

ORDINANCE/RESOLUTION REQUEST

Please email requests to the Mayor's Legislative Team

at MileHighOrdinance@DenverGov.org by **3:00pm on Monday**. Contact the Mayor's Legislative team with questions

Date of Request: June 11, 2018

Please mark one: **Bill Request** or **Resolution Request**

1. Type of Request:

- Contract/Grant Agreement** **Intergovernmental Agreement (IGA)** **Rezoning/Text Amendment**
 Dedication/Vacation **Appropriation/Supplemental** **DRMC Change**
 Other:

2. Title: (Start with *approves, amends, dedicates*, etc., include name of company or contractor and indicate the type of request: grant acceptance, contract execution, contract amendment, municipal code change, supplemental request, etc.)

Amends the municipal code change of the Chapter 8-Animals.

3. Requesting Agency: Denver Animal Protection

4. Contact Person:

Contact person with knowledge of proposed ordinance/resolution	Contact person to present item at Mayor-Council and Council
Name: Alice Nightengale	Name: Alice Nightengale
Email: alice.nightengale@denvergov.org	Email: alice.nightengale@denvergov.org

5. General description or background of proposed request. Attach executive summary if more space needed:

This ordinance amendment revises Chapter 8. Major portions of the code are outdated and do not reflect current best practices. Revisions to this code are meant to protect public safety, public health, and the environment. In addition to updating the code language to reflect best practices, this amendment clarifies and cleans up language to reduce possibility of misinterpretation. During the review process, DAP convened a stakeholder group who assisted in building a more comprehensive approach to the community's concerns regarding the ordinance. The significant revisions to the ordinance include:

- **Barking Dog** – DAP proposes a provision be added to allow one complainant to provide admissible evidence of the barking dog.
- **Cruelty to Animals**
 - Tethering – We propose changing the language to remove references to specific length and time of tethering and replace with leaving an animal tethered in any way as to cause distress
 - We propose adding affirmative defenses added – for self-defense and for humane euthanasia
- **Neglect of Animals** – DAP recommends adding veterinary Care explicitly as a form of neglect in order has to require an owner to procure veterinary care for an injured or sick animal
- **Abandonment of animals** – This proposal adds a provision to prohibit abandonment in public places. The current ordinance only speaks to abandonment on private property.
- **Animal Attack or Bite**
 - We suggest changing this section to a strict liability ordinance so that if an animal bites, regardless of whether the owner is present or in control of the animal at the time of the bite, the owner is liable for the incident.
 - We propose adding Affirmative Defenses here
- **Potentially Dangerous and Dangerous Animals** – DAP and CAO propose a revision to the existing Dangerous Dog section to Dangerous Animal to expand the scope of enforcement to any animal that causes injury, rather than only dogs that cause injury. This proposal contains an expansion of Dangerous Animal into two tiers (Potentially Dangerous Animal, Dangerous

To be completed by Mayor's Legislative Team:

Resolution/Bill Number: **BR18 0672**

Date Entered: _____

Animal) that will help to provide more proactive management of safety needs and ideally keep more animals with their families in a safe manner. The two tiers differ in their enforcement outcomes and have appropriate affirmative defenses.

- **Release of Impounded Animals** – DAP recommends adding A provision for the Executive Director to have greater authority to require the owner of an impounded animal to complete certain actions. This revision allows DDPHE to be more effective in enforcing key compliance portions of the code by taking action (as defined and constrained in policy) when the animal is already in DAP’s possession.
- **Costs of Impoundment, Provision and Care** – This proposal suggests adding language to mimic the state’s requirements for the impoundment of an animal as the subject of criminal investigation or prosecution. The owner is required to pay DAP for the cost of care for the animal in advance (30 days’ worth of cost of care) of the hearing process for the criminal investigation.
- **Notification and Opportunity of a Hearing for Owner of Impounded Animal** - We propose changes to clarify the process for obtaining a hearing to contest the underlying impoundment.
- **Feeding of Wildlife** - This proposal includes a prohibition added to the wild and dangerous animals section for the feeding of wild and dangerous animals. This has no impact on bird feeders, bees or beehives. This will enhance DAP’s ability to prevent the spread of rabies by preventing the gathering of skunks and other wildlife.
- **Clarifying Edits and General Cleanup**
 - DAP and CAO reviewed the entire chapter to ensure that language added is consistent with language used elsewhere in the code. We clarified and strengthened affirmative defenses where appropriate. We consolidated processes (such as notifications for impoundment, hearings, etc.) wherever possible, to remove duplication in certain sections and establish easy to find central locations.
 - We propose adding two sections (consolidated from language scattered throughout the code), “Complaint Procedure” and “Enforcement” to clarify DAP’s role to the community.
- **Restructure of Chapter 8**- The proposed revision restructures and simplifies the entirety of Chapter 8. We propose that section be combined where appropriate and moved to Articles/Divisions where they intuitively belong. This will enhance the flow and readability of Chapter 8 for constituents and any other interested party. DAP proposes to include a general statement of purpose to the very beginning of the Chapter.
- **Definitions**
 - We propose new definitions for “keeper”, “bodily injury”, “leash”, “shelter”, “animal protection officer” and “serious bodily injury”.
 - We suggest an enhancement to the definition of “owner” to cover all owners of an animal if multiple and to clarify that an “owner” refers to someone over the age of 18.
 - This proposal also recommends definitions found in other places of the code be removed and added to the general definitions section. This includes (formerly) 8-55 and 8-101.

6. City Attorney assigned to this request (if applicable):

Lee Zarzecki, Jessica Brody, and Emily Reisdorph

7. City Council District: This amendment affects all Council districts.

8. **For all contracts, fill out and submit accompanying Key Contract Terms worksheet**

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Resolution/Bill Number: BR18 0672

Date Entered: _____

Key Contract Terms

Type of Contract: (e.g. Professional Services > \$500K; IGA/Grant Agreement, Sale or Lease of Real Property):

Vendor/Contractor Name:

Contract control number:

Location:

Is this a new contract? Yes No Is this an Amendment? Yes No If yes, how many? _____

Contract Term/Duration (for amended contracts, include existing term dates and amended dates):

Contract Amount (indicate existing amount, amended amount and new contract total):

<i>Current Contract Amount</i> (A)	<i>Additional Funds</i> (B)	<i>Total Contract Amount</i> (A+B)
<i>Current Contract Term</i>	<i>Added Time</i>	<i>New Ending Date</i>

Scope of work:

Was this contractor selected by competitive process?

If not, why not?

Has this contractor provided these services to the City before? Yes No

Source of funds:

Is this contract subject to: W/MBE DBE SBE XO101 ACDBE N/A

WBE/MBE/DBE commitments (construction, design, Airport concession contracts):

Who are the subcontractors to this contract?

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