

ARTICLE II. - DOGS AND CATS
DIVISION 1. - GENERALLY

Sec. 8-16. - Leash law.

- (a) It shall be unlawful for any owner or keeper of any dog to fail to prevent the same to run at large.
- (b) It shall be the duty of the chief of police, and all other police officers and all animal protection officers, to see that a dog found running at large is taken up and impounded in the Denver Animal Shelter, and such dog may be so taken up without the necessity of filing a complaint and shall be impounded and disposed of in accordance with provisions of article VII of this chapter.
- (c) Subsection (a) of this section shall not apply if the dog is within a designated off-leash enclosure and is being supervised by an owner or keeper who is at least eighteen (18) years of age.
- (d) The executive director may, with the concurrence and consent of the chief agency executive with control responsibility for the property involved, designate specific areas for dog off-leash enclosures. The executive director shall, pursuant to article VI of chapter 2 of this Code, propose to the board rules and regulations for the construction and use of dog off-leash enclosures.

(Ord. No. 672-18, § 1, 7-16-18)

Sec. 8-17. - Barking dog.

- (a) It shall be unlawful for an owner or keeper of any dog to fail to prevent such dog from disturbing any person or neighborhood by loud and persistent or habitual barking, howling, or yelping.
- (b) An administrative citation or a summons and complaint issued for violation of this section shall be:
 - (1) Signed by an animal protection officer that personally witnessed the violation;
 - (2) Supported by at least two (2) identified complaining witnesses from separate households; or
 - (3) Supported by one (1) complaining witness if there also exists competent evidence admissible at trial to prove a prima facie case of a violation of this section.
- (c) In any prosecution for a violation of this section, the fact that any loud dog barking which disturbed any person or neighborhood occurred either:
 - (1) Between the hours of 10:30 p.m. and 7:30 a.m.; or
 - (2) When none of the residents who reside at the place where the barking dog is being kept are at home;

shall create a rebuttable presumption that the dog barking was unlawful.

(Ord. No. 672-18, § 1, 7-16-18)

Sec. 8-18. - Barking dog nuisance.

- (a) Any dog which has been allowed or permitted to persistently and chronically violate section 8-17, as demonstrated by one (1) or more convictions for violating section 8-17, and the receipt of subsequent complaints from more than one (1) household, is declared to be a public nuisance and may be impounded upon compliance with the procedures outlined in subsections (b) through (g).
- (b) Whenever any chronic barking dog nuisance as defined in subsection (a) of this section is found on any premises within the jurisdiction of the city, a written notice shall be given to the owner or keeper of the dog, or to the owner, occupant, person in possession, person in charge, or person in control of the premises where the dog is located, or a written notice shall be posted at such premises when none of the above people can be found at the premises. Such notice shall be signed by the director of Denver Animal Protection or their designee and shall give the person or persons to whom it is directed no less than seventy-two (72) hours (three (3) days) nor more than one hundred twenty

(120) hours (five (5) days) to abate the chronic barking dog nuisance. Such notice shall also state that the dog may be impounded if the barking dog nuisance is not abated.

- (c) If, after the time given to comply with the notice has passed, the barking dog nuisance has not been abated, the director of Denver Animal Protection may (1) summarily abate the barking dog nuisance by impounding the barking dog; (2) assess the costs of such abatement against the property or owner thereof, to be collected by suit or otherwise; and (3) issue a citation for the violation of this section. The impoundment shall continue until the resolution of the citation issued in conjunction with the impoundment or, until the executive director or a hearing officer has conducted the administrative hearing described in this section and determined that the dog does not constitute a barking dog nuisance and should be released.
- (d) At the time any dog is impounded as a barking dog nuisance, the director of Denver Animal Protection or their designee shall (1) serve a notice on the owner or keeper of the dog, or to the owner, occupant, person in possession, person in charge, or person in control of the premises where the dog is located; or (2) a written notice shall be posted at such premises when none of the above people can be found at the premises. Such notice shall be signed by the director of Denver Animal Protection or their designee. Such notice shall state that the dog has been impounded as a chronic barking dog nuisance under this section; that the owners or keepers of the dog are entitled to a hearing to contest the impoundment; that to obtain such a hearing, the owner or keeper must submit a written petition for release of the dog, containing the petitioner's name and address, including mailing address, and the reason the dog should not be classified as a chronic barking dog nuisance; and that this petition must be filed with the executive director within five (5) days of the impoundment. If the last day of this five-day period falls on a Saturday, Sunday, or holiday, the time for filing the petition shall be extended to the next regular business day.
- (e) When a dog has been impounded pursuant to this section, and the owner or keeper of such dog disputes the classification of such dog as a chronic barking dog nuisance, the owner or keeper of such dog may file a written petition for a hearing concerning such classification with the executive director no later than five (5) days after impoundment. If the last day of this five-day period falls on a Saturday, Sunday, or holiday, the time for filing the petition shall be extended to the next regular business day. Such petition shall include the petitioner's name and address, including mailing address and the reason the petitioner believes the dog should not be classified as a chronic barking dog nuisance. The petition shall be set for a hearing to be held on a date no more than twenty (20) days after the date the petition is filed. The executive director shall issue a notice of the hearing date by mailing a copy to the petitioner's address no later than ten (10) days prior to the date of the hearing. Where the owners or keepers of the dog fail to file a written petition with the executive director within five (5) days of the impoundment, excluding Saturdays, Sundays, and holidays, they shall be deemed to have waived their right to a hearing to contest the classification of the dog as a chronic barking dog nuisance.
- (f) The hearing on the chronic barking dog classification shall be held before the executive director or a hearing officer designated by the executive director. The sole issue at the hearing shall be whether the dog constitutes a chronic barking dog nuisance as defined in subsection (a) of this section. The hearing shall not address the sufficiency of abatement or any other issues.
- (g) It shall be unlawful to fail to comply with a notice to abate a nuisance issued as provided in subsection (b).