

ORDINANCE NO. 21-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES ADDING A NEW CHAPTER 9 TO THE CASTLE PINES MUNICIPAL CODE CONCERNING ANIMAL CONTROL REGULATIONS

WHEREAS, the City of Castle Pines (the “City”) is a home rule municipality authorized to exercise its police powers to promote and protect the public health, safety and welfare; and

WHEREAS, the City previously adopted Douglas County’s regulations concerning dog licensing and control of household pets by reference and adopted beekeeping regulations, which regulations are codified in Chapter 7 of the Castle Pines Municipal Code; and

WHEREAS, the City is repealing and replacing the entirety of Chapter 7 of the Municipal Code through adoption Ordinance No. 21-04 and desires to place its animal control regulations in a separate chapter; and

WHEREAS, the City further desires to update and set out in full its animal control regulations in the Municipal Code; and

WHEREAS, the City Council finds that the adoption of this Ordinance is in the best interests of the public health, safety and welfare of the inhabitants of the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Castle Pines, Colorado:

Section 1. A new Chapter 9, titled “Animal Control,” is hereby added to the Castle Pines Municipal Code to read in full as follows:

CHAPTER 9 – Animal Control

ARTICLE 1 – Control and Licensing of Dogs and Household Pets

Sec. 9-1-10. – Purpose.

The City finds and declares that the keeping of dogs and other household pets is a potential hazard and nuisance to the citizens of the City. The purpose of this Article is to provide for regulations that help ensure the owner of a dog or other household pet takes full responsibility for the actions of such animal.

Sec. 9-1-20. – Definitions.

Animal control officer means any person authorized by the City to enforce the provisions of this Article, including law enforcement officers.

Animal Services means the Animal Services division of the Douglas County Sheriff’s Office.

Attack means violent or aggressive physical contact with a person or domestic animal, or violent or aggressive behavior that confines the movement of a person.

At risk means any dog, except a dog that is assisting a law enforcement official and is engaged in law enforcement duties, that:

- (1) 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; or
- (2) Is cited for running at large on three (3) or more occasions within any twelve-month period of time.

Bodily injury means any physical injury that results in severe bruising, muscle tears, or skin laceration requiring professional medical treatment or any physical injury that requires corrective or cosmetic surgery.

Contractor means any person, corporation, company, or legal entity authorized by contract to perform services related to or enforce any provisions of this Article.

Control means that a dog is confined on its owner's property or, when off the owner's property, 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.

County means Douglas County, Colorado.

Dangerous animal means any animal, except a dog assisting law enforcement that is engaged in law enforcement duties, that:

- (1) Causes serious bodily injury to any person or the death of a domestic animal;
- (2) Has previously been adjudged as a potentially dangerous animal under Section 9-1-90 of this Article 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 a potentially dangerous animal have been violated (unless the owner has been relieved of the obligation to maintain such permit).
- (3) Engages in or has been trained for animal fighting as described and prohibited in Section 18-9-204, C.R.S.

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

Harbor means to give shelter or refuge to a household pet or to be the home or habitat of a household pet.

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

Impound means to physically confine a household pet at a licensed boarding facility or licensed animal shelter at the direction of an animal control officer.

Kennel means any structure or area used to house more than four (4) dogs of four (4) months of age or older or used for the grooming, breeding, boarding, training, or selling of dogs.

License means a current rabies certificate and tag indicating that a dog has been inoculated against rabies in the State of Colorado by a licensed veterinarian.

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

Owner means any person who owns, controls, keeps, harbors or has custody of a household pet or the or parent of a minor who owns, controls, keeps, harbors or has custody of a household pet.

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

- (1) Causes bodily injury to any person or domestic animal at any place within the City;
- (2) Attacks any person who is lawfully on the owner's property; or
- (3) Continues to display behavior that caused the animal to be adjudicated as an at risk animal.

Proper enclosure means a structure which:

- (1) Has secure sides and a secure top or secure sides which are of sufficient height to prevent an animal from escaping over the sides;
- (2) Has sides that are constructed at the bottom so as to prevent the animal's escape by digging under the sides; and
- (3) Provides appropriate protection from the elements for the animal.

Running at large means a dog is off the premises of the dog's owner and not under the real and immediate physical control of a person able to control the dog.

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.

Sec. 9-1-30. – Licensing of dogs.

