

## **BILL/ RESOLUTION REQUEST**

**1. Title:** A bill for an ordinance amending section 55 of Chapter 8 of the Revised Municipal Code to allow for the affirmative defense that a pit bull is a service animal within the Americans with Disabilities Act and deleting obsolete language.

**2. Requesting Agency:** City Attorney

**3. Contact Person *with actual knowledge of proposed ordinance***

**Name:**David Broadwell

**Phone:**720-865-8754

**Email:**david.broadwell@denvergov.org

**4. Contact Person *with actual knowledge of proposed ordinance who will present the item at Mayor Council and who will be available for first and second reading, if necessary***

**Name:**Mike Joyce

**Phone:**720-913-8051

**Email:**michael.joyce@denvergov.org

**5. Describe the proposed ordinance, including what the proposed ordinance is intended to accomplish, who's involved**

**a. Scope of Work**

he proposed ordinance is intended to conform the city's existing pit bull ordinance to a recent change in federal law, and to a ruling made several years ago in the Denver District Court. The proposed amendmentory bill is attached to this request.

The Department of Justice, on July 23, 2010, enacted federal regulations which further defined what is a "service animal" under the Americans with Disabilities Act. Further, the Department of Justice does not believe that is either appropriate or consistent with the ADA to defer to local laws that prohibit certain breeds of dogs based on local concerns that these breeds may have a history of unprovoked aggression or attacks.

The proposed bill creates an affirmative defense for anyone charged with a prohibited pit bull who can establish that the pit bull is a "service dog" under the ADA.

In 2004, when the State of Colorado, enacted legislation which would prohibit local government from enforcing breed specific legislation, the city challenged the law in Denver District Court. On December 9th, 2004, District Court Judge Martin Egelhoff, while upholding Denver's law regarding prohibited pit bulls, invalidated particular language within D.R.M.C. 8-55, which restricted the cross-jurisdictional transportation of pit bulls. The stricken language had not been formally redacted from the ordinance.

**b. Duration**

N/A

**c. Location**

N/A

**d. Affected Council District**

N/A

**e. Benefits**

N/A

**f. Costs**

N/A

**6. Is there any controversy surrounding this ordinance, groups or individuals who may have concerns about it? Please explain.**

No.

**Bill Request Number: BR10-0724**

**Date: 8/11/2010**