

AGENDA
HOUSING, NEIGHBORHOOD SERVICES, & REDEVELOPMENT
POLICY COMMITTEE

Wednesday, March 11, 2020 11:00 AM
Aurora Room, 1st Floor - Aurora Municipal Center

Council Member Crystal Murillo, Chair
Council Member Francoise Bergan, Vice Chair
Council Member Alison Coombs
Roberto Venegas, Deputy City Manager
Andrea Amonick, Manager, Planning & Development Services
Nancy Sheffield, Interim Director, Neighborhood Services Department

The Housing, Neighborhood Services, & Redevelopment Committee's Goal is to:

- Maintain high quality neighborhoods with a balanced housing stock by enforcing standards, in relation to new residential development, and considering new tools to promote sustainable infill development
- Plan for redevelopment of strategic areas, including working with developers and landowners to leverage external resources and create public-private partnerships

1. Welcome and Introductions
2. Review/Approval of Minutes – February 5, 2020
3. Announcements
4. New Items
 - Providence at the Heights Housing Support- One-time Funding (10/10)
Shelley McKittrick, Director, Homelessness Program
Regina Edmondson, Development Director, Second Chance Center
 - City Center Development Update (15/15)
Daniel Krzyzanowski, Principal Planner, Planning & Development Services
 - Restricted Breed Ordinance Discussion & Proposed Dangerous Dog Ordinance (10/10)
Claudine McDonald, Manager, Community Relations Division
5. Miscellaneous Matters for Consideration

Next Meeting: Wednesday, April 1, 2020

Total projected meeting time: 70 min

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HOUSING, NEIGHBORHOOD SERVICES & REDEVELOPMENT POLICY COMMITTEE
February 5, 2020

Members Present: Council Member, Chair Crystal Murillo
Council Member, Vice-Chair Francoise Bergan
Council Member, Alison Coombs

Others Present: Council Member Juan Marcano, Roberto Venegas, Nancy Sheffield, Mike Marisco, Trudy Hernandez, Cecilia Zapata, Jessica Prosser, Daniel Krzyzanowski, Bob Oliva, Frank Butz, Karen Hancock, Susan Barkman, Mary W. Lewis, Andrea Amonick, George Adams, Sandra Youngman, Michael Bryant, Tim Joyce, Shelley McKittrick, Signy Mikita, Craig Maraschky, Chance Horiuchi, and Deana Foxen.

WELCOME AND INTRODUCTIONS

Council Member Murillo welcomed everyone to the meeting. A brief introduction was made by each person in attendance.

MINUTES

The October 23, 2019 minutes were approved by Council Member Murillo.

ANNOUNCEMENTS

Mary W. Lewis shared that Providence at the Heights is nearing completion. Volunteers will begin moving household items into 49 apartment units on February 17th, with residents and families to be housed by February 24th. Ms. Lewis invited the Committee to save the date, March 20th, for an 11 a.m. Housewarming party.

Shelley McKittrick, Homelessness Program Director, thanked everyone who helped with the Point in Time study.

NEW ITEMS

COMMUNITY DEVELOPEMENT DIVISION FIVE-YEAR CONSOLIDATED PLAN

Summary of Issue and Discussion

Jessica Prosser, Community Development Manager, introduced the draft 2020-2024 Consolidated Plan, and One-year Action Plan for 2020. The Consolidated Plan is a strategic plan required by the U.S. Department of Housing and Urban Development (HUD) that supports the proposed use of funds provided for the Community Development Block Grant (CDBG), Home Investment Partnership (HOME), and Emergency Solutions Grant (ESG) Programs. The City of Aurora receives approximately \$2,850,000 in CDBG dollars, \$1,100,000 in HOME and \$250,000 in ESG each year directly from HUD. Recommendations from the Analysis of Impediments to Fair Housing include adding affordable housing to the market, continuing to fund the city's home improvement loan program, and exploring an expanded program to buy down the cost of market rate units. Aurora's priority needs include mitigating homelessness by expanding and preserving affordable housing, supporting non-profit service providers, and expanding economic opportunities in the workforce.

Questions/Comments – Council Member Bergan asked about the salaries and workforce development options offered through the Arapahoe Douglas Workforce. Her specific concern is that salaries are disproportionate with current housing prices. Andrea Amonick, AURA Manager, sits on the Arapahoe Douglas Workforce Investment Board. She explained the Board conducts industry studies, researches existing jobs and workforce development, analyzes economic trends, and develops training that provides skills to workers that help them promote out of minimum wage jobs. Council Member Bergan would like to see job placement offered for the following industries; aerospace/aviation, nursing/healthcare, and hospitality & tourism. Council Member Murillo asked Ms. Amonick if statistical information could be shared with the Committee.

Outcome – Ms. Amonick will provide information from the Workforce Investment Board to the Committee. Council Member Murillo thanked Ms. Prosser for the presentation.

2020 WORK PLAN

Summary of Issue and Discussion –

Council Member Bergan requested a detailed list of Aurora’s existing affordable housing inventory and asked if there was a method in place to be alerted when something becomes available. Craig Maraschky, Aurora Housing Authority, explained most recent data would be available as part of the Market Study performed last year through the Realtor’s Association. Additionally, Council Member Coombs suggested conducting a Vacancy Study, and a presentation from the Aurora @ Home Collaborative’s Landlord Recruiter.

Council Member Marcano requested a report of the consolidation of single-family homes owned by property management groups and absentee landlords. Nancy Sheffield, Neighborhood Services Department Director, suggested this information may come as part of the Housing Study, which will be presented in March or April. Mr. Marcano would like to see the Committee explore rental property licensing options.

Council Member Coombs requested a discussion to develop solutions and recommend options for the city’s involvement with respect to trash haulers and services. Additionally, Council Member Bergan requested a discussion on Code Enforcement processes.

Council Member Murillo would like to incorporate the Mobile Home Task Force into an existing Committee or Citizen Advisory Group. Also requested, information concerning how other comparable sized cities allocate their Federal Funds in comparison to Aurora.

A delegation from El Salvador would like to expand their partnership with the city through a potential coffee export cooperative or through a potential restaurant incentive program, and Council Member Murillo would like to bring that item before the Committee as well.

MISCELLANEOUS MATTERS FOR CONSIDERATION

The next meeting: Tuesday, March 11, 2020

Meeting adjourned at 4:10 p.m.

APPROVED:

Committee Chair, Crystal Murillo



**Housing, Neighborhood Services and Redevelopment
Policy Committee**

Agenda Item Commentary

Item Title: Providence at the Heights Housing Support; One-Time Funding
Item Initiator: Crystal Murillo, Council Member
Staff Source: Shelley McKittrick, Homelessness Program Director
Deputy City Manager Signature:
Outside Speaker: Regina Edmondson, Development Director, Second Chance Center
Council Goal: 4.0: Create a superior quality of life for residents making the city a desirable place to live and work--2012: 4.0-- Create a superior quality of life for residents making the city a desirable place to live and wor

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

Providence at the Heights provides permanent supportive housing. We are currently 95% leased up and are in need of residence support.

