

g) Notwithstanding the above, if a standard incubation period has not been established by the state department of health for the particular species of animal which has bitten another animal or human, it shall be summarily destroyed and a necropsy shall be performed by a certified laboratory to determine rabies contamination.

#### **ARTICLE IV. CONTROL OF ANIMALS**

##### **Sec. 6-76. Dogs at large prohibited.**

(a) All dogs shall be kept under restraint. It shall be unlawful for the owner or keeper of any dog to permit such dog to be at large in the county. If a dog is found to be at large in the county, the owner or keeper shall be presumed to have violated this section, except that this section shall not apply during the controlled environment of a professionally conducted dog obedience school.

(b) All female dogs in heat shall be kept inside a building or within a fence or other enclosure which limits the dog to a particular confined area so that the dog cannot come into contact with a male dog except for planned breeding. When allowed outdoors to relieve itself, the dog shall be under restraint and under the observation of its owner or keeper.

##### **Sec. 6-77. Disturbance of the peace and quiet prohibited.**

Each owner or keeper of a pet animal in the county shall not permit such pet animal to disturb the peace and quiet of any person by barking, whining, howling, yowling or making any other noise in an excessive, on-going or untimely fashion. If any pet animal does so disturb the peace and quiet, its owner or keeper may be prosecuted as provided in the Larimer County noise ordinance provided that such owner or keeper shall not be so charged unless they or a member of their household over the age of 18 years has received a written warning from an animal control officer of a previous complaint at least once within the preceding 12 months. This section shall not apply to dogs located in a pet animal facility as defined in the Larimer County Land Use Code, which facility is allowed as a use by right or has been approved by special review or minor special review by the Larimer County Board of County Commissioners so long as the pet animal facility is operated in accordance with the conditions of the special review or minor special review approval.

##### **Sec. 6-78. Public nuisance prohibited.**

It shall be unlawful for any owner or keeper of a pet animal to fail to exercise proper care and control of his pet animal so as to have it become a public nuisance. For the purposes of this section, a public nuisance includes:

(1) A pet animal which is a safety or health hazard, which damages or destroys the property of another (including garden and flower beds and trees), which creates offensive odors which materially interfere with or disrupt another person in the conduct of lawful activities at such person's home or which urinates or defecates upon private property not owned or exclusively occupied by the owner or keeper or upon public property if the feces deposited by the pet animal are not immediately removed by the owner or keeper.

- (2) A pet animal at large that jumps on, or attempts to herd a person or persons, or that runs after and vocalizes at horses, joggers, pedestrians, bicyclists, or any vehicle being ridden or driven upon the roads or any public grounds or place within the county.
- (3) A pet animal that exhibits exuberant greeting behavior without the intent to harm, including but not restricted to jumping up, chasing, and excessive mouthing.
- (4) A pet animal that chases or attacks wildlife (including birds) or livestock on property not owned or exclusively occupied by the owner or keeper, whether or not the pet animal injures or destroys the wildlife or livestock.

**Sec. 6-79. Dangerous pet animals prohibited.**

(a) It shall be unlawful to own or keep any dangerous pet animal. A "dangerous pet animal" is one that bites or attempts to bite any person; bites another animal; or in a vicious or terrorizing manner approaches any person in an apparent attitude of attack, whether or not the attack is consummated.

(b) It is a defense to the charge of owning or keeping a dangerous pet animal that the victim was:

- (1) Attacking the pet animal or engaging in conduct to provoke the pet animal to attack or bite, other than in self defense or defense of its young.
- (2) Unlawfully engaging in entry into or upon a fenced or enclosed portion of the premises upon which the pet animal was lawfully kept or upon a portion of the premises where the pet animal was lawfully restrained by leash or lead.
- (3) Unlawfully engaging in entry into or in or upon a vehicle in which the pet animal was confined.
- (4) Attempting to assault another person.
- (5) Attempting to stop a fight between the pet animal and any other animal.
- (6) Attempting to aid the pet animal when it was injured.
- (7) Attempting to capture the pet animal in the absence of the owner or keeper. This defense does not apply if the person attempting to capture the animal is a peace officer, firefighter or animal control officer in the performance of their duty.

(c) For the purposes of this section, a person is lawfully upon the premises of a owner or keeper when such person is physically present on said premises in the performance of any duty imposed by law or by the express or implied invitation of the owner of such premises or the owner's agent.

(d) An animal control officer shall not issue any verbal or written warnings for owning or keeping a dangerous pet animal; provided however, that nothing herein shall prohibit an animal control officer from discussing with or advising a pet animal owner or keeper of any questions, concerns or reports received concerning the pet animal.