

Sec. 14-75. - Unlawful keeping of pit bulls.

- (a) *Prohibited.* It shall be unlawful for any person to have, own, possess, keep, exercise control over, maintain, harbor, transport, or sell within the city any pit bull.
- (b) *Definitions.*
- (1) "Immediate family" for purposes of this chapter, includes the owner's spouse, child, parent or sibling.
 - (2) "Handler" for purposes of this chapter, means an individual with a disability who is utilizing a service dog, as that term is defined in this chapter, to do work or perform tasks directly related to the individual's disability. If over the age of 18, the handler must also be the owner of the service dog. If under the age of 18, the handler's legal guardian must be the owner of the service dog.
 - (3) "Muzzle" for purposes of this chapter, shall mean a restraining device made of metal, plastic, leather, cloth or a combination of these materials that, when fitted and fastened over a snout/mouth/head, prevents the dog from biting but allows room for the dog to breath and pant. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.
 - (4) "Pit bull" for purposes of this chapter, is defined as any dog that is an 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.
 - (5) "Secure temporary enclosure" for purposes of this chapter, is a secure enclosure used for purposes of transporting a pit bull and which includes a top and bottom permanently attached to the sides except for a "door" for removal of the pit bull. Such enclosure must be of such material and secured with a keyed or combination lock so that the pit bull cannot exit the enclosure on its own.
 - (6) "Secure pen or enclosure" for the purposes of this chapter, shall mean a six-sided structure designed to prevent entry of a child or escape of a pit bull. Such pen or structure must have minimum dimensions of five-feet by ten-feet per animal housed within and must have secure chain-link sides, a secured top and a secure bottom. The enclosure must provide protection from the elements for the dog. All structures erected to house a pit bull must comply with all zoning and building ordinances and regulations of the city and shall be kept in a clean and sanitary condition. The gate of the pen or enclosure shall be secured with a keyed or combination lock.
 - (7) "DNA testing" DNA (Deoxyribonucleic Acid) is the genetic blueprint that contain most of the genetic instructions for every canine's body make up (height, weight, size etc.). DNA testing

means a genetic analysis to identify key single-nucleotide polymorphisms marker locations (genetic markers) that may detect the breed, type and variety of a dog and may show the ancestral breed composition of a particular dog.

- (8) "DNA test evidence" an owner may, at the owner's expense, submit a DNA sample of a dog to a veterinarian or other professional to test for the genetic history of a dog. Such test should look for the genetic markers for the following breeds: American Pit Bull Terrier, American Staffordshire Terrier, and Staffordshire Bull Terrier. In order to be considered a pit bull the DNA testing must demonstrate a genetic blueprint of excess of 50 percent of pit bull. The DNA test results shall constitute evidence which the court may consider in establishing that a dog is other than a breed banned by this section. DNA testing results shall override any subjective evidence including observational findings to the contrary. If an owner indicates to a judge that a DNA test will be performed, the court may issue appropriate orders as to the release of the dog with any additional conditions that the court believes will minimize any danger to the community during the pendency of the testing and obtaining the results.
- (c) *Exceptions.* The prohibition in subsection (a) shall not apply in the following enumerated circumstances. Failure by the owner to comply and remain in compliance with all of the terms of any applicable exception may subject the pit bull to immediate impoundment and disposition.
 - (1) The owner of a pit bull who has applied for and received a pit bull license and who maintains the pit bull at all times in compliance with the pit bull license requirements of subsection (d) of this section and all other applicable requirements of this chapter, may keep a pit bull within the city.
 - (2) The animal care division may temporarily transport and harbor any pit bull for purposes of enforcing the provisions of this chapter.
 - (3) Any veterinarian while treating or grooming a pit bull, or holding such pit bull after treatment until claimed by the owner or released to an animal care officer.
 - (4) A person may temporarily transport into and hold in the city a pit bull only for the purpose of showing such pit bull in a place of public exhibition, contest or show sponsored by a dog club association or similar organization. However, the sponsor of the exhibition, contest, or show must receive written permission from the city manager or designee, must obtain any other permits or licenses required by city ordinance, and must provide protective measures adequate to prevent pit bulls from escaping or injuring the public. The person who transports and holds a pit bull for showing shall, at all times when the pit bull is being transported within the city to and from the place of exhibition, contest, or show, keep the pit bull confined in a secure temporary enclosure locked with a keyed or combination lock and bearing a caution sign affixed in a conspicuous location warning people a pit bull is confined within.
 - (5) The owner of a pit bull may temporarily transport the pit bull through the city. During such transport the owner may not stop within the city for any reason not reasonably related to and necessary for travel. During such travel, the owner shall keep the pit bull muzzled and either