- (a) Every owner within the City shall obtain and maintain a current license issued by a licensed veterinarian for each dog that the owner owns after the dog is four (4) months old.
- (b) Each dog must possess a current license by the time the dog is five (5) months old, or within one month of being brought into the City if the dog is over four (4) months old.
- (c) The rabies certificate and tag that constitutes a license under this Article shall be the City license and no other license is required.
- (d) This Section 9-1-30 shall not apply to dogs that are residents of a licensed kennel or veterinary facility.
- (e) Every dog required to have a license shall:

- (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 an animal control officer to readily ascertain the name, current home address and current phone 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
- (2) Have a microchip surgically implanted into such dog, or other similar type of identification that allows an animal control officer to readily ascertain the name, current home address, and current home phone number of the owner.

Sec. 9-1-40. – Rabies control.

- (a) It is unlawful for the owner of any dog, ferret or cat to keep or maintain such dog, ferret or cat within the City unless it has been inoculated against rabies by a licensed veterinarian as frequently as is recommended by the National Association of State Public Health Veterinarians.
- (b) Every owner of a dog, ferret or cat kept or maintained within the City shall at all times have proof of a current rabies inoculation for each of their dogs, ferrets or cats, in the form of a rabies certificate from a licensed veterinarian.

Sec. 9-1-50. – Cruelty to animals.

It shall be unlawful for any person knowingly, recklessly or with criminal negligence to overload, overwork, inflict violence upon or kill, torture, torment, mistreat, deprive of necessary sustenance, beat, 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, or to cause any such acts to be done. 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.

Sec. 9-1-60. – Impoundment of dogs.

- (a) An animal control officer may take into custody and impound any dog found running at large or any dog that has allegedly bitten a person or animal.
- (b) Nothing in this Section shall be construed to prevent an animal control officer or any other law enforcement officer from taking whatever action is reasonably necessary to protect the animal control officer or members of the public from being injured by any dog.
- (c) It is unlawful for any owner to fail to pay charges and fees associated with the lawful impoundment of a dog pursuant to this Article. Failure to pay these fees shall result in the issuance of a summons and complaint. Fees and costs related to impoundment, confinement, boarding or other official actions required under this Article shall be set by the City Council by resolution. In a municipal court case, the court shall assess uncollected impoundment fees and costs against a convicted defendant as part of the sentence.

Sec. 9-1-70. – Disposition of impounded dogs.

- (a) No dog shall be disposed of prior to five (5) days after the date it is impounded unless the dog is critically ill or injured and the dog's owner is unknown or cannot be located.

- (b) If the owner of an impounded dog is not known, and if the dog is not claimed by its owner within five (5) days after the date the dog is impounded, the animal control officer may coordinate with Animal Services and any contractor to determine the best manner of disposition of the animal, including but not limited to putting the dog up for adoption or destroying it.
- (c) If the owner of an impounded dog is known, a contractor shall take reasonable steps to notify the dog's owner of the impound. If the dog is not claimed by the owner within five (5) days after receipt of such notification, the animal control officer may coordinate with Animal Services and any contractor to determine the best manner of disposition of the animal, including but not limited to putting the dog up for adoption or destroying it. A dog owner shall be deemed to have received notification if an animal control officer contacts the owner by phone or in person, or if the officer posts a notice on the owner's premises.
- (d) If an animal control officer has reasonable grounds to believe that an unlicensed dog has bitten a person or that a dog may be rabid, the officer may hold the dog for as long as the animal control officer, in the officer's discretion, deems necessary, even after the dog is claimed by its owner.
- (e) A contractor shall destroy any dog which a court has ordered to be destroyed. Such destruction shall not occur prior to completion of observation for rabies in the dog if such observation has been deemed necessary by the court or by an animal control officer.
- (f) No impounded dog shall be sold or given to any institution or facility that intends to use that dog for research or experimentation purposes.

Sec. 9-1-80. – At risk animals.

- (a) It is unlawful for any person to allow their dog to engage in at risk behavior within the City.
- (b) Whenever any animal engages in behavior that meets the definition of "at risk," the owner may be issued a penalty assessment as set forth in Section 9-1-130.
- (c) Any second or subsequent violation of this Section shall result in a charge of potentially dangerous animal as described in Section 9-1-90 of this Article.

Sec. 9-1-90. Potentially dangerous animals.