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

Financial assistance is being requested for transition assistance, apartment furnishings, building furnishings, transportation, security, on-site staff assistance, on-site resources, and building finishes.

QUESTIONS FOR Committee

Does the Committee wish to approve the funding request and proceed to Study Session?

EXHIBITS ATTACHED:

Back-up not included

Providence at the Heights Housing Support
One-Time Funding



Housing, Neighborhood Services and Redevelopment Policy Committee

Agenda Item Commentary

Item Title: City Center Development Update
Item Initiator: Daniel Krzyzanowski, Principal Planner
Staff Source: Daniel Krzyzanowski, Principal Planner, 303-739-7187
Deputy City Manager Signature:
Outside Speaker:
Council Goal: 5.2: Plan for the development and redevelopment of strategic areas, station areas and urban centers--2012: 5.2--Plan for the development and redevelopment of strategic areas, station areas and urban center

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

The City Center area has long been a priority area for development and planning efforts for Aurora. Throughout the 1980s, 1990s, and into the 2000s, the city conducted a number of studies and reports for the purpose of encouraging quality development in the city center area - those areas east of I-225 to the north and south of Alameda Parkway.

In February 2017, RTD opened the AuroraLine (R line) light rail service through Aurora. The city center location represents the third of the three major transit-oriented development (TOD) hubs along the AuroraLine (R Line) – the first two being Colfax Station and Nine Mile Station. This trio of locations also represents the three mixed-use, high density Urban District placetypes identified and prioritized in the *Aurora Places Comprehensive Plan*.

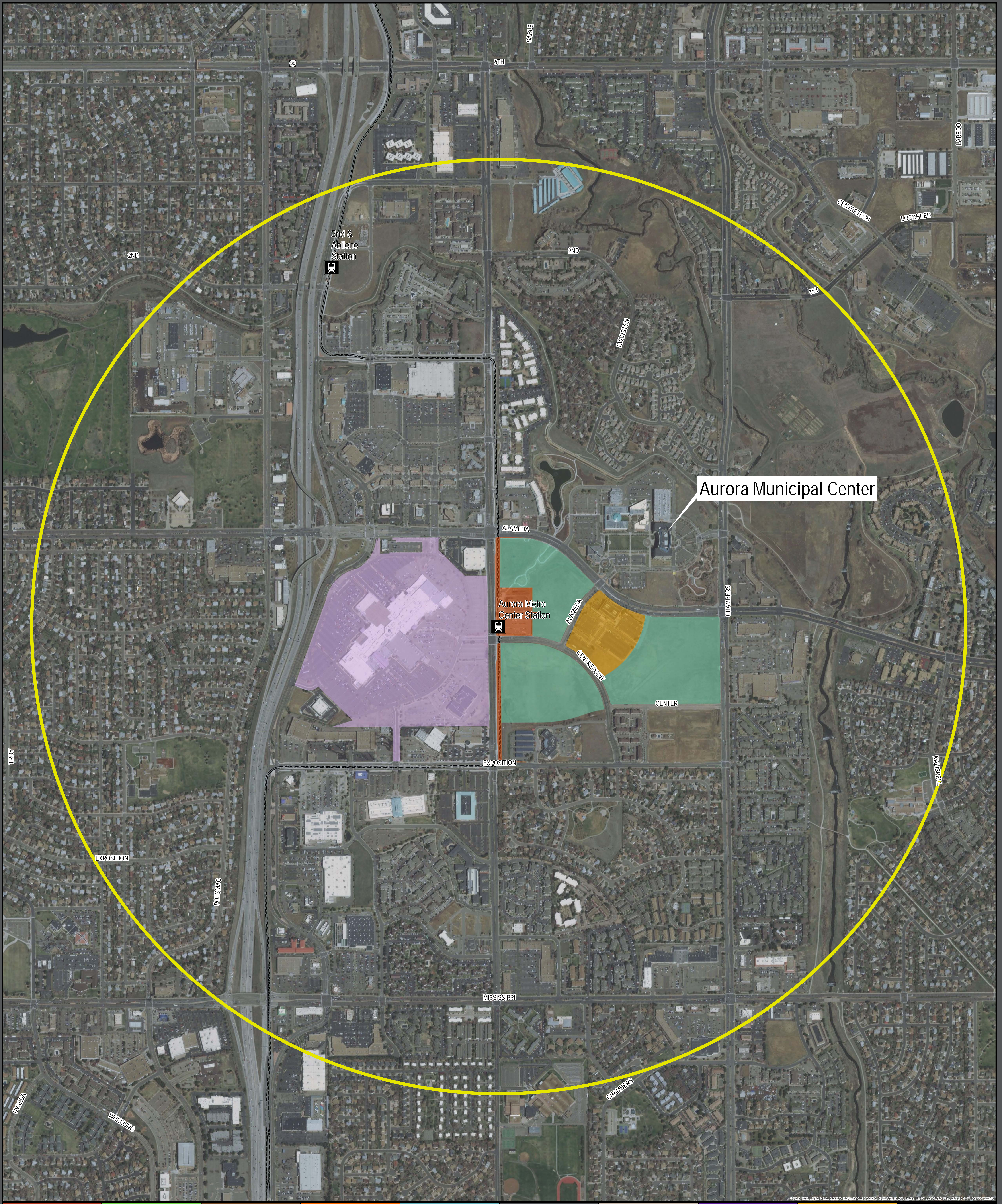
A new development proposal for the Metro Center property is imminent, while the Aurora Town Center has redevelopment plans for a portion of the site, the first of what is likely to be a long-term effort to further develop and enhance the mall site. While the city has identified the area as a critical location and a portion of the study area has an urban renewal plan (2009) in place, there is not a documented vision and master development framework for the full study area against which to evaluate development proposals, incentives requests, and infrastructure investments. The attached map identifies these key property holdings.

To help shape and support this development interest, the city will initiate a planning process to develop a vision and development framework for the area. This process is anticipated to take 6 months to complete and will feature a broad public input element for the community to share their desires for how this important part of Aurora continues to develop. Staff's presentation will preview the goals, participants, and schedule for this planning effort.

