

MEMORANDUM

TO: Mayor and Town Council

FROM: Shannon Haynes, Chief of Police

DATE: September 3, 2013

SUBJECT: Breed Specific Bans

At the request of Council staff has researched breed specific bans within Colorado.

Currently, there are eight municipalities in Colorado with Breed specific bans. These include: Denver, Aurora, Fort Lupton, Lone Tree, Louisville, Castle Rock, Commerce City, and La Junta.

The ordinances for these jurisdictions are similar in nature. Each ordinance provides definitions of the prohibited breeds. In most cases breeds include, "American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog displaying the majority of physical traits or genetic markers of any one or more of the above breeds, or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds".

In addition, ordinances generally provide exceptions to include:

- The ability to apply for a Pit Bull license
- Transporting through the jurisdiction
- Veterinarian practices
- Dog shows

In most cases a Pit Bull license is issued to an owner who applies for such license prior to the enactment of the local ordinance or within a set time frame from passage of such ordinance, or the individual is the owner/handler of a designated service animal. There are a number of requirements for licensure that include, but are not limited to, proof of a minimum homeowner's or renter's liability insurance (\$100,000), spaying/neutering, microchip insertion, confinement requirements, as well as, muzzle and leash requirements. In all cases, owners are not allowed transfer ownership within the jurisdiction.

Penalties for violating these ordinances include significant fines (\$700-\$1,000), possible jail time, and possible destruction of the animal.

The City and County of Denver ordinance has been challenged several times since it was passed in 1989. At the time of passage Denver had experienced a significant number of pit bull attacks including one that resulted in the death of a child (1986) and others that resulted in significant injuries. Denver' ordinance was immediately challenged in District Court and upheld as constitutional. That decision was appealed to the Colorado Supreme Court and again upheld.

In 2004, the State of Colorado passed a statute prohibiting municipalities from enacting breed specific bans. The City and County of Denver filed a civil complaint citing their ability as a Home Rule entity to enact and enforce legislation as a matter of local or jurisdictional concern. The District Court upheld the right of a Home Rule municipality “to regulate dangerous dogs within its community”.

Currently there are a limited number of pit bulls licensed in Breckenridge; however we know that not all dogs residing within the Town limits are licensed.

I will be available at the work session on September 10th to answer any questions.