- (a) It is unlawful to keep or maintain any potentially dangerous household pet within the City without compliance with this Section.
- (b) Whenever any animal engages in behavior that meets the definition of a potentially dangerous animal, the owner of such animal may be charged with a violation of this Section and the animal may be seized and impounded as set forth in this Article.
 - (1) If the animal is impounded, such owner shall be required to pay all impoundment fees required by the County prior to any release of the animal.
 - (2) If the identity of the owner of an animal which the animal control officer reasonably believes to be potentially dangerous cannot be reasonably determined, then the animal shall be immediately confiscated.

- (3) If the owner then claims such animal, the animal may, in the discretion of Animal Services, be released to its owner, together with a copy of a summons and complaint charging a violation of this Section.
 - (4) If the animal remains unclaimed for five (5) days, the animal control officer may coordinate with Animal Services and any contractor to determine the best manner of disposition of the animal, including but not limited to putting the dog up for adoption or destroying it. Such animals may be placed for adoption only with the consent of Animal Services.
- (c) After any animal has been adjudged potentially dangerous through conviction or entry of a plea in Municipal Court, the animal may be permitted to remain in the City if and only if the owner applies for and receives a potentially dangerous animal permit from Animal Services. The Municipal 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 Animal Services to no longer be potentially dangerous in accordance with this Section. The owner of a potentially dangerous animal shall at all times comply with all conditions of such permit.
- (d) Applications for potentially dangerous animal permits shall comply with all application requirements of the County for such permits.
- (e) Conditions of a potentially dangerous animal permit.
- (1) 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 potentially dangerous animal permit.
 - (2) The owner of a potentially dangerous animal shall pay all County fees to register and maintain registration of such owner's potentially dangerous animal.
 - (3) The owner of any potentially dangerous animal shall be allowed only one (1) permitted potentially dangerous animal, and no household within the City shall be allowed to harbor more than one (1) permitted potentially dangerous animal at any time.
 - (4) The owner of a potentially dangerous animal shall be a responsible adult who is eighteen (18) years of age or older.
 - (5) 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.
 - (6) The owner shall permit Animal Services to inspect the animal and premises for compliance with this Section at any reasonable time.
 - (7) 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 applying for the potentially dangerous animal permit.

(8) The owner of a potentially dangerous animal shall notify Animal Services 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 the 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 City, the animal owner listed on the permit shall notify Animal Services within twenty-four (24) hours of such change, including the name, address and phone 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 City, the animal owner listed on the permit shall notify Animal Services within twenty-four (24) hours of the change, including the name, address and phone number of the new owner, if relevant, and the new owner may be permitted to modify the permit to reflect the new owner's name in the discretion of Animal Services, but such modification must be obtained within five (5) days of the change.

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

- (1) 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.
- (2) The potentially dangerous animal shall not be present, kept or maintained at any location other than as specified in the permit.
- (3) A sign which is clearly visible to the general public shall be posted on the premises where a potentially dangerous animal is kept, warning that there is an animal on the premises which presents a potential danger to persons. Such sign shall have the dimensions, colors, graphics and lettering that comply with the standards as established by Animal Services. Such sign shall also include a symbol sufficient to convey, without the use of words, the message that there is an animal on the premises which presents a potential danger to persons.
- (4) 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 the directive of an animal control officer. When outside the proper enclosure for such permitted purposes, the animal must be properly muzzled and restrained by a substantial chain or leash not to exceed six

(6) feet in length under the control of a responsible adult at all times who has the physical ability to restrain the movement of such animal. Notwithstanding, potentially dangerous animal may be confined humanely within a vehicle, provided that the animal cannot escape or inflict injury upon any person or other domestic animal.

- (g) Except as provided in this Subsection, the potentially dangerous animal permit shall be renewed annually with Animal Services. In the discretion of Animal Services, upon written request from the owner, if there are no additional documented findings by Animal Services of any behavior of the potentially dangerous animal which indicates that the animal remains a threat to the public safety for the twenty-four (24) 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.

Sec. 9-1-100. – Noisy household pets.

