

ORDINANCE NO. 119, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 4-94 OF THE CODE OF THE CITY OF FORT COLLINS
REGARDING ANIMAL DISTURBANCE OF PEACE AND QUIET

WHEREAS, over the years, City staff has received numerous complaints regarding the enforceability of City Code Section 4-94 on animal disturbance of peace and quiet; and

WHEREAS, based upon those complaints, and after consulting with the animal control staff at the Larimer Humane Society, staff recommends modifying Section 4-94 to better guide enforcement, prosecution, the public and the Municipal Court in managing the problems created by barking dogs and other animal disturbances; and

WHEREAS, staff recommends modifying the definition of unreasonable noise to include factors to be taken into consideration such as time of day, duration of noise, and noise level when making a determination as to what constitutes unreasonable noise; and

WHEREAS, staff further recommends adding a provision stating a citation will only be issued in the event that the party complaining about noise signs an affidavit or verifies in writing the allegations of the complaint, to put the public on notice that this will be a requirement for enforcement; and

WHEREAS, the City Council has determined the recommended changes are in the best interests of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 4-94 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-94. - Animal disturbance of peace and quiet prohibited.

(a) No owner or keeper of an animal shall permit such animal to make unreasonable noise or disturb the peace and quiet of any person by barking, whining, howling, yowling, squawking or making any other noise in an excessive, continuous or untimely fashion, whether the animal is on or off the owner's premises.

(b) For purposes of this Section, *unreasonable noise* shall mean any sound of such level and duration as to be, or tend to be, injurious to human health or welfare, or which would unreasonably interfere with the enjoyment of life or property. The following factors shall be taken into consideration when determining unreasonable noise:

- (1) time of day;
- (2) duration of noise;
- (3) noise level;
- (4) any other factors tending to show the magnitude and/or disruptive effect of the noise.

(c) No owner or keeper shall be deemed guilty of a violation of this Section unless the investigation of such violation was undertaken by the City because of a citizen complaint.

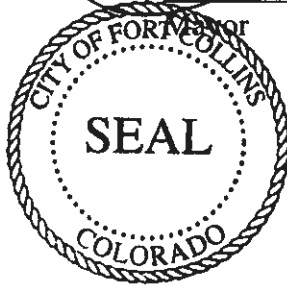
(d) If a complainant requests their identity remain confidential, such identity shall remain confidential to the extent permitted under the Criminal Justice Records Act until a citation for a violation of this Section is issued. A citation will only be issued if the complainant signs an affidavit attesting to the violation or otherwise verifies in writing the allegations of a complaint.

Introduced, considered favorably on first reading, and ordered published this 6th day of October, A.D. 2020, and to be presented for final passage on the 20th day of October, A.D. 2020.

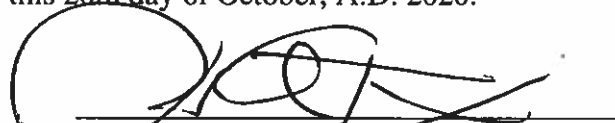


ATTEST:


City Clerk



Passed and adopted on final reading on this 20th day of October, A.D. 2020.


Mayor

ATTEST:


City Clerk / Chief Deputy