QUESTIONS FOR Committee

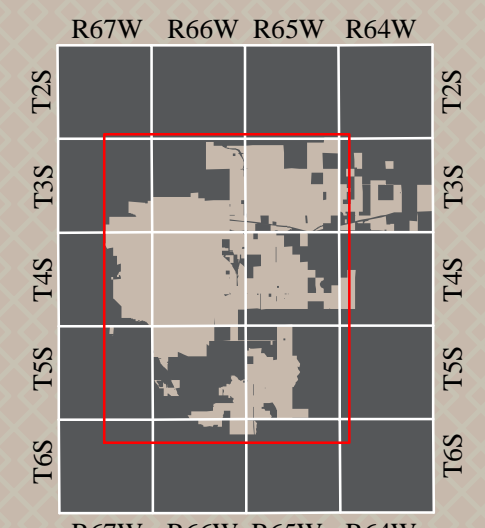
EXHIBITS ATTACHED:

Base Map LQ.pdf
3/11/2020



Planning and Development Services

15151 E. Alameda Parkway
Aurora CO 80012 USA
AuroraGov.org
303.739.7000
GIS@auroragov.org



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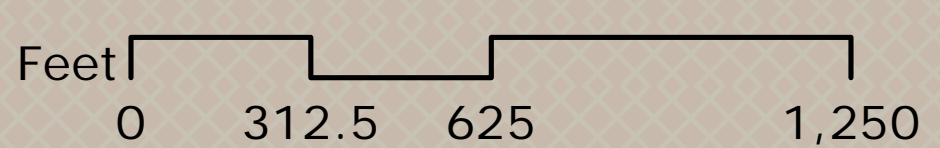
City of Aurora, Colorado Aurora City Center and Vicinity Planning Areas

December 27, 2019
3000 Scale



Legend

- Light Rail Stations
- Light Rail Lines
- Aurora Metro Center Parcels
- Arapahoe County Building
- Town Center at Aurora Parcels
- RTD Parcels





**Housing, Neighborhood Services and Redevelopment
Policy Committee**

Agenda Item Commentary

Item Title: Restricted Breed Ordinance Discussion & Proposed Dangerous Dog Ordinance
Item Initiator: Claudine McDonald, Community Relations Division Manager
Staff Source: Claudine McDonald, Community Relations Division Manager x37653
Deputy City Manager Signature:
Outside Speaker:
Council Goal: 4.0: Create a superior quality of life for residents making the city a desirable place to live and work--2012: 4.0-- Create a superior quality of life for residents making the city a desirable place to live and wor

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

The ordinance related to keeping pit bulls and other restricted breeds of dogs was approved by City Council and became effective in 2005. The ordinance was amended in 2011 to accommodate changes made to the Americans with Disabilities Act, and allow for certain exemptions. A ballot question was presented to the voters in 2014, finding approximately 36% of the votes were in favor or repealing the ordinance, and 64% in favor of retaining the ordinance.

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

City Council has requested discussion of the Restricted Breed Ordinance, Section 14-75 of the Aurora Municipal Code.

QUESTIONS FOR Committee

1. Does the Committee wish to retain the Restricted Breed Ordinance Section 14-75 of the Municipal Code?
2. If the Committee wishes to repeal the Restricted Breed Ordinance Section 14-75 of the Municipal Code, does the Committee wish to do so by ballot? Or by Ordinance?
3. Does the Committee support moving the proposed draft ordinance forward to Study Session?


EXHIBITS ATTACHED:

- Proposed Ordinance.pdf
- Restricted Breed Memorandum.pdf
- Sec. 14-7 Keeping Agressive or Dangerous Animals.pdf

MEMORANDUM

TO: Housing, Neighborhood Services & Redevelopment Policy Committee

THROUGH: Roberto Venegas, Deputy City Manager

FROM: Nancy Sheffield,  Interim Director, Neighborhood Services Department
Anthony Youngblood, Manager, Animal Services Division

DATE: March 4, 2020

SUBJECT: Restricted Breed Ordinance Discussion and Proposed Dangerous Dog Ordinance

City Council has requested discussion of the Restricted Breed Ordinance, Section 14-75 of the Aurora Municipal Code by the Housing, Neighborhood Services and Redevelopment Policy Committee. Several City Council Members have expressed an interest in repealing this ordinance. In November 2014, the question was put on the ballot as to whether the ordinance should be retained or repealed. At that time, approximately 64 percent of the votes were to retain the ordinance. The City Attorney's Office has indicated the vote was advisory, so if City Council wishes to repeal the ordinance, it could be repealed by returning to the voters with a ballot question, or it could be repealed by ordinance.

Background

The ordinance, approved by City Council on October 24, 2005, became effective on November 26, 2005 and by February 2006, 498 grandfathered, restricted breeds of dogs were licensed in Aurora.

February 11, 2008: City Council reviewed the ordinance in Study Session to determine its effectiveness. It was decided that no further action was needed to be taken at that time and to keep the ordinance as written. (Please see copy of report, attached.)

May 5, 2011: The ordinance was amended to

- Remove the ban for 7 of the 10 types of dogs originally defined as restricted breeds (American Bulldog/Old Country Bulldog, Dogo Argentino/Argentinian Mastiff, Presa Canario, Presa Mallorquin, Tosa Inu, Cane Corso and Fila Brasileiro) and continue to prohibit those defined as pit bulls (American Pit Bull Terrier, American Staffordshire Terrier, and Staffordshire Bull Terrier.)
- An exemption for pit bull service dogs was added to accommodate changes made to the Americans with Disabilities Act.
- DNA testing was included as a method for determining a dog's breed. Dogs with test results that denote 50 percent or less genetic pit bull composition are allowed in the city without restriction.

November, 2014: A ballot questions was presented to the voters and approximately 64 percent of the votes were to retain the ordinance and approximately 36 percent of the votes were to repeal the ordinance.

September, 2018: Chapter 14 Animal Code proposed revisions were brought by staff to City Council and Council requested staff to seek public input on the proposed revisions to Chapter 14. Public Engagement included social media postings, a dedicated page on Auroragov.org, and a survey. From May - July, 2019, staff continued the public engagement process with an on-line survey and three open houses.

October, 2019: Staff presented information from the public engagement process to the Housing, Neighborhood Services & Redevelopment Policy Committee.

We currently have a plan for additional public input and are working with Communications.

Questions for the Committee

1. Does the Committee wish to retain the Restricted Breed Ordinance Section 14-75 of the Municipal Code?
2. If the Committee wishes to repeal the Restricted Breed Ordinance Section 14-75 of the Municipal Code, does the Committee wish to do so by ballot? Or by ordinance?

We have had an Aggressive Animal ordinance in the Municipal Code for many years. Please see attached Sec. 14-7 – Keeping aggressive or dangerous animals. Although this ordinance has been effective throughout the years in dealing with aggressive dogs, staff recommends the adoption of the attached proposed ordinance which will allow greater flexibility with our enforcement and court cases. The proposed dangerous dog ordinance will allow for the following:

- Develop a tiered system for the judges to assess the action of the dog in determining the level of offense.
- Allow an Animal Protection Officer to have more discretion in handling each situation.
- Update the ordinance to be more current with other jurisdictions.

Staff will be present at the meeting to respond to questions of the Committee. Please let us know if you would like further information.

Question for the Committee

1. Does the Committee support moving the proposed draft ordinance forward to Study Session?

Below is exact ordinance verbiage:

Sec. 14-75. Unlawful Keeping of Pit Bulls or Restricted Breed of Dog:

Section 5. At the end of the two-year period measured from the effective date of this ordinance the City Manager or designee shall be required to perform a comprehensive study to evaluate the effectiveness of this ordinance. The study shall be completed within 90 days and results thereof shall be presented to the City Council at a study session. At a minimum the evaluation must include, tabulated by calendar year:

1. The number of pit bulls and restricted breeds involved in reported attacks and bites upon both persons and animals. *
2. The number of pit bulls and restricted breeds impounded, and the result of such impoundment. *
3. The number of convictions for any violation of chapter 14 of the Aurora City Code resulting from pit bulls and other restricted breeds. *
4. The amount of fines assessed for violations of this ordinance.
5. The number of pit bulls and other restricted breeds registered pursuant to this ordinance.
6. The amount of fees collected as a result of licensing pursuant to this ordinance.