- (a) No household pet individually or in combination with another household pet or pets shall disturb the peace of another by making any noise audible from an adjacent or nearby property for a ten (10) minute period that is relatively continuous and uninterrupted.
- (b) No household pet owner shall be charged in Municipal Court with violating this Section unless an animal control officer has previously issued a written warning to the owner.
- (1) The animal control officer shall issue the warning on the basis of a written statement from a complainant, unless an animal control officer witnesses the violation. If any animal control officer is witness to a violation, the animal control officer must document the evidence and details in a written report in conjunction with the issuance of a warning.
 - (2) The complainant shall clearly identify him- or herself by stating the complainant's name, address, and phone number, and shall state the household pet owner's address, a description of the owner's household pet, if possible, a description of the incident, the date, time, place, and duration of the incident, and note any evidence that supports a finding of a violation.
 - (3) The warning shall relate to a current or prior incident as described in this Section and include a description of the incident, the date, time, place, and duration of the incident, and a description of any evidence provided to support a finding of a violation.
 - (4) The warning shall precede any charge in Municipal Court of a violation by at least seven (7) days.
 - (5) A household pet owner shall be deemed to have received a warning under this Subsection if the warning was personally served on the owner or was posted on the owner's premises.
 - (6) The records of such warnings issued by the animal control officer that are kept by the City, County, or authorized contractor of the City or County shall be prima facie evidence that such warnings were issued by an animal control officer and were received by the owner.

- (7) In addition to a warning, the animal control officer may offer other preventative remedies to include voluntary household pet control training or mediation if the animal noise situation appears to be caused by a lack of training or causing a dispute between complainant and the household pet owner. Participation in any household pet control training or mediation is voluntary and intended to help all parties involved by preventing future disputes or violations. Any costs associated with voluntary training or mediation is the responsibility of the complainant and owner.
- (c) A summons and complaint for a violation of this Section may be issued when the following requirements are met:
 - (1) A warning has first been issued in accordance with this Section;
 - (2) Unless an animal control officer witnesses a violation, the animal control officer must have a signed, written complaint from at least two complaining persons who are from separate households or a signed, written complaint from one person and that complaint is accompanied by audio or video evidence of the violation; and
 - (3) Written complaints must clearly identify the complainant by the complainant's name, address, and phone number, and shall state the household pet owner's address, a description of the owner's household pet, if possible, a description of the incident, the date, time, place, and duration of the incident, and note any evidence that supports a finding of a violation.

Sec. 9-1-110. – 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 (6) feet measured from the tip of the nose to the tip of the tail.
 - (3) All other reptiles with a length greater than three (3) 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, minks, 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 domesticated animal or pet.

- (b) Domestication of any prohibited animal shall not affect its status under this Section. 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.
- (c) Livestock is not permitted unless allowed by the City's zoning provisions. Permitted livestock shall be contained within a secure fence, and the owner shall keep such animals from streets, parks and other public areas as well as other private premises.
- (d) This Section shall not apply to any zoological garden or any special event sanctioned by the City or other governmental entity, 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.
- (e) Animal control officers will have the authority to apprehend any livestock, wild, or exotic animal that may be at large within the City. Such livestock, wild, or exotic animal may be impounded, released in wild areas which are representative of the animal's natural habitat, released to an appropriate keeper, or humanely destroyed. Animal control officers are 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, in his or her discretion, to be of danger to either itself or to the public health and safety.

Sec. 9-1-120. – Violations.

The following are considered unlawful and violations of this Article:

- (a) An owner's dog is not licensed as required by this Article.
- (b) An owner fails to obtain and maintain current rabies vaccinations for the owner's dogs, cats, and ferrets as required by this Article.
- (c) An owner's dog runs at large within the City, except in public parks or other designated areas where dogs are permitted to be off-leash.
- (d) The owner's household pet engages in at risk behavior as described in this Article.
- (e) The owner's household pet violates any provision of Section 9-1-90 of this Article regarding potentially dangerous animals. Any person charged with violation Section 9-1-80 of this Article must be issued a summons and complaint requiring a mandatory court appearance.
 - (1) An affirmative defense to the violation of Section 9-1-90 may be:
 - (A) That, at the time of the attack by the dog which causes injury to or the death of a domestic animal, the domestic animal was at large and entered upon the property of the owner and the attack began, but did not necessarily end, upon such property;
 - (B) That, at the time of the attack by the dog which causes injury or death of a domestic animal, said animal was biting or otherwise attacking the dog or its owner;
 - (C) That, at the time of the attack by the dog which causes injury or death of a person, the victim of the attack was committing or attempting to

commit a criminal offense, other than a petty offense, against the dog's owner, and the attack did not occur on the owner's property;

- (D) That, at the time of the attack by the dog which causes bodily injury or the death of a person, the victim of the attack was committing or attempting to commit a criminal offense, other than a petty offense, against a person on the owner's property or the property itself and the attack began but did not necessarily end upon such property; or
- (E) That the person who was the victim of the attack by the dog tormented, provoked, abused or inflicted injury upon the dog in such an extreme manner which resulted in the attack.

