



Legislation Text

File #: 18-0672, Version: 1

Other/Miscellaneous Request Template (Appointments; ROW; Code Changes; Zoning Action, etc.)

Date Submitted: 6-12-18

Requesting Agency: Department of Public Health and Environment
Division:

Subject Matter Expert Name: Alice Nightengale
Email Address: alice.nightengale@denvergov.org

Item Title & Description:

(Do not delete the following instructions)

*These appear on the Council meeting agenda. Initially, the requesting agency will enter a 2-3 sentence description. Upon bill filling, the City Attorney's Office should enter the title above the description (the title should be in **bold** font).*

*Both the title and description must be entered between the red "title" and "body" below. Do **not** at any time delete the red "title" or "body" markers from this template.*

A bill for an ordinance repealing and reenacting with amendments Articles I through VIII of Chapter 8, Denver Revised Municipal Code concerning animals and for conforming amendments to Chapters 2 and 24, Denver Revised Municipal Code.

Amends Chapter 8 and with conforming amendments to Chapters 2 and 24 of the Denver Revised Municipal Code regarding animal safety to reflect current best practices meant to protect public safety, public health, and the environment; and, to reduce possibility of misinterpretation. The last regularly scheduled Council meeting within the 30-day review period is on 7-30-18. The Committee approved filing this item at its meeting on 6-20-18.

Affected Council District(s) or citywide?

Executive Summary with Rationale and Impact:

Detailed description of the item and why we are doing it. This can be a separate attachment.

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 Major portions of the code are outdated and do not reflect current best practices.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 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.

Address/Location (if applicable):

Legal Description (if applicable):

Denver Revised Municipal Code (D.R.M.C.) Citation (if applicable):

Draft Bill Attached?