

not adopted, claimed or redeemed may be humanely destroyed, removed and buried, or cremated, except that no pet animal, the identity and whereabouts of the owner or keeper of which is known or can be reasonably ascertained from a license tag or other identification worn by the pet animal, shall be destroyed until a reasonable effort has been made to so notify its owner or keeper.

15. Unlawful Taking or Release.

- a. It shall be unlawful for any person to take any pet animal from an enclosed lot, premises, or other building and deliver the pet animal to the impounding facility unless authorized to do so by the owner or keeper of the pet animal or as otherwise authorized by these Rules and Regulations.
- b. It shall be unlawful for any person to open or cause to be opened any closed lot, premises or building for the purpose of allowing a pet animal to run at large.

16. Noisy Pet Animals Prohibited.

- a. It shall be unlawful for any person to own or keep a pet animal which, by any unreasonably loud and persistent barking, howling, baying, yelping, crowing, crying or other utterance, disturbs the peace and quiet of a neighborhood. For purposes of this paragraph, “neighborhood” shall mean the area within five hundred (500) feet of the exterior boundaries of the premises where the pet animal resides, and “disturb” shall mean to unreasonably annoy, perturb, or interfere with the quiet enjoyment of another’s premises.
- b. It shall be a defense to any violation of this section that the complainant provoked the pet animal whose noise is complained of.
- c. If a peace officer determines that a violation of this section has occurred, such officer shall issue a written warning of the violation to the owner or keeper of the pet animal. The owner or keeper shall be entitled to a period of three (3) days after the date on which the written warning is issued to correct the violation. It is unlawful for an owner or keeper to permit the pet animal to persist or continue violating this Section at the same residence following the three (3) day period.
- d. The warning process shall be as follows:
 - i. A written warning shall only be issued by a peace officer if there is at least one witness to the unreasonably loud and persistent nature of the noise. Either the officer or a complaining witness shall satisfy this requirement.
 - ii. The warning shall cite this section, shall state that a complaint has been received, that the owner or keeper’s pet animal is disturbing the peace of another in the neighborhood, and shall identify the date and time of disturbance, the specific pet animal accused of disturbing the peace, the witness or witnesses to the disturbance, and shall specify that the disturbance occurred within the designated animal control area of El Paso County.

- iii. A warning is considered given for purposes of this section if it is posted on the owner or keeper's premises.
- iv. The Designated Agent shall keep records of all warnings given, and such records shall be *prima facie* evidence that such warnings were given.
- e. No person shall be convicted for violation of this section without testimonial or demonstrative evidence from at least one other person, and such evidence shall corroborate the complaining witness' allegation of unreasonably loud and persistent noise. Such corroborating witness shall not be the complainant nor a member of his or her household.
- f. Peace officers shall consider the time of day, location of noise, frequency of noise, and length of time for which noise persists in determining whether a violation of this section has occurred.

17. Roadside Sale of Pet Animals.

- a. It shall be unlawful for any person to sell, trade, barter, lease, rent, give away, or display for any purpose a pet animal on any public street, road, highway, alley, sidewalk, or in open areas where the public is invited by the owner or person controlling such areas, including commercial parking lots, outdoor special sales, swap meets, flea markets, parking lot sales, or similar events.
- 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; or
 - 2. An event primarily for the sale of agricultural livestock such as hoofed animals or animals or fowl commonly raised for food, dairy, or fiber products; or
 - 3. A tax-exempt non-profit organization with the purpose of providing humane sanctuary or shelter for animals or non-profit charity events.

18. Violations; Penalties.

- a. Any violation of any provision of these Rules and Regulations which does not result in bodily injury to any person or other animal shall be a Class Two (2) petty offense punishable by a fine, as set forth in Exhibit "D" of these rules and regulations, for each separate offense, plus customary costs as applicable. The penalty assessment procedures contained in Section 16-2-201, C.R.S. 2002, shall be followed by any peace officer enforcing the provision of these Rules and Regulations.
- b. Any violation of any provision of these Rules and Regulations which results in bodily injury to any person or pet animal shall be a Class Two (2) misdemeanor punishable pursuant to the provisions of Section 18-1.3-501, C.R.S. 2004, as it now exists or may subsequently be amended.
- c. Nothing herein shall be construed to prevent impoundment of any pet animal under paragraph 10 of these Rules and Regulations.