This section 5 shall not be construed as any type of sunset provision and the ordinance shall remain in full force and effect until otherwise amended or repealed by City Council.

*Numbers 1, 2 and 3 of this evaluation must also include a comparative analysis to unrestricted breeds.

ENFORCEMENT ANALYSIS

Field Service Calls: Animal Care Officers are required to investigate complaint calls. They must also conduct property inspections to ensure owners have well-constructed fencing around their property, six-sided locked pens for confining their dogs, and warning notices posted on gates and at the front door of their residence.

	<u>Complaints</u> <u>Investigated</u>	+	<u>Property</u> <u>Inspections</u>	=	<u>Total</u> <u>Field Service Calls</u>
2006	532		498		1,030
2007	400		73		473

Bites: Prior to the passage of the Restricted Breed ordinance, the ten restricted breeds of dogs represented an unusually high number of bites in the community when compared to the number of Restricted Breeds licensed in the City. Bites from restricted breeds have dropped since enforcement began:

- 2007: 15 Restricted Breed bites; 9.6% of the 157 bites from all other dogs combined*
- 2006: 8 Restricted Breed bites; 6.2% of the 129 bites from all other dogs combined
- 2005: 27 Restricted Breed bites; 24.6% of the 110 bites from all other dogs combined
- 2004: 33 Restricted Breed bites; 18.5% of the 178 bites from all other dogs combined
- 2003: 28 Restricted Breed bites; 15.1% of the 185 bites from all other dogs combined

* For this report, "all other dogs/all other dog breeds" does not include any Restricted Breeds of dogs

Impoundment and disposition: 2006, the first year of enforcement for the Restricted Breed ordinance, saw a dramatic increase in the number of prohibited dogs impounded at the Aurora Animal Shelter (from 478 in 2005 to 758 in 2006). Prior to 2006, the majority of these dogs were impounded for running at large. That changed once City Council grandfathered dogs licensed at the time the ordinance became effective. Following the approval of the ordinance, Restricted Breeds were now impounded simply for being in Aurora without the proper license. Animal Care Officers are required to impound all unlicensed Restricted Breeds of dogs observed and issue corresponding summonses to the owners.

The number of Restricted Breeds impounded in the Aurora Animal Shelter dropped significantly after the initial year of enforcement (from 758 in 2006 to 269 in 2007). A few of these dogs were returned to their owners for permanent removal outside the City, and none of them were eligible for adoption in Aurora; subsequently a large number of these dogs were euthanized.

<u>Year</u>	<u>Restricted Breeds Impounded</u>
2007	269
2006	758
2005	478
2004	372
2003	289
2002	169

Convictions: Significantly more summonses were issued for violation of Sec. 14-75 in 2006, when the ordinance first took effect, than were issued in 2007. It is believed ordinance publicity and the community's 'word-of-mouth' about strict enforcement efforts helped reduce the number of these dogs in the City.

2006: 238 summonses issued with 779 charges and 215 Restricted Breed convictions

2007: 137 summonses issued with 480 charges and 89 Restricted Breed convictions

FINANCIAL ANALYSIS

Fines and Forfeitures: Conviction in Aurora Municipal Court of unlawfully keeping a Restricted Breed of dog carries a minimum fine of \$700. Per ordinance, judges may not suspend the fine. According to Municipal Courts, fines assessed and paid for the first two years of enforcement:

2006: Fines assessed: \$138,375 Fines paid: \$47,656

2007: Fines assessed: \$ 93,399 Fines paid: \$73,594

Not everyone can pay the entire amount of the fines assessed at the time of their court appearance. Fees collected in 2007 also reflect payments made towards penalties assessed by the court in 2006.

Fees / Registrations: Only those owners whose animals were grandfathered via registration in accordance with the ordinance are able to purchase (renew) licenses in the future. Therefore, the largest numbers of licenses sold were in 2006 and that number will decrease every year thereafter as animals are relocated out of the City or die. There will be a corresponding decrease in revenue fees associated with Restricted Breed registrations:

2006: 498 Restricted Breeds were licensed in the City with associated fees of \$99,600. Many owners used that first year to relocate their dog or move out of Aurora.

2007: 355 Restricted Breeds were licensed; revenue decreased to \$73,514.

Note: 2007 revenues also reflect some licenses renewed early at an increased fee rate for 2008 (\$200 per license in 2006 and 2007 compared to \$218 per license for 2008).

Status of Revenue and Expenditure:

City Council mandated that the management of the Restricted Breed Ordinance must be "budget neutral" so as to have no impact on the General Fund. Therefore, a designated revenue account was established for revenues and expenditures. City Council gave initial approval for the hiring of two contract employees, an Animal Care Officer and a Shelter Attendant and the outfitting of a van.

As of January 31, 2007, we had revenue deposits in the amount of \$363,074 from licenses, other administrative fees, and court fines.

	<u>2005</u>	<u>2006</u>	<u>Preliminary 2007</u>	<u>Total</u>	<u>Projected 2008*</u>
Court fees and fines	-	47,656	73,594	121,250	84,654
Administrative fees	-	22,115	33,862	55,977	56,020
License renewals	3,060	99,600	73,514	176,174	53,410
<u>Interest earned</u>	<u> </u>	<u>2,426</u>	<u>7,247</u>	<u>9,673</u>	<u> </u>
Total Revenue	\$3,060	\$171,797	\$188,217	\$363,074	\$194,084
Total Expense	\$8,901	\$ 95,394	\$102,380	\$206,674	\$194,084
2007 Preliminary Fund Balance				\$156,400	

At 2007 year-end there have been \$206,674 expenditures charged to this account for the management and enforcement of the Restricted Breed Ordinance. We have an estimated fund balance of \$156,400.

* Projected 2008 budget does not include actuals, but rather projected amounts.

SUMMARY

- The number of Restricted Breeds impounded in the Aurora Animal Shelter peaked during the first-year of enforcement, then dropped sharply to fewer than the number impounded in 2003.
- The number of dogs grandfathered via registration dropped the second year, as was expected. Registrations are anticipated to decrease annually until there are no licensed Restricted Breeds in the City.
- The revenue associated with registration declined the second year of enforcement and will continue to decline as dogs are moved out of the City or die.
- The number of bites from Restricted Breeds of dogs declined significantly the first year, and although the bites increased slightly the second year of enforcement, bites from Restricted Breeds remained lower than they were before passage of the ordinance.
- Fewer complaints were received by the Animal Care in 2007 than in 2006 regarding Restricted Breeds and fewer of these dogs were observed in the field by Animal Care Officers.
- The number of summonses issued for unlawful keeping of a Restricted Breed of dog declined significantly from 2006 to 2007. A corresponding decrease in convictions was reported by Municipal Courts.
- Municipal Courts report the amount of fines collected increased from 2006 to 2007.
- To date, this ordinance has remained budget-neutral, per Council's directive. Revenue has off-set expenditures.

