

Animal Law Enforcement El Paso County

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 El Paso County Resolution 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. El Paso County Resolution 10-498 Section 16 states:

- a. *It shall be unlawful for any person to own or keep any 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 the violation of this section that the complainant provoked the pet or hoofed 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 the 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.*

El Paso County Resolution 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, El Paso County Resolution 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.

El Paso County Resolution 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.