

BY AUTHORITY

ORDINANCE NO. 41
SERIES OF 2022

COUNCIL BILL NO. 46
INTRODUCED BY COUNCIL
MEMBER NUNNENKAMP

**AN ORDINANCE AMENDING TITLE 7, CHAPTER 1, ARTICLE A,
SECTION 7-1A-3 OF ENGLEWOOD MUNICIPAL CODE REGARDING
FENCING AT JASON PARK FOR OFF-LEASH DOG PRIVILEGES**

WHEREAS, the City of Englewood provides a unique approach to off-leash dog parks within the City, authorizing specific hours of otherwise on-leash parks for use by off-leash dogs and their owners; and

WHEREAS, the City of Englewood implemented off-leash dog privileges at certain City parks when City Council adopted Resolution No. 4, Series of 2002; and

WHEREAS, on October 19, 2009, after numerous complaints from residents regarding off-leash dogs at Jason Park, City Council approved specific authorized off-leash hours for the following parks: Jason, Centennial, Duncan, and the Northwest Greenbelt; and

WHEREAS, the Parks and Recreation Commission formed the Off-Leash Dog Sub-Committee in October 2018 due to increased complaints from Englewood residents about the off-leash dog park program; and

WHEREAS, between November 2018 and April 2019, the Sub-Committee met with Englewood Code Enforcement, Englewood Unleashed and Pirate Youth Sports to discuss off-leash dog parks within the City; and

WHEREAS, on March 30, 2020, City Council asked for a recommendation regarding the off-leash dog program after City Staff presented on the current off-leash program, public education efforts, and enforcement of off-leash dog rules; and

WHEREAS, on July 20, 2020, City Council requested further study and recommendations regarding off-leash dog parks so the Off-Leash Task Force was established; and

WHEREAS, the Off-Leash Task Force convened five times, and on December 14, 2020, recommended to City Council that the City issue a survey to gauge resident support for off-leash dog parks; and

WHEREAS, on April 26, 2021, after receipt of survey results, City Council recommended the Off-Leash Task Force discuss the survey results and possible recommendations for the off-leash program; and

WHEREAS, on June 9, 2021, the Off-Leash Task Force reconvened to review options for the off-leash program; and

WHEREAS, on August 10, 2021 the Parks and Recreation Commission Sub-Committee met to discuss survey findings and Off-Leash Task Force data; and

WHEREAS, City Council scheduled various study sessions to consider these results and recommendations, along with extensive additional public comment regarding this issue; and

WHEREAS, on the 4th day of October, 2021, City Council adopted Resolution No. 36, Series of 2021 establishing off-leash dog privileges at the following City parks: Duncan, Jason, Northwest Greenbelt, and Canine Corral; and

WHEREAS, on the 1st day of November, 2021, City Council adopted on second reading Ordinance No. 54, amending Englewood Municipal Code Section 7-1A-3 authorizing certain off-leash dog privileges at specifically-designated times at specifically designated parks within the City; and

WHEREAS, after damage to temporary fencing as referenced in that ordinance, City Council desires to further amend Englewood Municipal Code Section 7-1A-3 to ensure appropriate fencing can be installed to implement these off-leash dog regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. Amendment of Englewood Municipal Code

Title 7, Chapter 1, Article A, Section 7-1A-3 of Englewood Municipal Code (“EMC”) is hereby amended to read as follows (new provisions in *italics*, deleted provisions ~~struck through~~):

7-1A-3: Running at Large.

A. It shall be unlawful for any domesticated animal owner to allow such animal to run at large.

B. Exceptions. Despite the above prohibition, an owner may allow a dog to run at large (off leash) only at the following public parks within the City of Englewood:

1. **Jason Park**, on the north side of the park only, as separated by fencing from the south/playground area; but in the ~~northeastwest~~ corner of the park only, when ~~the northwest corner of the park as separated by north to south fencing is reserved north to south temporary fencing is installed to separate the off-leash portion of the park from areas used for youth sports or other events; and~~ only during the hours of 6 a.m. to 11 a.m. and 6 p.m. to 11 p.m. (with hours expanded to 6 a.m. to 11 p.m. from November 1 through ~~the last day of February-28~~).
2. **Duncan Park**, on the north side of the park only, separated by fencing from the south/playground area of the park; and only during the hours of 6 a.m. to 11 a.m., and 6 p.m. to 11 p.m. (with hours expanded to 6 a.m. to 11 p.m. from November 1 through ~~the last day of February-28~~).

