

Animal Law Enforcement City of Fountain

How do I file a complaint?

To have an Animal Law Enforcement Officer respond to a complaint, call the Humane Society of the Pikes Peak Region at (719) 473-1741 during regular business hours. A dispatcher will dispatch an officer to investigate your complaint. If the officer witnesses a violation when he/she arrives, appropriate action will be taken. Our officers cannot take any legal action unless they actually witness a violation in progress. This does not mean nothing can be done about a violation. Citizens who have witnessed a violation can request to meet with an officer. An officer will then investigate the complaint and take the appropriate action.

Tips on approaching your neighbor before filing a complaint:

If comfortable, approach your neighbors in a proactive and friendly manner. Your neighbors may appreciate you showing sincere interest in solving the problem together before resorting to a complaint. You may have valuable information to help them resolve the reasons for their dog's behavior, such as a pattern of the behaviors or a specific reason behind it. They may be oblivious to the specific issues and may be grateful for it being brought to their attention. ****NOTE** When contacting your neighbor, hostile attitudes can and do lead to more serious criminal charges. If you are unable to approach your neighbor in a civil manner or they are unreasonable, do NOT attempt to contact them.**

If I call in a complaint, can I be anonymous?

All calls received by Animal Law Enforcement Services are subject to the public records laws, and are subject to public inspection. There are exceptions, such as information identifying juveniles, medical information, and information about ongoing criminal investigations in which a violator has not been charged with the crime. We will not give information over the telephone or in the field except in barking dog cases. In noisy pet cases the Fountain Municipal Code requires us to provide a complainant's name to the animal owner/keeper, **See *Noisy Pet Reporting below***.

We do offer to mail one anonymous letter within a six (6) month time period for both noisy pet violations and leash law violations. The anonymous letter may be all that is needed to make the owner/keeper aware of the situation and of the negative impact it may be having on the neighborhood.

Why do you take complaints from people who remain anonymous?

We cannot force people to provide personal information when they call, although we always request it and having it helps us to provide better service. However, there are circumstances that sometimes warrant anonymous calls. Fear of reprisal and not wanting to have confrontations with the owners are the main reasons people give for remaining anonymous.

Many significant cases, such as animal cruelty and dangerous animals, would not be investigated if anonymous calls were not accepted. An Animal Law Enforcement Officer will investigate all cases reported to us. If there is probable cause to proceed, the officer will do so. Otherwise, the officer will close the case.

Noisy Pet Reporting

Reporting a noisy pet follows a different procedure than described above. Fountain Municipal Code 6.02.140 states:

- A. *It shall be unlawful for any person to own or keep any pet or hoofed animal which by any unreasonably loud and persistent barking, howling, baying, braying, yelping, crowing, crying or other utterance disturbs the peace and quiet of the neighborhood.*
- B. *It shall be a defense to the violation of this Section that the complainant provoked the pet or hoofed animal whose noise is complained of by the complainant.*
- C. *In the event a humane or law enforcement officer determines that a violation of this Section has occurred, the humane or law enforcement officer shall give the owner or keeper of the animal a written warning of the violation pursuant to this Chapter. The owner or keeper shall be entitled to a period of three (3) days after the date on which the written warning is given to correct the violation. If the violation persists or recurs for any pet or hoofed animal at the same residence cited in the warning after the three (3) day period, the owner or keeper shall be subject to enforcement action under this Chapter. No enforcement action for a violation of this Section shall be taken more than six (6) calendar months after the date on which a written warning for that violation is given hereunder. Only one warning per residence, per enforcement period, regardless if served on the owner or keeper, will be given.*
- D. *The warning process to be employed by the humane or law enforcement officer shall be as follows:*
 - 1. *A written warning pursuant to this Section will be issued by the humane or law enforcement officer if, upon investigation, the officer establishes that there is one witness to the unreasonably loud and persistent nature of the noise. The officer*

or the complaining witness may be relied upon as a witness in meeting this requirement.

2. Such warning shall be sufficient if it cites this Section, states that a complaint has been received, that the person's pet or hoofed animal is disturbing the peace of another in the neighborhood, identifies the date and time of the disturbance, identifies the animal disturbing the peace, identifies the witness to the disturbance and is identified as coming from the humane or law enforcement agency.

3. A warning is given under this Section if it is posted on the owner's or keeper's premises.

4. The humane or law enforcement agency 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 at trial of violating this Section unless some testimonial or demonstrative evidence is presented corroborating the complaining witness' allegation of the unreasonably loud and persistent nature of the noise and a warning was issued pursuant to subsection D of this Section. A corroborating witness shall not include the complainant or a member of the complainant's household.

F. Upon a second conviction entered and in addition to any other penalties that may be imposed, the Court may order the owner or keeper of such pet to abate such nuisance within five (5) days. Failure to abate such nuisance within five (5) days shall constitute a contempt of court.

G. For the purpose of this Section, neighborhood means the area within five hundred feet (500') of the exterior boundaries of the premises where the pet resides. Disturb means to unreasonably annoy, perturb or interfere with the quiet enjoyment of another's premises.

H. Among the circumstances which may be considered in determining whether reasonable grounds for belief have arisen that such pet or hoofed animal is in violation of this Section are:

- 1. The time of day;*
- 2. The location of the noise;*
- 3. The frequency of the noise; and*
- 4. The length of time for which the noise persists.*

This ordinance dictates that in order to address a noisy pet problem, a warning must first be issued and the owner/keeper be given three (3) days to rectify the situation. The warning must include:

- The name of the complainant
- Owner/keepers address

- Description of the noisy pet
- Date and time of the occurrence

An Animal Law Enforcement Officer will issue or post the warning and attempt to educate the owner about the issue. Once this warning is issued, it remains in effect for six (6) months. If the noise continues after this three (3) day period and another complaint is received, a citation may be issued.

In order for the citation to be issued, the ordinance does require that there be an additional witness to the violation. The additional witness may not reside with the complainant. If a corroborating witness is not available, demonstrative evidence may be used instead. Demonstrative evidence may be evidence such as a video camera.

If the owner/keeper has been issued the warning within the last six (6) months and has been given at least three (3) days to rectify the issue, a complaint may be signed as long as there is a witness to the specific violation or demonstrative evidence of such. Contact Animal Law Enforcement Services at (719) 473-1741 and an officer will be dispatched to your location to meet with you and investigate the noisy pet allegation.

Fountain Municipal Code requires that the Animal Law Enforcement Officer provide the name of the complainant to the pet owner/keeper. Therefore, the complainant's name will appear on any warning or citation issued as a result of noisy pet complaint.