NOTE: Please see attached chart (2006 and 2007 Report Required by Ordinance) and a copy of the ordinance.

Staff Recommendation

The study indicates that this ordinance has been effective with a reduction in the number of Restricted Breeds impounded, in the number of bites by Restricted Breeds, in the number of citizen complaints and in the summonses to court regarding Restricted Breeds. The financial analysis indicates that the revenues have paid for expenses with a fund balance of \$156,400 going into 2008. In addition to our costs of enforcement and shelter, we will have some charges against this fund balance in early 2008 to address some areas of the Animal Care facility that were impacted by this ordinance. We would like to see how many licenses are issued in 2008 and look at the revenue coming in from fines and other administrative fees. Staff will then be in a better position to make a recommendation regarding a potential change in the cost of the license should Council wish to make an adjustment for 2009.

KEY ISSUES: *(Special circumstances or requests, support or opposition)*

LEGAL COMMENTS:

Action on this item is within the sound discretion of City Council. The constitutionality of the ordinance is presently the subject of litigation in Federal District Court; given the relative strengths and weaknesses of the Parties' respective positions, the City Attorney's Office is guardedly optimistic about the eventual outcome of this lawsuit.

Signature: _____

FISCAL AND OPERATING IMPACT ON THE CITY: (If Yes, EXPLAIN) Yes No

Signature: Nancy Sheffield

FISCAL AND OPERATING IMPACT ON OTHERS: (If Yes, EXPLAIN) Yes No

Significant Nominal

The owners of Restricted Breeds of dogs and convicted violators of the ordinance pay for the cost of enforcement, sheltering and all expenses related to the ordinance through the payment of license fee, other administrative fees and fines; thereby not creating an impact on the City's General Fund.

Signature: Nancy Sheffield

STUDY SESSION QUESTIONS FOR COUNCIL:

Has City Code Section 14-75 related to the keeping of Pit Bulls and other Restricted Breeds of dogs been effective, as measured by the evidence presented in the comprehensive study?

EXHIBITS ATTACHED:

- A - Chart (2006 and 2007 Report Required by Ordinance)
- B - Ordinance No. 2005-84
- C -
- D -
- E -
- F -
- G -
- H -
- I -
- J -

**RESTRICTED BREED OF DOG
2006 AND 2007 REPORT REQUIRED BY ORDINANCE**

1. The number of pit bulls and restricted breeds involved in reported attacks and bites upon both persons and animals (*compared to all breeds).

Year	Restricted Breed Attacks/Bites on Humans	Restricted Breed Attacks/Bites on Animals	Restricted Breed Total Attacks/Bites	All Other Dog Breeds Attacks/Bites on Humans	All Other Dog Breeds Attacks/Bites on Animals	All Other Breeds Total Attacks/Bites
2006	8	0	8	123	6	129
2007	11	4	15	150	7	157

2. The number of pit bulls and restricted breeds impounded, and the result of such impoundment (*compared to all breeds).

Year	Impound	Released to owner	Adopt	Transfer	Rescue	Missing	Disposal	Died	Euthanized	Outcome Total
2006 Restricted Breed	758	130	0	5	3	0	7	4	636	785
2006 Other Dogs	2,158	893	576	73	73	1	52	12	413	2,093
2007 Restricted Breed	269	85	0	7	3	0	4	0	173	272
2007 All Other Breeds	2,141	897	594	106	109	0	51	9	363	2,131

Note: The outcome total number is different than the impound number because some animals are already in the shelter on January 1st of each year. There are also some animals still in the building on December 31st at the end of the year that do not have an 'outcome' until some time after the 1st of the year.

Restricted Breeds transferred or rescued out of the shelter are puppies of questionable heritage, younger than 3 months, have passed temperament and health evaluations and are transferred to facilities outside the City of Aurora. It is difficult to accurately assess a breed younger than 6 months because the physical appearance changes as a puppy 'grows into itself.' Puppies of owners living in Aurora require a second Breed Evaluation at 6 months.

3. The number of convictions for any violation of chapter 14 of the Aurora City Code resulting from pit bulls and other restricted breeds (*compared to all breeds).

Year	Restricted Breed Summonses Issued	Restricted Breed Charges Filed	Restricted Breed Convictions	All Other Dogs Summonses Issued	All Other Dogs Charges Filed	All Other Dogs Convictions
2006	238	779	215	1,397	11,026	7,316
2007	137	480	89	1,249	10,786	5,463

4. The amount of fines assessed for violations of this ordinance.

Year	Restricted Breed Fines Assessed	Restricted Breed Fines Paid
2006	\$138,375	\$47,656
2007	\$ 93,399	\$73,594

5. The number of pit bulls and other restricted breeds registered pursuant to this ordinance; and

6. The amount of fees collected as a result of licensing pursuant to this ordinance.

Year	Restricted Breed Registrations	Restricted Breed License Fees Paid
2006	498	\$99,600
2007	355	\$73,514

Sec. 14-7. - Keeping aggressive or dangerous animals.

- (a) *Prohibited.* It shall be unlawful for any person to keep or harbor an aggressive or dangerous animal. For the purposes of this chapter, the term "aggressive or dangerous animal" shall mean any dog or other animal that, without intentional provocation, bites or attacks humans or other animals or in an aggressive or dangerous manner approaches any person or other animal in an apparent attitude of attack, whether or not the attack is consummated or capable of being consummated. It shall be an affirmative defense to charges under this section if the actual or intended victim of any attack has made an unlawful entry into the dwelling of the owner.
- (b) *Guard dogs excepted.* Dogs maintained as guard dogs, as defined in section 14-74 and in compliance with such section, shall not be included under this section.
- (c) *Immediate destruction.* Nothing in this chapter shall be construed to prevent the immediate destruction by an animal care officer or a police officer of any aggressive or dangerous animal when less drastic methods, such as tranquilizing, are not available or effective and when an animal care officer, a police officer or the animal's owner is unable to promptly and effectively restrain or control the animal so that it might be impounded.

(Code 1979, § 7-4; Ord. No. 97-51, § 5, 10-13-97; Ord. No. 2004-52, § 4, 8-23-2004; Ord. No. 2014-23, § 2, 7-28-2014)

Editor's note— Ord. No. 2014-23, § 2, adopted July 28, 2014, amended the catchline of § 14-7 to read as herein set out. Section 14-7 formerly pertained to "Keeping vicious, aggressive or dangerous animals."

ORDINANCE NO. 2020-____

A BILL

FOR AN ORDINANCE FOR THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING SECTIONS 14-1, 14-4, AND 14-7 OF THE CITY CODE RELATED TO ENACTING AN AGGRESSIVE ANIMAL, POTENTIALLY DANGEROUS ANIMAL AND DANGEROUS ANIMAL ORDINANCE AND ADDING A RECKLESS DOG OWNER PROHIBITION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. The following definitions shall be added to section 14-1 of the City Code of the City of Aurora, Colorado, which definitions shall read as follows;

Sec. 14-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Aggressive animal means an animal, whether under the control of the owner or not, except a dog assisting a law enforcement officer engaged in law enforcement duties, which without provocation or justification approaches any person or other animal in an apparent attitude of attack. An animal that is on its owner's property that acts aggressively at a fence or barrier but does not leave the owner's property shall not be deemed to be an aggressive animal.

