST CATTLE DOG	22	AUST SHEPHERD	6	BOXER	1			GERM SHEPHERD	5	SCHNAUZER MIN	1						
PIT BULL	1							AKITA	2	BORDER COLLIE	22	BORDER COLLIE	6	CHESA BAY RETR	1			SIBERIAN HUSKY	5								
SIBERIAN HUSKY	1							ANATOL SHEPHERD	2	CHIHUAHUA SH	15	GOLDEN RETR	5	CHINESE SHARPEI	1												
								AUST CATTLE DOG	2	BOXER	15	BOXER	4	GREAT DANE	1												
								LABRADOR RETR	2	DACHSHUND	16	ROTTWEILER	4	GREYHOUND	1												
								SIBERIAN HUSKY	2	SIBERIAN HUSKY	14	SIBERIAN HUSKY	4	LABRADOR RETR	1												
												TERRIER	4	PIT BULL	1												
												PRESA CANARIO	1														
												SHIBA INU	1														
Total Bites by Category	7	Total Bites by Category	6	Total Bites by Category	1	Total Bites by Category	3	** The remaining 11 bites involves breeds where there were 1 bite per breed	38	** The remaining 534 bites involves breeds where there were 11 bites or less per breed	534	** The remaining 53 bites involves breeds where there were 3 bites or less per breed	149	Total Bites by Category	16	0	** The remaining 53 bites involves breeds where there were 4 bites or less per breed	90	Total Bites by Category	8	Total Bites by Category	1	0	0	0	0	0

Unincorporated Parker Dog Bites 2010-2017 by Breed and Severity																				
Animal to Animal						Animal to Human										Animal to Both Animal and Human				
Minor	Moderate	No. Bites	Severe	Fatal	No. Bites	Unknown	No. Bites	Minor	No. Bites	Moderate	No. Bites	Severe	No. Bites	Fatal	Unknown	No. Bites	Minor	Moderate	Severe	Unknown
No data	AUST CATTLE DOG	1	No data	ROTTWEILER	3	AUST CATTLE DOG	2	LABRADOR RETR	13	GERM SHEPHERD	3	CHOW CHOW	1	No data	AUST SHEPHERD	3	No data	No data	No data	No data
	BOXER	1		BOXER	1	LABRADOR RETR	2	GERM SHEPHERD	5	BLACK MOUTH CUR	1				AMER FOXHOUND	1				
	PIT BULL	1		PIT BULL	1	BOXER	1	JACK RUSS TER	5	BORDER COLLIE	1				BLOODHOUND	1				
						GERM SHEPHERD	1	AUST CATTLE DOG	4	BOXER	1				GERM SH POINT	1				
						GREYHOUND	1	PIT BULL	4	CHOW CHOW	1				GERM SHEPHERD	1				
										LABRADOR RETR	1				PIT BULL	1				
										MASTIFF	1				SCHNAUZER MIN	1				
										PIT BULL	1				TIBETAN MASTIFF	1				
										RHOD RIDGEBACK	1									
										ROTTWEILER	1									
										TERRIER	1									
0	Total Bites by Category	3	0	Total Bites by Category	5	Total Bites by Category	8	** The remaining 36 bites involves breeds where there were 3 bites or less per breed	67	Total Bites by Category	13	Total Bites by Category	1	0	Total Bites by Category	10	0	0	0	0





January 2018

Your Town Talk

News From Around the Rock

Good to Know

Castle Rock hosting several Open Houses

Getting your feedback is important to your Town. Visit with us at these open houses:

Animal Code

The Town has undertaken a comprehensive review of the Town's Code related to animals. This review has included your feedback, and now the Town has recommendations. Learn more and ask questions during an open house from 6 to 8 p.m. on Wednesday, Jan. 31 at Town Hall, 100 N. Wilcox St. Go to CRgov.com/animals for more information.

Catch up with Castle Rock Water

Through careful planning, Castle Rock Water is well on its way to ensuring the community's water future. Catch up on everything happening with the department at the Water Update Open House from 5 to 7:30 p.m. Wednesday, Feb. 7, at the Plum Creek Water Purification Facility, 1929 Liggett Road. Learn from water experts about some of the new plans set for 2018 and take a tour of the water treatment facility. Refreshments will be provided. Go to CRgov.com/waterplans for more information.



Daddy Daughter Ball tickets on sale now

Enjoy a special night out with your little princess at the fabulous Daddy Daughter Ball in Castle Rock. This year's theme, "A Night in Paris," will capture daddies and their daughters dancing, enjoying refreshments, the TAG (Teen Advisory Group) raffle, and professional photographs for memories to last a lifetime.

