



Board Summary Report

File #: 24-424

Agenda Date: 8/6/2024

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To: Board of County Commissioners

Prepared By:
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Subject:
Adoption of Amended Arapahoe County Animal Services Resolution

Purpose and Request:

The Board of County Commissioners is requested to adopt a resolution adopting an amended Animal Services Resolution.

Background and Discussion: The proposed amended Animal Services Resolution creates two new petty offenses relating to the proper disposal of pet waste, revises the penalties to account for changes in state law, and makes minor revisions to existing language to assist in enforcement.

A new Section 5 creates two petty offenses relating to the proper disposal of pet waste. The first penalizes excessive accumulation of pet waste on a pet owner's property, such that it can be smelled off the premises or, in the opinion of the Animal Services Officer, it is harmful to the well-being of the neighbors and/or the pet(s). The second penalizes failing to dispose of pet waste on public property or private property that does not belong to the owner. These offenses are punishable under the existing graduated penalty schedule for petty offenses by a fine of fifty dollars (\$50.00) for a first offense, one hundred dollars (\$100.00) for a second offense, and three hundred dollars (\$300.00) for a third and any subsequent offense within 365 days.

While the existing graduated penalty schedule for petty offenses remain the same, all other penalties are amended to match the penalties allowed for that class of offense under state law. Colorado Senate Bill 21-271 reduced the maximum penalties allowed for misdemeanors and petty offenses such that the current penalties, other than those in the graduated schedule, exceed what is authorized under state law. The proposed revisions cite to the corresponding penalties provisions in state law, rather than listing the maximum penalties allowed, therefore ensuring that the penalties allowed will continue to be accurate in case of future amendments to state law. Further, because Senate Bill 21-271 removed the different classifications of petty offenses, all former class 2 petty offenses are now classified simply as a petty offense.

In addition, the amended resolution makes four minor revisions to existing language to ensure accuracy and better align with Animal Services' authority under state law. First, Section 6: Cruelty to Animals is amended to apply to any person rather than only an owner or keeper of an animal. This aligns with state law and will better address cruelty to animals when the perpetrator is not the actual owner. Second, Section 8, Subsection C, is revised to better reflect the language in state law, ensuring the provision can be properly applied to all dangerous dog violations. Third, Section 4: Noisy Dogs is revised to no longer require a complainant signature. A formal statement is still required, providing the same benefit but reducing the burden on staff. Finally, Section 7: approach in an aggressive manner is amended to add pets and livestock so to include instances where animals are harassed but not injured.

Fiscal Impact: No significant financial impact is anticipated.

Alternatives: The BOCC could elect to not proceed with the adoption of the resolution.

Alignment with Strategic Plan:

- Be fiscally sustainable
- Provide essential and mandated service
- Be community focused

Resolution: See attached clean copy of the proposed resolution, and a redline copy showing the changes.