in a secure temporary enclosure or securely leashed with a leash no longer than four feet in length held by someone 21 years of age or older who is capable of effectively controlling the dog. Extension-style leashes may not be used. Leashes may not be attached to inanimate objects.

- (6) The owner/handler of a pit bull that is the handler's service animal who has applied for and received a pit bull license in accordance with subsection (d) of this section, and who maintains the pit bull at all times in compliance with the pit bull license requirements of subsection (d) of this section and all other applicable requirements of this chapter, may keep a pit bull that is a service animal within the city. If an animal care division or other authorized city law enforcement officer makes contact with an owner/handler of a pit bull not licensed pursuant to this section and the owner/handler asserts that his or her dog is a service animal, the owner/handler shall be informed of this section and instructed to obtain a pit bull license pursuant to subsection (d) below within 72 hours of the initial contact. Failure to obtain a pit bull license shall result in impoundment of the dog pursuant to subsection (e) of this section.
 - (7) A non-resident owner/handler may temporarily transport into and hold in the city a pit bull that is the owner/handler's service animal for a period not exceeding two weeks. During such temporary transport or holding, the owner/handler shall keep the pit bull muzzled and securely leashed with a leash no longer than four feet in length held by the owner/handler who requires the use of the service animal. In the event the handler, because of a disability, is not able to use a muzzle or leash no longer than four feet in length, or in the event the use of a muzzle or a leash no longer than four feet in length would interfere with the service animal's safe, effective performance of work or tasks, the service animal must be otherwise under the handler's control.
- (d) *License.* The owner of a pit bull who has applied for and received a pit bull license within 60 days of the effective date of this section or the owner/handler of a pit bull that is a service animal who has applied for and received a pit bull license shall be allowed to keep such pit bull within the city. As a condition of issuance of a pit bull license, the owner shall at the time of application, comply with or otherwise provide sufficient evidence that the owner is in compliance with all of the following regulations:
- (1) The owner of the pit bull shall provide proof of a current rabies vaccination and shall pay an annual pit bull license fee to be set by city council. The annual pit bull license fee shall be waived for a pit bull that is a service animal.
 - (2) The owner of the pit bull shall keep current the license for such pit bull through annual renewal. Such license is not transferable or renewable except by the holder of the license or by a member of the immediate family of such licensee. A pit bull license tag will be issued to the owner at the time of issuance of the license. Such license tag shall be attached to the pit

bull by means of a collar or harness which must be worn by the animal at all times, clearly visible, and shall not be attached to any pit bull other than the pit bull for which the license was issued.