3. **Northwest Greenbelt**, the entire park, but only during the hours of 6 a.m. to 11 a.m., and 6 p.m. to 11 p.m. (with hours expanded to 6 a.m. to 11 p.m. from November 1 through *the last day of February-28*).
4. **Canine Corral**, the entire fenced-in area of the park, hours unrestricted.

Section 2. Applicability of Municipal Code During Authorized Off-Leash Hours

All other provisions of Englewood Municipal Code regarding animals shall apply to the parks described above even during off-leash hours, including, but not limited to, EMC 7-1A-2: "At-Risk" and "Dangerous" Behavior Prohibited; and EMC 7-1A-10: Removal of Excrement; Damage to Shrubbery or Plants (requiring owners to immediately remove excrement and prohibiting damage to park landscaping by the dog).

Section 3. Revocation of Prior Off-Leash Privileges

City Council specifically considered and hereby revokes all off-leash dog privileges at Centennial Park, and does not provide for off-leash privileges at Cushing Park and Emerson Park. To that end, except as specifically authorized in Section 1 above, pursuant to EMC 7-1A-3: Running at Large, all dogs are prohibited from running at large, including at all other City-owned parks, at non-designated areas of Jason Park and Duncan Park, and outside of the specifically-authorized off-leash hours described in Section 1 above.

Section 4. Public Notification

Pursuant to EMC 11-4-2 and EMC 11-4-3, the City Manager or the City Manager's designee shall develop Park Rules and Regulations and install signage consistent with the provisions of this Ordinance, and take all other actions necessary to effectuate Englewood Municipal Code as modified herein.

Section 5. General Provisions Applicable to this Ordinance

The following general provisions and findings are applicable to the interpretation and application of this Ordinance:

A. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

B. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

C. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining

in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

D. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, 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 obtained. This Safety Clause is not intended to affect a Citizen right to challenge this Ordinance through referendum pursuant to City of Englewood Charter 47.

E. Publication. Publication of this Ordinance may be in the City's official newspaper, the City's official website, or both. Publication shall be effective upon the first publication by either authorized method.

F. Actions Authorized to Effectuate this Ordinance. The Mayor is hereby authorized and directed to execute all documents necessary to effectuate the approval authorized by this Ordinance, and the City Clerk is hereby authorized and directed to attest to such execution by the Mayor where necessary. In the absence of the Mayor, the Mayor Pro Tem is hereby authorized to execute the above-referenced documents. The execution of any documents by said officials shall be conclusive evidence of the approval by the City of such documents in accordance with the terms thereof and this Ordinance. City staff is further authorized to take additional actions as may be necessary to implement the provisions of this Ordinance.

G. Enforcement. To the extent this ordinance establishes a required or prohibited action punishable by law, unless otherwise specifically provided in Englewood Municipal Code or applicable law, violations shall be subject to the General Penalty provisions contained within EMC § 1-4-1.

Introduced, read in full, and passed on first reading on the 15th day of August, 2022.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 18th day of August, 2022.

Published as a Bill for an Ordinance on the City's official website beginning on the 17th day of August, 2022 for thirty (30) days.

Read by Title and passed on final reading on the 6th day of September, 2022.

Published by Title in the City's official newspaper as Ordinance No. 41, Series of 2022, on the 8th day of September, 2022.

Published by title on the City's official website beginning on the 7th day of September, 2022 for thirty (30) days.

This Ordinance shall take effect thirty (30) days after publication following final passage.

Othoniel Sierra, Mayor

ATTEST:

Stephanie Carlile, City Clerk

I, Stephanie Carlile, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by Title as Ordinance No. 41, Series of 2022.

Stephanie Carlile