This year's event is from 6:30 to 8:30 p.m. on Friday, Feb. 9, at the Douglas County Events Center, 500 Fairgrounds Drive. Purchase tickets online, at the Recreation Center or at the Miller Activity Complex. Advance tickets are \$25 per couple (\$35 for nonresidents), early registration ends Feb. 8. Additional children, \$8. Admission at the door is \$40 per couple, cash only.

Pick up tickets with your receipt at the Recreation Center or Miller Activity Complex. All ages are welcome, and grandfathers and grandchildren are also welcome. Refreshments and dessert will be served.

The ball is always filled with glitz and glamour. Daddies, wear your best, and ask your little girls to wear their prettiest dress. A professional photographer will be onsite to capture all the memorable moments.

Like in years past, the Parks and Recreation Department's Teen Advisory Group will be hosting a raffle at the ball, with prizes for both dads and daughters. The Teen Advisory Group is a group of young residents who play an active role in planning and carrying out Parks and Recreation activities for the community's youth.

For more information or to purchase tickets, go to CRgov.com/DDBallr8.

Neighborhood Meetings

Did you know your thoughts and questions are a vital part of the Town's development process? Often, neighborhood meetings and hearings before the Planning Commission and Town Council are required. See what's ahead at CRgov.com/notices. That's where the town will publish land use public hearing notices.

The online postings correspond with the yellow signs you see around Town. You can view a map of all development activity online. For more information, visit CRgov.com/DevelopmentActivity.

Road investments ahead

Maintaining current roadways and completing new projects to keep traffic moving are priorities for the Town of Castle Rock. In 2018, your Town is investing in roadwork to improve your drive. Here's an overview:

Founders/Allen intersection improvements: Additional turn lanes will be added to ease congestion and increase access to I-25. CRgov.com/AllenImprovements.

Founders/Crowfoot intersection improvements: Additional lanes will be added at this intersection to relieve congestion and improve safety. CRgov.com/FoundersCrowfoot.

Meadows Parkway reconstruction: This maintenance project will mean a smoother ride along Meadows Parkway between U.S. Highway 85 and Prairie Hawk Drive. Crews will remove the concrete and replace it with asphalt. Traffic will be reduced to one lane in each direction, so delays are expected. The Town acknowledges the restrictions will create a challenging traffic situation and asks motorists to begin planning alternate routes now in anticipation of the work, which is expected to start around Memorial Day. Alternate routes include: Coachline Road, North Meadows Drive, Castle Rock Parkway, and Highway 85. CRgov.com/MeadowsParkway.

Of course, all this roadwork means your Town will be asking for your investment, too. Please be extra careful and patient in these construction zones. Remember: it's temporary inconvenience for long-term gain. Updates will be available in this newsletter, at CRgov.com, and on the Town's Facebook page, facebook.com/CRgov.

Get Council updates in your email

Castle Rock is an award-winning community. You know that because you live here. But, did you know that's all by design? Town Council meets twice a month to make decisions that further our community priorities. Councilmembers support new public safety positions, enter contracts for parks, road and water projects, and work with neighboring communities on regional projects. Stay connected. Get weekly email updates from your Town Council.

Visit CRgov.com/Council and click the "Get Email Notifications" graphic link. Enter your email and watch your email inbox for a confirmation from noreply@CivicPlus.com to confirm your subscription.

Email updates are expected to include both summaries of top Council items as well as previews to Council meetings. Visit CRgov.com/Council for more information.

Events in Castle Rock

Jan. 15: Town offices will be closed for Martin Luther King Jr. Day. The Miller Activity Complex and Recreation Center will be open during normal hours.

Jan. 16: Town Council Meeting, 6 p.m. in the Council Chambers at Town Hall, 100 Wilcox St.

Jan. 31: Animal Ordinance Open House, 6 to 8 p.m. in the Council Chambers at Town Hall, 100 Wilcox St.

Feb. 6: Town Council Meeting, 6 p.m. in the Council Chambers at Town Hall, 100 Wilcox St.

Feb. 7: Water Open House, 5 to 7:30 p.m. at the Plum Creek Water Purification Facility, 1929 Liggett Road.

Feb. 9: Daddy Daughter Ball, 6:30 to 8:30 p.m. at the Douglas County Events Center, 500 Fairgrounds Drive.

Feb. 19: Last day of Rink at the Rock, White Pavilion, 414 Perry St.