Aurora Animal Services Division Manager means the Manager of the Aurora Animal Services Division of the City of Aurora, Colorado or such other person designated by the City and the term shall also include such person's designee.

Bite(s) means any contact between an animal's teeth and the skin of a human which causes a puncture wound, laceration or other piercing of the skin.

Dangerous animal means any animal, whether under the control of the owner or not, except a dog assisting a law enforcement officer engaged in law enforcement activities, that

- (a) Has a second confirmed bite to a human or kills a domesticated animal;
- or
- (b) Has an owner that has failed to maintain or abide by the conditions of release of a dangerous dog ordered by the court or a dangerous animal permit.

Potentially dangerous animal means any animal, which while running at large, except a dog assisting a law enforcement officer engaged in law enforcement duties:

- (a) Bites a human; or
- (b) Has been previously adjudged to be a potentially dangerous animal, or a similar definition, by any jurisdiction that has not had the declaration waived.

Proper enclosure means a structure which:

- (a) Is suitable to prevent the entry of young children and to prevent the animal from escaping;
- (b) Is a six-sided structure with a bottom permanently attached to the sides and the sides must be at least 5 feet wide x 10 feet long x 5 feet high to prevent the animal from escaping;
- (c) Shall provide appropriate protection from the elements for the animal;
- (d) Shall provide adequate exercise room, light, and ventilation for the animal;
- (e) Must comply with all zoning and building ordinances of the City; and
- (f) Must be kept in a clean and sanitary condition and approved by an Animal Protection Officer.

Provocation means any action or activity, whether intentional or unintentional which would be reasonably expected to cause a normal animal in similar circumstances to react in a manner similar to that shown by the evidence.

Serious physical injury [as also defined in C.R.S. § 18-1-901 (2018)] means bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures.

Section 2. That subsections (b) and (g) of section 14-4 of the City Code of the City of Aurora, Colorado, are hereby amended to read as follows:

Sec. 14-4. - Impoundment; court proceedings; ~~destruction~~ **surrender** of animals.

- (b) *Length of impoundment.* If there is probable cause to believe that there is a violation of section 14-5, 14-6, 14-7, 14-8, 14-10, 14-11, 14-12, 14-13, 14-71, 14-72, 14-74, 14-75, 14-101, 14-102, **14-131, 141-134** or 14-161, the animal may be taken into custody by the animal care protection officer or member of the police department and impounded in the animal shelter in a humane manner. Except as otherwise provided in subsection (g), such impoundment shall be for a period of not less than ~~three~~ **five (5) business days**, unless earlier claimed. If the owner fails to claim the impounded animal after ~~three~~ **five (5) business days** subsequent to being notified or reasonable efforts to notify have been made, the animal shall be **deemed surrendered to the Aurora Animal Services Division. become the property of the city and shall be disposed of in a humane manner at the discretion of the city manager or designee.** The owner shall still be subject to all fees and costs.

- (g) *Court findings; release of animal; surrender.* If a complaint has been filed in the municipal court against the owner of an animal impounded for violation of section 14-6, 14-7, 14-8, 14-10, ~~14-12, 14-13~~, 14-71, ~~14-72~~, 14-74 or 14-75, the animal shall not be released from impoundment except on the order of the municipal judge. **For violations of section 14-5, 14-11, 14-12, or 14-13, a field supervisor or the division manager have the discretion to release the animal without the need for a court ordered release or may hold the animal for an order from the municipal judge.** The municipal judge may, upon making a finding that the alleged owner has failed to appear for any court date on the complaint, order the animal to be surrendered to the Aurora Animal ~~Care Services~~ Division. ~~or destroyed in a humane manner.~~ When, at a **court disposition** hearing for release or surrender of an animal that has been found by the municipal court, by a preponderance of the evidence, to be a restricted breed **or the animal is in violation of any provision of section 14-75** the animal shall be ordered surrendered unless the owner produces evidence deemed sufficient by the court pursuant to section 14-75(e) that the restricted breed will be permanently taken out of the city. At any other hearing for release or surrender the animal shall be ordered surrendered **to the Aurora Animal Services Division** unless the municipal judge finds, by a preponderance of the evidence, there exists reasonable assurance that the animal can be safely maintained, cared for and controlled without danger to the community and that the animal does not create a nuisance to the surrounding neighbors or community. In determining whether the animal can be safely maintained, cared for and controlled by its owner, the judge shall consider all relevant and reliable evidence, whether or not the evidence is admissible at trial, including, without limitation, pre-bite or post-bite behavior indicative of aggressive or dangerous tendencies regardless of impoundment status. If the animal's owner wishes to have a behavior assessment performed before the surrender hearing, he or she shall notify and work with Aurora Animal Services to set up and complete such assessment following the Aurora Animal Service's shelter policies. Aurora Animal Services shall include language giving written notification (in bold print) of the right to a behavior assessment to any owner of an animal impounded and set for an impound hearing under this section. If the animal's owner chooses to conduct an assessment, the findings from each assessment shall be shared with the other party within five (5) **business** days of the assessment being conducted, and at least five (5) **business** days before the date of the impound hearing provided for in Section 14-4(g). The assessment shall be presented to the Judge at the impound hearing. The Judge shall also hear any proffered evidence of the circumstances of the initial bite including whether it occurred on the owner's property, including provocation and evidence relating to the ability to keep the animal on/with the owner utilizing any requirements able to be taken by the owner to minimize any recurrence. All options in lieu of surrender shall be considered. An order of ~~destruction~~ ~~or~~ surrender of an animal shall not relieve the owner of payment of fees, ~~or~~ costs, **or restitution** which resulted from the impoundment. **When making the determination the animal can be safely maintained, cared for and controlled without danger to the community and that the animal does not create a nuisance to the**

surrounding neighbors or community the municipal court judge shall make a determination the animal is:

- (i) A potentially dangerous animal;
- (ii) A dangerous animal; or
- (iii) An aggressive animal.

Section 3. That section 14-7 of the City Code of the City of Aurora, Colorado, is hereby amended to read as follows:

Sec. 14-7. – Keeping **potentially dangerous**, aggressive, or dangerous animals.