(2) Any affirmative defense set forth in this Section shall not apply to any dog that has engaged in or been trained for animal fighting as such term is described in Section 18-9-204, C.R.S.

- (f) The owner's household pet violates Section 9-1-90 of this Article regarding noisy household pets.
- (g) A person keeps livestock, wild or exotic animals in violation of this Article.
- (h) No person shall maintain or permit the maintenance of a kennel or other doghouse, pen, yard, enclosure, shed or compartment where household pet urine or feces have been allowed to accumulate and where the kennel, or other doghouse, pen, yard, enclosure, shed or compartment is not in a clean and sanitary condition and free of offensive odors, insects, and rodents.
- (i) No person or owner shall keep or harbor more than four (4) animals, inclusive of dogs and cats, of more than four (4) months of age in any residential unit. This limit does not apply to small household pets (tropical fish, small rodent animals, i.e., gerbils, hamsters, and small birds kept as pets), unless raised for commercial purposes, kept outdoors, or kept in an accessory structure. If there is any conflict between this paragraph and the City's Zoning Ordinance, as may be amended from time to time, the City's Zoning Ordinance shall control.
- (j) No person or owner shall treat any household pet in any manner that violates Section 9-1-50 of this Code.
- (k) No person or owner shall abandon any household pet, which such person has in their control or custody. The term "abandon" shall mean to leave a household pet unattended without food, shelter, or water for a period of time greater than twenty-four (24) hours.
- (l) When any animal dies in the City, it shall be the duty of the owner thereof to remove the body of such animal forthwith beyond the limits of the City. When the body of any such dead animal is in any street, highway or public grounds in the City, it shall be the duty of the animal control officer or a law enforcement officer to cause such body to be removed forthwith beyond the limits of the City.
- (m) No person shall violate any other regulation or requirement set forth in this Article.

- (n) Subsections (b) and (f) of this Section shall not apply to the owner of any dog that is working livestock, locating or retrieving wild game in season for a licensed hunter, assisting law enforcement officers, or being trained for any of these pursuits.

Sec. 9-1-130. – Enforcement and penalties.

- (a) Any person who commits a violation as set forth in Section 9-1-120 of this Article, except violations of 9-1-120(e), commits a petty offense. Violations of each subsection of Section 9-1-120 shall be considered separate offenses, each of which is subject to a separate penalty.
- (b) The penalty assessment procedure set forth in Section 16-2-201, C.R.S., may be followed by the animal control officer for any violation of this Article except violations of Section 9-1-120(e) or Section 9-1-140 of this Code.
- (c) In addition to the other remedies available to the City in this Article or otherwise available to the City pursuant to applicable law, any violation of this Article except violations of Section 9-1-120(e) or 9-1-140 of this Code is hereby declared a nuisance and may be subject to enforcement through the provisions of Article 1, Chapter 7 of this Code. In addition, the following are hereby declared nuisances that are subject to enforcement through the provisions of Article 1, Chapter 7 of this Code:
 - (1) Any continuous and habitual violation of any Section within this Article. Factors to be considered may be, but are not limited to, accumulated convictions for separate and distinct violations, degree of aggravation or failure of the owner to take corrective action for any violation or all violations; or
 - (2) Negligence in allowing the accumulation of waste matter to the degree of creating a putrid, offensive, unsanitary or unhealthy condition to the surrounding area.
- (d) Unless otherwise specified, any person charged with violating Section 9-1-120(e) or Section 9-1-140 of this Code shall be issued a summons and complaint.
- (e) The penalty schedule set forth in this Section shall apply whether the violator is issued a penalty assessment notice or a summons and complaint. If the penalty assessment procedure is not used, and the alleged offender is found guilty, court costs may be assessed in addition to the fine. The penalty assessment procedure shall not be used after a person has been charged with a third violation of the same offense within a twelve (12) month period. In no event shall a violator be fined more than \$300.00 for each separate offense.
- (f) The penalties for any person violating Section 9-1-120 of this Article, except Section 9-1-120(e), shall be as follows:
 - (3) First violation: \$50.00
 - (4) Second violation within a period of twelve (12) months: \$75.00
 - (5) Third and subsequent violations within a period of twelve (12) months: \$100.00
- (g) The penalties for any person violating Section 9-1-120(e) or Section 9-1-140 of this Article, regarding potentially dangerous animals and dangerous animals, shall be as follows:
 - (1) First violation: \$150.00
 - (2) Second violation within a period of twelve (12) months: \$250.00

