

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER DeMOTT
Council Bill No. 23
Ordinance No. 1490

Series of 2011

TITLE: AN ORDINANCE AMENDING CHAPTERS 4 AND 17 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING ANIMALS RUNNING AT LARGE AND ADOPTING OFF-LEASH DOG PARK RULES AND REGULATIONS

WHEREAS, pursuant to Article XX of the Colorado Constitution and C.R.S. §§ 31-15-401(1)(m) and 31-15-702(1)(a)(I), the City of Wheat Ridge ("City") possesses the authority to prohibit the running at large of animals and to regulate the use of public parks within the City; and

WHEREAS, pursuant to this authority, the City, acting by and through its City Council (the "Council"), wishes to permit the use of certain designated areas within certain City parks as off-leash dog parks; and

WHEREAS, the Council finds and determines that the imposition of rules and regulations specific to off-leash dog parks are necessary and desirable to minimize the potential impacts of such parks on neighboring properties and on the general public and to protect all people and animals using the parks; and

WHEREAS, the Council further finds that dog park rules and regulations should be codified within the Wheat Ridge Code of Laws ("Code") to permit the violators thereof to be prosecuted in the City's Municipal Court; and

WHEREAS, the Council therefore desires to amend certain provisions of Chapters 4 and 17 of the Code, concerning animals and parks, to establish rules and regulations for off-leash dog parks and to make other conforming amendments to said Chapter.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. The definition of "running at large" set forth in Code Section 4-1 is hereby amended as follows:

Running at large means off the premises of the owner and not under the effective control of that owner, his agent, servant, or competent member of his family by means of a leash, cord, or chain not to exceed six (6) feet in length; except that, for purposes of this definition, the "premises of the owner" shall not include common areas of condominiums, townhouses and apartment buildings, and any animal not in the effective control of its owner upon the common area of a condominium, townhouse or apartment building, or the grounds thereof, shall be deemed to be

running at large. A DOG THAT OTHERWISE MEETS THIS DEFINITION SHALL NOT BE CONSIDERED TO BE RUNNING AT LARGE WHEN SUCH DOG IS WITHIN AN OFF-LEASH DOG PARK ACCOMPANIED BY ITS OWNER OR HANDLER IN ACCORDANCE WITH THE REQUIREMENTS OF THIS CODE.

Section 2. The definition of "animal shelter" set forth in Code Section 4-1 is hereby amended as follows:

Animal shelter means ~~Table Mountain Animal Shelter, Inc., which is hereby~~ THAT FACILITY OR FACILITIES AS designated by the city FROM TIME TO TIME as the facility for the boarding and caring of any animal impounded under the provisions of his chapter or any other ordinance or law of the state.

Section 3. Section 4-8 of the Code is hereby amended as follows:

Sec. 4-8. Running at large; OFF-LEASH DOG PARKS.

(a) A person who is a dog owner shall be guilty of dog at large if such dog runs at large within the city.

(b) For purposes of subsection (a) above and section 4-16, animals injured or killed in the street shall be considered as running at large; the community services officer shall remove all such animals and, at his discretion, take those needing medical attention to a veterinarian or to the animal shelter. Injured animals may be destroyed humanely if it is determined by the animal shelter or the attending veterinarian that the animal has sustained critical injuries, is suffering extreme pain, and/or has a poor prognosis for recovery. The animal shelter shall consult with a veterinarian as to the disposition of injured animals when the animals' prognosis cannot be ascertained by the animal shelter with reasonable certainty. The animal owner shall be liable for all expenses for the treatment, impoundment and/or destruction of any animal. The city and any of its employees, the animal shelter and any of its employees, and any veterinarian consulted shall be immune from liability for any actions taken pursuant to this subsection.

(C) THE CITY COUNCIL MAY, FROM TIME TO TIME, DIRECT THE CREATION, ALTERATION AND REMOVAL OF OFF-LEASH DOG PARKS WITHIN THE CITY. OFF-LEASH DOG PARKS SHALL BE LOCATED ON CITY PROPERTY AND SHALL BE GOVERNED BY AND POSTED WITH SIGNS GIVING NOTICE OF THE FOLLOWING RULES AND REGULATIONS. IT SHALL BE UNLAWFUL TO VIOLATE ANY PROVISION OF THIS SUBSECTION (C). CONVICTION OF ANY PROVISION OF THIS SUBSECTION (C) MAY ALSO RESULT IN A LOSS OF PRIVILEGE TO THE OWNER, HANDLER OR SUBJECT DOG TO USE THE CITY'S OFF-LEASH DOG PARKS:

(1) OFF-LEASH DOG PARKS ARE OPEN TO THE PUBLIC DURING THE SAME HOURS THE SURROUNDING CITY PROPERTY IS OPEN TO THE PUBLIC.