- (a) **Potentially Dangerous Animal Prohibited.** It shall be unlawful for any person owner to possess, care for, keep, maintain or harbor an aggressive or a potentially dangerous animal. ~~For the purposes of this chapter, the term "aggressive or dangerous animal" shall mean any dog or other animal that, without intentional provocation, bites or attacks humans or other animals or in an aggressive or dangerous manner approaches any person or other animal in an apparent attitude of attack, whether or not the attack is consummated or capable of being consummated. It shall be an affirmative defense to charges under this section if the actual or intended victim of any attack has made an unlawful entry into the dwelling of the owner.~~
- (b) **Aggressive Animal Prohibited.** It shall be unlawful for any owner to possess, care for, keep, maintain or harbor an aggressive animal.
- (c) **Dangerous Animal Prohibited.** It shall be unlawful for any owner to possess, keep, care for, maintain or harbor a dangerous animal.
- (d) **Unknown Owner.** If the animal that meets the definition of potentially dangerous animal, dangerous animal, or aggressive animal and the identity of the owner of the animal cannot be reasonably determined the animal shall be immediately seized and impounded. Any animal impounded that is not claimed within a five-business day period the animal will be deemed to have been surrendered to the Aurora Animal Services Division.
- (e) **Penalty.** Any owner who is convicted of having a potentially dangerous, dangerous or aggressive animal shall be subject to the penalty provisions as provided in section 1-13 of the City Code.
- (f) **Keeping of an Aggressive Animal or Potentially Dangerous Animal.** After an owner has been adjudicated by the Aurora Municipal Court as having either an aggressive animal or potentially dangerous animal, as a condition of returning the aggressive animal or potentially dangerous animal to the owner, the Court shall order the owner:
 - (1) To apply for an aggressive or potentially dangerous animal permit within five (5) business days of the date of a conviction, and maintain and comply with the conditions of the permit and this section at all

times, until the Court waives the aggressive animal or potentially dangerous animal determination;

- (2) Not permit the aggressive or potentially dangerous animal to run at large or leave the owner's property unless the animal is securely leashed and muzzled; and
- (3) To spay or neuter the aggressive or potentially dangerous animal and provide proof of sterilization to the Aurora Animal Services Division within fourteen (14) calendar days of the Court's order.

In addition to any other penalty or condition imposed by the Court for violating this section the Court may revoke the aggressive or potentially dangerous animal permit and order the surrender of the animal to the Aurora Animal Services Division if the Court finds sufficient evidence the owner has not complied with all the conditions or restrictions ordered by the Court or has otherwise violated any other provision of Chapter 14. The owner of an animal ordered surrendered to the Aurora Animal Services Division is subject to the surrender requirements as provided in section 14-4.

- (g) *Waiver of the Aggressive Animal or Potentially Dangerous Animal Determination.* The owner of an aggressive animal or potentially dangerous animal may apply to the Aurora Animal Services Division Manager to have the declaration waived after two (2) years upon meeting the following conditions:
- (1) The owner of the aggressive animal or potentially dangerous animal has not been convicted of violating any provision of Chapter 14, other than one conviction of keeping barking dogs, for the previous two (2) years; and
 - (2) The owner of the aggressive animal or potentially dangerous animal has complied with all the Court ordered provisions, the provisions of this section, and the provisions of the aggressive or potentially dangerous animal permit for the previous two (2) years; and
 - (3) The owner provides proof to the Aurora Animal Services Division Manager of successful completion of a behavior modification program administered by a Certified Pet Dog Trainer, Certified Dog Behavior Consultant, or Veterinary Behaviorist, certified through the American College of Veterinary Behaviorists or equivalent training.
- The Aurora Animal Services Division Manager shall forward the waiver request to the Aurora Municipal Court for a hearing to waive or rescind the aggressive animal or potentially dangerous animal declaration.
- (h) *Keeping of a Dangerous Animal.* After an owner has been adjudicated by the Aurora Municipal Court as having a dangerous animal, as a condition of returning the dangerous animal to the owner, the Court shall order the owner to apply for a dangerous animal permit within five (5) business days of the date of a conviction, maintain and comply with the conditions of the permit and this section at all times, until the Court waives the dangerous

animal determination. The following conditions and requirements shall be part of the Court's order to release the dangerous animal to its owner.

- (1) *Enclosure.* Whenever outside of a residential structure the owner shall keep the animal in a locked proper enclosure;**
- (2) *Leash.* No owner of a dangerous animal shall allow the animal to exit its residential structure or proper enclosure unless the animal is securely attached to a leash not more than four (4) feet in length and held by a person who is both over the age of eighteen (18) and who has the physical ability to restrain the animal at all times. No owner shall keep or permit the animal to be kept on a chain, rope or other type of leash outside its residential structure or proper enclosure unless a person capable of controlling the animal is in physical control of the leash;**
- (3) *Muzzle.* When a dangerous animal is outside of its residential structure or proper enclosure the animal must wear a properly fitted muzzle to prevent the animal from biting humans or another animal. Such muzzle shall not interfere with the animal's breathing or vision. It shall be unlawful for any owner of a dangerous animal to allow the animal to be outside of its residential structure or proper enclosure without wearing a muzzle.**
- (4) *Confinement.* Except when leashed and muzzled as provided in this subsection, a dangerous animal shall be securely confined in a residential structure or confined in a locked proper enclosure;**
- (5) *Indoor Confinement.* No dangerous animal shall be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such house or structure on its own volition. In addition, no dangerous animal shall be kept in a house or structure when window screens, screen doors or wire screen doors are the only obstacle preventing the animal from exiting the house of structure;**
- (6) *Signs.* All owners of dangerous animals shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog";**
- (7) *Liability Insurance, Surety Bond.* Subject to judicial discretion, the Court may require the maintenance of either a homeowners, condominium or renter's insurance policy as applicable with a policy minimum of \$100,000.**
- (8) *Identification Photographs.* All owners of dangerous animals must within ten (10) calendar days of a determination the animal is**

dangerous provide the Aurora Animal Services Division with two color photographs of the registered animal clearly showing the breed, color and approximate size of the animal;

- (9) *Microchip.* All owners of dangerous animals shall microchip the dangerous animal within ten (10) calendar days of a determination the animal is dangerous and provide the microchip information to the Aurora Animal Services Division to register the animal as dangerous;**
- (10) *Spaying/Neutering.* All owners of dangerous animals, if not already so treated, shall spay or neuter the animal within fourteen (14) calendar days of a determination the animal is dangerous and provide proof of the sterilization to the Aurora Animal Services Division;**
- (11) *Sale or Transfer of Ownership.* No owner shall sell, barter or in any way dispose of or transfer a dangerous animal registered with the City as a dangerous animal to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the owner of the dangerous animal. The owner of a dangerous animal may sell or otherwise dispose of a registered dangerous animal to a person(s) who does not reside within the City if the owner transferring the animal discloses the animal has been declared to be a dangerous animal by the Aurora Municipal Court to the person who wants to be the animal's new owner and has the new owner of the dangerous animal read and sign a "Liability Waiver" provided by the Aurora Animal Services Division. The owner who transfers ownership of the animal shall immediately notify the Aurora Animal Services Division of any change of ownership of any dangerous animal and provide the Liability Waiver signed by the new owner to the Aurora Animal Services Division. It shall be unlawful for an owner not to follow the requirements of this subsection if the owner sells, barter, transfers or in any way disposes of a dangerous animal;**
- (12) *Immediate Notification.* The owner of a dangerous animal shall immediately notify the Aurora Animal Services Division if the dangerous animal escapes from its proper enclosure or restraint and is at large. The owner of a dangerous animals shall immediately notify the Aurora Animal Services Division if the dangerous animal bites or attacks a person or domestic animal; and**
- (13) *Failure to Comply.* It shall be a separate offense to fail to comply with any of the conditions or restrictions in this subsection. Any violation of this subsection shall result in the owner being charged with violating this subsection (h), and the animal being subject to immediate seizure and impoundment.**

- (14) ***Acknowledgement of Conditions.*** The owner shall be provided with a document setting forth all of these requirements and the owner shall attest their receipt thereof.

