

**ORDINANCE NO. 4468**

**AN ORDINANCE AMENDING SECTION 6.12.060 OF CHAPTER 6 OF THE GRAND JUNCTION MUNICIPAL CODE CONCERNING BARKING DOGS**

**RECITALS:**

The City Code of Ordinances ("Code") had a comprehensive review as part of a contract with Code Publishing Company. During that review some inconsistencies in the Code were found.

Section 6.12.06 was amended to correct an inconsistency. The amendment itself was incorrect. It included more information than intended which caused confusion for enforcement.

This ordinance proposed sets forth the elements for the prosecution of an owner/keeper of a dog who has failed to prevent the dog from disturbing the peace of another.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:**

Section 6.12.060 of the Grand Junction Municipal Code is amended to read as follows:

**6.12.060 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) of this section. Other reliable evidence includes, but is not limited to, videotape and digital video recordings.

Introduced on first reading the 18<sup>th</sup> day of April, 2011.

**PASSED and ADOPTED** on second reading the 2<sup>nd</sup> day of May, 2011 and ordered published in pamphlet form.

  
\_\_\_\_\_  
President of the Council

ATTEST:

  
\_\_\_\_\_  
City Clerk