(2) ALL DOGS MUST BE UNDER THE EFFECTIVE CONTROL OF THEIR OWNERS OR HANDLERS BY MEANS OF A LEASH, CORD, OR CHAIN NOT TO EXCEED SIX (6) FEET IN LENGTH WHEN ENTERING AND LEAVING THE DESIGNATED DOG PARK AREA.

(3) ALL DOGS MUST DISPLAY A CURRENT RABIES TAG AFFIXED TO THE COLLAR.

(4) ALL DOGS BELONGING TO CITY RESIDENTS MUST DISPLAY A CURRENT JEFFERSON COUNTY DOG LICENSE AS REQUIRED BY CODE SEC. 4-31(C).

(5) ALL DOGS MUST BE ACCOMPANIED BY A PERSON SEVENTEEN (17) YEARS OF AGE OR OLDER.

(6) DOG OWNERS AND HANDLERS ASSUME FULL RESPONSIBILITY FOR THEIR DOGS AND MINOR CHILDREN WITHIN THE DOG PARK AREA.

(7) DOG OWNERS AND HANDLERS MUST REMAIN WITHIN THE OFF-LEASH DOG PARK AREA AND WITHIN SIGHT OF THEIR DOGS AT ALL TIMES.

(8) DOG OWNERS AND HANDLERS MUST REMOVE AND PROMPTLY DISPOSE OF ANY FECES DEPOSITED WITHIN THE DOG PARK AREA BY THEIR DOGS.

(9) DOGS MAY NOT CHASE OR OTHERWISE HARASS WILDLIFE.

(10) THE FOLLOWING DOGS ARE NOT PERMITTED WITHIN OFF-LEASH DOG PARKS:

(A) AGGRESSIVE DOGS, AS DEFINED BY CODE SEC. 4-1.

(B) FEMALE DOGS IN HEAT.

(C) DOGS WITHOUT A CURRENT RABIES TAG AFFIXED TO THE COLLAR OR WITHOUT A CURRENT JEFFERSON COUNTY DOG LICENSE, AS APPLICABLE.

(D) DOGS UNDER THE AGE OF FOUR (4) MONTHS.

(E) DOGS EXHIBITING VISIBLE SIGNS OF ILLNESS OR KNOWN BY THE OWNER OR HANDLER TO BE ILL.

(F) DOGS THAT DO NOT RESPOND TO AND OBEY THEIR OWNERS' OR HANDLERS' SIGHT OR VOICE COMMANDS.

Section 4. Section 17-29 of the Code, establishing rules governing animals within and upon City parks and recreation facilities, is hereby amended as follows:

Sec. 17-29. Animals.

(a) All animals must be under control by means of a leash, cord or chain not to exceed six (6) feet in length EXCEPTING DOGS PRESENT IN A DESIGNATED OFF-LEASH DOG PARK AREA UNDER THEIR OWNERS' OR HANDLERS' SIGHT OR VOICE CONTROL.

(b) It shall be unlawful for the owner or custodian of any animal to allow such animal to defecate in any park, trail, recreational facility or other public place within the city, and to fail to clean up and remove from such park, trail, recreational facility or other public place such excrement or feces.

(c) Horseback riding shall be permitted only upon areas specifically designated by the director. Horseback riding is prohibited in all turf areas.

Section 5. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.


Section 6. Severability; Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 7. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 7 to 0 on this 25th day of July, 2011, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for August 8, 2011, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a
vote of 8 to 0, this 8th day of August, 2011.

SIGNED by the Mayor on this 12th day of August, 2011.



Jerry DiTullio, Mayor

ATTEST:

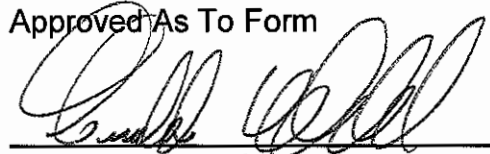


Michael Snow, City Clerk



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Approved As To Form



Gerald E. Dahl, City Attorney