In addition to any other penalty or conditions imposed by the Court for violating any provision of this subsection the Court may revoke the dangerous animal permit and order the surrender of the animal to the Aurora Animal Services Division if the Court finds sufficient evidence the owner has not complied with all the conditions or restrictions ordered by the Court, the dangerous dog permit, this section, or has otherwise violated any other provision of Chapter 14. The owner of an animal ordered surrendered to the Aurora Animal Services Division is subject to the surrender requirements as provided in section 14-4.

- (i) ***Waiver of the Dangerous Animal Determination.*** The owner of a dangerous animal may apply to the Aurora Animal Services Division Manager to have the declaration of dangerous animal waived after three (3) years upon meeting the following conditions:
- (1) The owner of the dangerous animal has not been convicted of violating any provision of Chapter 14, other than one conviction of keeping barking dogs, for the previous three (3) years; and
 - (2) The owner of the dangerous animal has complied with all the Court ordered provisions, the provision of this section, and the provisions of the dangerous dog permit for the previous three (3) years; and
 - (3) The owner provides proof to the Aurora Animal Services Division Manager of successful completion of a behavior modification program administered by a Certified Pet Dog Trainer, Certified Dog Behavior Consultant, or Veterinary Behaviorist, certified through the American College of Veterinary Behaviorists or equivalent training.
- The Aurora Animal Services Division Manager shall forward the waiver request to the Aurora Municipal Court for a hearing to waive or rescind the dangerous animal declaration.
- (j) ***Aggressive Animal, Potentially Dangerous Animal Permit and Dangerous Animal Permit.*** In addition to the conditions listed by this section for such permit, applications for an aggressive animal or potentially dangerous animal permit and a dangerous animal permit shall include:
- (1) The name and address of the applicant and of the owner of the animal and the names and address of two (2) persons who may be contacted in the case of an emergency.
 - (2) An accurate description of the animal for which the permit is requested.
 - (3) The address or place where the animal will be located together with the property owner's written consent or authorization to permit the animal on the property.

- (4) **A permit fee. In addition to the license fees provided by this Chapter, the owner of an aggressive animal, potentially dangerous animal or dangerous animal shall pay an annual permit fee. The permit fee shall be established by the City Manager in accordance with section 2-587 of the City Code.**
 - (5) **The microchip number of the animal.**
 - (6) **Proof that the animal has a current rabies vaccination.**
 - (7) **Such other information as required by the Aurora Animal Services Division.**
- (k) ***Continuation of Declaration.* Any animal that has been declared aggressive, potentially dangerous, or dangerous, or similar definition by any jurisdiction, shall be subject to the provisions of this ordinance. The person moving into the City owning any animal designated as aggressive, potentially dangerous, or dangerous, by any jurisdiction other than the City, shall notify the Aurora Animal Services Division of the animal's address and the conditions of maintaining the animal ordered by a Court within ten (10) calendar days of moving the animal into the City. The restrictions and conditions imposed by any other jurisdiction for maintaining an aggressive, potentially dangerous, or dangerous animal shall remain in effect and in the event of a conflict between the provisions of this section and the provisions of the other jurisdiction's restrictions or conditions the more restrictive provision shall control.**
- (l) ***Affirmative Defense.* It shall be an affirmative defense to charges under this section if the actual or intended victim of any prohibited action of an animal under this section made an unlawful entry into the dwelling of the owner.**
- ~~(b)~~(m) ***Guard dogs excepted.* Dogs maintained as guard dogs, as defined in section 14-74 and in compliance with such section, shall not be included under this section.**
- ~~(e)~~(n) ***Immediate destruction.* Nothing in this chapter shall be construed to prevent the immediate destruction by an animal protection officer or a police officer of any aggressive or dangerous animal when less drastic methods, such as tranquilizing, are not available or effective and when an animal protection officer, a police officer or the animal's owner is unable to promptly and effectively restrain or control the animal so that it might be impounded.**

Section 4. That the City Code of the City of Aurora, Colorado, is hereby amended to add a new section to be numbered 14-73, which section shall read as follows:

Sec. 14-73. – Reckless Dog Owner.

- (a) **Any person convicted of:**
 - (1) **A violation of section 14-6, 14-7, 14-8, 14-12, 14-13, 14-71, or 14-75 of Chapter 14 of the City Code three (3) or more times in a twenty-four (24) month period; or**

- (2) A violation of section 14-7, Keeping potentially dangerous, aggressive, or dangerous animals, two (2) or more times in any five (5) year period shall be declared a reckless dog owner.
- (b) If the Aurora Municipal Court determines an owner is a reckless dog owner the Court shall order the city licenses and permits of all dogs owned by the reckless dog owner to be revoked and shall order the owner not to own, keep, care-for, hold, possess, harbor, or maintain any dog for a period of three (3) years from the date of the declaration.
- (c) A person declared to be a reckless dog owner may apply to the Aurora Animal Services Division Manager to have the declaration waived after eighteen (18) months upon meeting the following conditions:
- (1) The reckless dog owner has had no violations of this Chapter since the declaration by the Court; and
 - (2) The reckless dog owner has complied with all the provisions of this section for a period of eighteen (18) months since the date of the declaration by the Court; and
 - (3) The reckless dog owner provides proof to the Aurora Animal Services Division Manager of successful completion of a program designed to improve the person's understanding of dog ownership responsibilities and based upon an interview with the Aurora Animal Services Division Manager establishing that understanding.
- (d) If the Aurora Animal Services Division Manager, in his or her sole discretion, finds sufficient evidence that the person has complied with all conditions in this subsection, the application shall be forwarded to the Aurora Municipal Court for a hearing to waive or rescind the reckless dog owner declaration.

Section 5. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 6. Repealer. All acts, orders, resolutions, ordinances, or parts thereof, in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

Section 7. Publication. Pursuant to Section 5-5 of the City Charter, the second publication of this ordinance shall be by reference, utilizing the ordinance title. Copies of this ordinance are available at the office of the City Clerk.

INTRODUCED, READ AND ORDERED PUBLISHED this _____
day of _____, 2020.

PASSED AND ORDERED PUBLISHED BY REFERENCE this _____ day of -
_____, 2020.

MIKE COFFMAN, Mayor

ATTEST:

STEPHEN J. RUGER, City Clerk on

APPROVED AS TO FORM _____

TIM JOYCE, Assistant City Attorney

F:/Dept/City Attorney/CA/Tim/Ordinance/2019 Dangerous Dog/Ordinance Alternate Version Dangerous Dog Ordinance

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