

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team
at MileHighOrdinance@DenverGov.org by NOON on Wednesday.

**All fields must be completed.*
Incomplete request forms will be returned to sender which may cause a delay in processing.*

Date of Request: November 2, 2010

Please mark one: ☒ Bill Request or ☐ Resolution Request

1. Has your agency submitted this request in the last 12 months?

☐ Yes ☒ No

If yes, please explain:

2. Title: (Include a one sentence description that clearly indicates the type of request – grant acceptance, contract execution, municipal code change, supplemental request, etc.)

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.

3. Requesting Agency: City Attorney

4. Contact Person: (with actual knowledge of proposed ordinance)

- Name: David Broadwell; Mike Joyce
- Phone: 5-8754; 3-8051
- Email: david.broadwell@denvergov.org; michael.joyce@denvergov.org

5. 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, Asst. City Attorney
- Phone: 3-8051
- Email: michael.joyce@denvergov.org

6. General description of proposed ordinance including contract scope of work if applicable:

The 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.

Please include the following:

To be completed by Mayor's Legislative Team:

SIRE Tracking Number: _____

Date: _____

Ordinance Request Number: _____

Date: _____

- a. **Duration:** N/A
- b. **Location:** N/A
- c. **Affected Council District:** N/A
- d. **Benefits:** N/A
- e. **Costs:** N/A

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

No.

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Date: _____