For information about these and other events, visit CRgov.com/events.



Water conservation and efficiency tip
CRconserve.com

For many people, the winter season means cooler temperatures, snowy weather and staying indoors. But, even in colder months, water conservation should be top-of-mind. It's important to remember water budgets and wastewater rate are based on indoor consumption during the four months of winter. That means conserving water now could reduce your wastewater rate later. Plus, almost 50 percent of a customer's annual water usage is from indoor consumption. If each person used one less gallon of water per day, we would save 22 million gallons of water per year. Conservation habits started now could reap year-long benefits.

Council meetings

Town Council meets the first and third Tuesdays of each month at 6 p.m. in Council Chambers at Town Hall, 100 N. Wilcox St. The next meetings are Jan. 16, Feb. 6 and Feb. 20. Agendas are posted online at CRgov.com/Agendas.

crgov.com

On the Web: What to know when it snows

Winter is here, and when it snows, our snowplow crews are prepared. It's a priority for the Town to make streets safe and passable for drivers as well as emergency vehicles. The Town clears one lane when 4 inches of snow (or more) accumulates on pavement from now until March 15, for 8 inches or more after that. Monitor snowplow activity with the online tracker: CRgov.com/plowtracker.



**American
Kennel Club®**

Canine Legislation Position Statement

“DANGEROUS DOG” CONTROL LEGISLATION

The American Kennel Club® supports reasonable, enforceable, non-discriminatory laws to govern the ownership of dogs. The AKC® believes that dog owners should be responsible for their dogs. We support laws that: establish a fair process by which specific dogs are identified as “dangerous” based on stated, measurable actions; impose appropriate penalties on irresponsible owners; and establish a well-defined method for dealing with dogs proven to be dangerous. We believe that, if necessary, dogs proven to be “dangerous” may need to be humanely destroyed. The American Kennel Club strongly opposes any legislation that determines a dog to be “dangerous” based on specific breeds or phenotypic classes of dogs.



**THE HUMANE SOCIETY
OF THE UNITED STATES**

Celebrating Animals | Confronting Cruelty

January 31, 2018

Dear Town Council Members:

The Humane Society of the United States (HSUS), the nation's largest animal protection organization, understands what a large responsibility it is to create a safe community for residents and to uphold standards of conduct through the enforcement of laws. However, breed-specific legislation (BSL) is an ineffective animal management strategy that has failed everywhere it has been tried, and we strongly urge you to repeal your breed based ordinance provisions. Sound community management of dogs has nothing to do with breed, and Castle Rock will benefit from making this positive shift.

The HSUS wholeheartedly supports regulations for *all* dogs and their owners, including provisions for regulating dogs who have shown themselves to be dangerous, as a critical tool in creating safe and humane communities. However, using physical breed standards as a proxy for determining whether a dog is dangerous is incredibly flawed. With advances in science and our increasing knowledge about a dog's DNA and the relationship to appearance and behavior, we now know that breed is a complex issue that does not neatly translate into predictive behavior patterns. The physical appearance of a dog has no basis in determining whether a dog is likely to harm someone.

Twenty-one states and counting have taken a stand against BSL, including Colorado, and many municipalities are repealing their ordinances due to its lack of efficacy. Experts in policy-making recommend against using breed or any single-factor approach towards community animal management, and research has shown that while singling out a particular type of dog may give an illusion of protection, it is ineffective.

Instead, breed-neutral factors such as whether a dog is well socialized, altered, receiving veterinary care and other similar issues are significantly more predictive of the likelihood that a dog may be dangerous. To that end, we support an approach which ensures that dog owning residents are aware of standards and have access to the pet care services, information, and resources conducive to meeting them. We recommend breed-neutral laws which give enforcement agencies necessary powers to address dangerous incidents which have occurred, as well as policies and funding to support proactive community animal management to prevent future problems. Everyone wants to live in a safe community and we should do everything possible to prevent harmful dog-related incidents from occurring

The HSUS stands ready to assist legislators in strengthening Castle Rock's dangerous dog laws, while providing dog owners with due process and making it incumbent on owners to manage



THE HUMANE SOCIETY
OF THE UNITED STATES

Celebrating Animals | Confronting Cruelty

their dog's behavior to prevent injury or threat. We offer a wealth of information on dog behavior, dog management, and dog ownership. Our resources are free and we would welcome the opportunity to partner with the city. Please contact us if we can assist you in any way.

Respectfully,

Aubyn Royall

Colorado State Director
The Humane Society of the United States
aroyall@humanesociety.org
303-669-4021