

CITY OF GRAND JUNCTION
ORDINANCE NO. 3589

AN ORDINANCE REPEALING AND REENACTING SECTION 6-61 OF THE CODE OF ORDINANCES (“CODE”) CONCERNING AN OWNER’S FAILURE TO PREVENT A DOG FROM DISTURBING THE PEACE AND QUIET OF ANOTHER, REPEALING AND REENACTING SECTION 6-68 OF THE CODE ESTABLISHING THE PENALTIES FOR VIOLATING ANY ARTICLE OF SECTION 6 OF CHAPTER 6 OF THE CODE, AND REPEALING CERTAIN ORDINANCES IN CONFLICT WITH THE AMENDMENTS.

WHEREAS, the City of Grand Junction wishes to address changes to the elements in the prosecution of an owner who has failed to prevent a dog from disturbing the peace of another, to eliminate the requirement for previous warnings, and to increase the penalties for a first and second offense for violating any section of Article III of Chapter 6 of the Code to further deter violations and to have equivalent penalties for the same or similar violation as in the County of Mesa.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That Sections 6-61 and 6-68 of the Code of Ordinances of the City of Grand Junction be repealed and reenacted as follows:

Sec. 6-61. Barking dogs.

(a) *Prohibition.* No owner of a dog shall fail to prevent it from disturbing the peace and quiet of any other person by loud and persistent barking, baying, howling, yipping, crying, yelping, or whining, whether the dog is on or off the owner's premises.

(b) *Provocation defense.* Provocation of a dog whose noise is complained of is an affirmative defense to any charge for violation of subsection (a) of this section.

(c) *Complainant's rights and responsibilities.*

(1) All complainants must clearly identify themselves by stating their name, address and telephone number. The complainant shall further state the description of the offense, the date, time, place and duration of the offense, and if known, the name of the dog's owner, the owner's address and telephone number, and a description of the dog. The identity of a complainant shall be kept confidential until a violation of this section is charged.

(2) If a violation of this section is charged, the complainant shall sign an affidavit on the citation attesting to the violation, or shall verify in writing the allegations of a complaint prior to its service upon the owner.

(3) No person or owner shall be convicted at trial for violation of this section unless oral testimony or other means of reliable evidence is presented proving the elements of subsection (a). Other reliable evidence, includes but is not limited to, videotape and digital video recordings.

And

Sec. 6-68. Penalty assessment; fine schedule.

If the penalty assessment procedure is used by the animal control officer or any arresting law enforcement officer, the following fine schedule shall be applied for violations of any section of this article which are committed or repeated by the same person within two years from the date of any prior offense:

First offense (up to)	\$ 50.00
Second offense (up to)	\$100.00
Third offense (up to)	\$250.00
Fourth and subsequent offenses (up to)	\$500.00

Introduction of first reading this 19th day of November, 2003.

Passed and adopted this 3rd day of December, 2003.

/s/ Jim Spehar
President of the Council

Attest:

/s/ Stephanie Tuin
City Clerk