(3) Third and subsequent violations within a period of twelve (12) months: \$300.00

(h) Notwithstanding any other provision set forth in this Section, any person charged with a violation of this Article 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.

(i) All remedies available to the City shall be cumulative and available concurrently.

Sec. 9-1-140. – Dangerous animals.

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

(b) An affirmative defense to the violation of this Section shall be:

(1) That, at the time of the attack by the dog which causes injury to or the death of a domestic animal, the domestic animal was at large, was an estray, and entered upon the property of the owner and the attack began, but did not necessarily end, upon such property;

(2) That, at the time of the attack by the dog which causes injury or death of a domestic animal, said animal was biting or otherwise attacking the dog or its owner;

(3) That, at the time of the attack by the dog which causes injury or death of a person, the victim of the attack was committing or attempting to commit a criminal offense, other than a petty offense, against the dog's owner, and the attack did not occur on the owner's property;

(4) That, at the time of the attack by the dog which causes bodily injury or the death of a person, the victim of the attack was committing or attempting to commit a criminal offense, other than a petty offense, against a person on the owner's property or the property itself and the attack began but did not necessarily end upon such property; or

(5) That the person who was the victim of the attack by the dog tormented, provoked, abused or inflicted injury upon the dog in such an extreme manner which resulted in the attack.

(c) Any affirmative defense set forth in this Section shall not apply to any dog that has engaged in or been trained for animal fighting as such term is described in Section 18-9-204, C.R.S.

(d) If a person is convicted of a violation of this Section, the dog may be humanely destroyed by order of the Municipal Court.

9-1-150. – Immunity from liability.

(a) The City and any of its employees, officials, animal control officers, or contractors authorized to enforce and perform services related to the provisions of this Article shall not

be liable for any injury or disease that may occur to a dog in connection with the administration of this Article.

- (b) The City and its employees, agents, law enforcement officers, and any contracted animal shelter and its employees shall be immune from liability for any actions taken pursuant to this Article.

ARTICLE 2 - Beekeeping

Sec. 9-2-10. - Definitions.

As used in this Article, unless otherwise noted, the following terms shall have the meanings indicated:

Beekeeping means the keeping of one (1) or more colonies of honeybees on one's own private property (i.e. lot).

Apiary means a place where a bee colony or colonies are kept.

Bee means any stage of the common domestic honeybee, *Apis Mellifera* species.

Beekeeper means a person who engages in the act of beekeeping.

Colony means a hive and its equipment and appurtenances, including bees, comb, honey, pollen and brood.

Comb means all materials which are normally deposited into hives by bees. It does not include extracted honey or the royal jelly, trapped pollen, and processed beeswax.

Hive means a structure intended for the housing of a bee colony with removable frames or combs, which shall be kept in sound and usable condition.

Lot means a unit of land designated on a recorded plat in the Office of the Douglas County Clerk and Recorder.

Sec. 9-2-20. - Purpose.

The purpose of this Article is to provide reasonable regulations to promote sound beekeeping practices within the City and to deter the creation of a nuisance that may be otherwise associated with the keeping of bees within the City.

Sec. 9-2-30. - Beekeeping regulations.

- (a) Certification. Prior to and as a condition of lawful keeping of bees within the City, a beekeeper shall provide to the City written proof of completion of a beekeeping class as approved by the Colorado State Beekeeper Association or similar training acceptable to the City Manager or designee.
- (b) Lot size. The minimum lot size for beekeeping shall be five thousand (5,000) square feet.
- (c) Yard location. Beekeeping shall occur only in rear yards of single-family residential lots, subject to the requirements of this Article.
- (d) Single-family residential. Beekeeping shall not be permitted on any multi-family lot or property including duplexes.
- (e) Setbacks. No colony shall be kept closer than ten (10) feet from any lot line.

