TOWN OF
CASTLE ROCK
COLORADO

Welcome

Animal Ordinance Revisions

Open House

January 31, 2018

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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

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

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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.

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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.

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Proposed Ordinance
REVISION

IMPOUNDMENT

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

The proposed ordinance is a comprehensive procedure for the impoundment of animals who engage in prohibited behavior within the Town limits. This ordinance completely replaces the prior impoundment section. This procedure 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.

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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.

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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 driving some of the dogs into homes 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 recuses 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 an animal that has a home and where the dog has not done anything wrong, and forcing the dog to shelter – thereby taking space that could be used for animals that may not have homes – or forcing the resident to move outside the Town's limits; and

15) What to do with the dogs currently in Town that might fall within the Breed Ban.

TOWN OF CASTLE ROCK COLORADO

Provide us with your questions or feedback: Animal Ordinance Revisions

We want to answer your questions and receive your feedback!

As a home rule municipality, the Town of Castle Rock has its own set of local laws and codes. The Town has undertaken a comprehensive review of its Code related to animals. Now, give the Town your feedback on proposed revisions.

Please write clearly. Feel free to discuss any or all of the topics we presented tonight.

Name: _____

Resident or non-resident? _____

Email: _____

How do you hear about Town news? (Check all that apply.)

- ☐ Online at CRgov.com
- ☐ Email
- ☐ A neighbor
- ☐ Social media (Facebook/Twitter, etc.)
- ☐ Local newspaper article
- ☐ By mail
- ☐ Roadway sign

Ask questions or tell us your thoughts on proposed Town Code revisions related to animals.

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