- (f) Flyways. The owner of property on which beekeeping activities occur shall establish and maintain a flyway of at least six (6) feet in height and ten (10) feet in length consisting of a solid wall, fence, dense vegetation or combination thereof that is parallel to the entrance of the hive so that all bees are forced to fly upward from the vicinity of the apiary.
- (g) Number of colonies. No more than two (2) colonies shall be allowed on any single-family residential lot within the City.
- (h) Queen bees. In any instance where a colony exhibits unusually aggressive characteristics by stinging or attempting to sting without due provocation the neighbors, animals, and/or the general public nearby or exhibits an unusual disposition toward swarming, it shall be the duty of the beekeeper to re-queen the colony and to provide written evidence of the same to the Community Development Department upon request.
- (i) General maintenance. Each beekeeper shall ensure that no bee comb or other materials are left upon the grounds of the lot where a hive is maintained. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.
- (j) Water source. Each beekeeper shall ensure and document that a convenient source of water is available at all times to the bees to help prevent bees congregating at swimming pools, bibcocks, pet water bowls, bird baths or water sources where they may cause human, bird or domestic pet contact.
- (k) Inspections. A person who engages in beekeeping within the City consents to reasonable inspections of the lot on which the colonies are located between the hours of 8:00 a.m. and 5:00 p.m. by the Community Development Director or his or her designee charged with inspections. The City will provide, if practicable, prior notice of inspection.

Sec. 9-2-40. - Declaration of nuisance.

Beekeeping within the City not in strict compliance with this Article shall be declared to be a nuisance, which may be enforced in accordance with Article 1 of Chapter 7. In addition, the following provisions shall apply:

- (a) Any bee colony not residing in a hive structure intended for beekeeping, or any swarm of bees, or any colony residing in a standard or homemade hive excluding natural places (such as old trees or houses where bees may reside and/or have resided without harming anyone), which, by virtue of the hive's condition, has obviously been abandoned by the beekeeper, is hereby declared to be a menace to the health and safety of the residents of the City and is hereby declared to be a nuisance and is prohibited.
- (b) Any bee colonies kept in the City not in compliance with this Article or otherwise declared to be a nuisance pursuant to this Section or this Chapter may be abated, destroyed or removed from the City, the cost of which shall be borne by the beekeeper and collected by the City in accordance with Section 7-1-70 of this Code. In each instance in which a bee colony is removed or destroyed, all usable components of the hive structure that are not damaged or rendered unhealthy by the destruction of the bees shall upon the beekeeper's request be returned to the beekeeper, provided that the beekeeper agrees to bear all transportation expenses for their return.

Sec. 9-2-50. – Violations and penalties.

Any person convicted of violating the provisions of this Article shall be fined not less than seventy-five dollars (\$75.00) for each offense, and a separate offense shall be deemed committed upon each and every day such violation continues. This remedy is in addition to any other remedies available at law or equity.

Section 2. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect, in accordance with Section 6.8 of the Charter.

Section 3. No Existing Violation Affected. Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any ordinance hereby repealed or amended by this Ordinance, or any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 4. Publication and Effective Date. The City Clerk is hereby directed to cause publication of this Ordinance in accordance with Section 6.5 of the Charter. This Ordinance shall be effective thirty (30) days after final publication on the City's official website and posting at the City Clerk's office pursuant to Section 1-3-40 of the Municipal Code.

INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 13th day of July, 2021.

READ, PASSED, AND ADOPTED ON SECOND READING, FOLLOWING A PUBLIC HEARING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 27th day of July, 2021.

DocuSigned by:
Tera Stave Radloff
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Tera Stave Radloff, Mayor

DocuSigned by:
Tobi Basile
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ATTEST: Tobi Basile, CMC, City Clerk

DocuSigned by:
Linda Michow
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Approved as to form: Linda C. Michow, City Attorney



CERTIFICATION OF PUBLICATION

I hereby attest and certify that the within and foregoing Ordinance was introduced and read on first reading on July 13, 2021; published by title only in the *Douglas County News-Press*, together with the statement that “[t]he complete text of the ordinance is available through the City Clerk’s office and on the City’s official website with second reading and public hearing to be held on July 27, 2021”; and finally passed and adopted by the City Council on July 27, 2021, following a duly noticed public hearing and published on the City’s official website and posted at the City Clerk’s office on July 14, 2021.

ATTEST:

DocuSigned by:

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Tobi Basile, CMC, City Clerk