- (3) The owner must be at least 21 years of age. This regulation shall be waived for a pit bull that is a service animal when the handler is between at least 18 years of age, but under 21 years of age.
- (4) The owner shall present to the city manager or designee proof that the owner has homeowner's or renter's insurance with a minimum of \$100,000.00 for liability coverage which will cover any damage or injury caused by a pit bull during the 12-month period covered by the pit bull. This regulation shall be waived for a pit bull that is a service animal.
- (5) The owner shall, at the owner's own expense, have the pit bull spayed or neutered and shall present to the city manager or designee documentary proof from a licensed veterinarian that this sterilization has been performed.
- (6) The owner shall, at the owner's own expense, have a microchip containing an identification number implanted into the pit bull. The owner shall also, at the owner's expense, register the microchip number with a national data bank and provide proof of such registration to the animal care division. The city manager or designee shall maintain a file containing the registration numbers and names of the pit bull and the names and addresses of the owners. The owner shall notify the city manager or designee of any change of address.
- (7) Except as stated below and at all times when a pit bull is at the property of the owner, the owner shall keep the pit bull confined. When outdoors, all pit bulls shall be confined in a locked secure pen or enclosure or with its owner/handler or an adult at least 21 years of age in the rear yard with the dog, and the rear yard enclosed by a six foot fence maintained in accordance with chapter 146 of this Code. A warning sign shall be affixed to the gate of the structure notifying people a pit bull is contained within. This regulation related to the warning sign shall be waived for a pit bull that is a service animal.
- (8) No pit bull may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. This regulation shall be waived for a pit bull that is a service animal.
- (9) At all times when a pit bull is away from the property of the owner, the owner shall keep the pit bull muzzled and either in a secure temporary enclosure or securely leashed with a leash no longer than four feet in length held by someone 21 years of age or older who is capable of effectively controlling the dog. Extension-style leashes may not be used. Leashes may not be attached to inanimate objects. In the event the handler, because of a disability, is not able to use leash no longer than four feet in length, or in the event the use of a muzzle or a leash no longer than four feet in length would interfere with the service animal's safe, effective performance of work or tasks, the service animal must be otherwise under the handler's control at all times when away from the property of the owner/handler in a manner relayed to

the city manager or designee at the time of licensing. This regulation and the means for controlling the pit bull may be modified and portions may be waived for service animals by the city manager or designee as determined on a case-by-case basis.

- (10) The owner shall not sell or otherwise transfer the pit bull to any person residing within the city except a member of the owner's immediate family who will then become the owner and will be subject to all of the provisions of this section.
 - (11) The owner shall immediately notify the animal care division in the event that the pit bull is loose, stolen, at-large, unconfined, has mauled, bitten, attacked, threatened, or in any way menaced another animal or human, or has died.
 - (12) The owner shall have posted at the front door entrance to the owner's property where the pit bull is kept a conspicuous and clearly legible pit bull warning sign obtained from the animal care division. This regulation shall be waived for a pit bull that is a service animal.
 - (13) No person applying for a pit bull license shall be granted a litter or fancier's permit pursuant to section 14-42 of this section for such pit bull.
 - (14) Failure to comply with any of these conditions shall result in a revocation of the license, impoundment and disposition pursuant to subsection (e) of this section.
- (e) *Impoundment.* The animal care division is authorized to immediately impound any pit bull found within the city limits which does not fall within the exceptions listed in subsection (c) or (d). If the dog is found to be an unlicensed pit bull it shall be ordered surrendered or destroyed unless the owner produces evidence deemed sufficient by the court that the pit bull is to be permanently taken out of the city. Sufficient evidence must include, but is not limited to, a notarized agreement from the person taking custody of the animal containing an address and date of transfer. Additionally, the owner must consent to an in-home inspection by the animal care division within 30 days of release for the purpose of verifying the dog's removal from the city. Prior to release, the owner must pay the cost of impoundment and microchip the dog pursuant to subsection (d) (6) of this section. If the dog is found not to be a pit bull or if the dog is found to be a service animal, the dog shall be released to the owner. Notwithstanding a finding that the dog is not a pit bull or a finding that the dog is a service animal, a dog may be impounded and the owner/handler may be held responsible for violations of this section or any other applicable state or local law, including but not limited to, the ordinances contained in chapter 14 of the Aurora Municipal Code.
- (f) *Penalty.*
- (1) Any person found guilty of violating this section with a licensed pit bull, upon conviction, could be subject to the penalty provisions of City Code section 1-13.
 - (2) Any person found guilty of violating this section with an unlicensed pit bull shall, upon conviction, be subject to the payment of a fine of not less than \$700.00. In addition to the fines stated in this subsection, a person convicted under this section may be subject to not

more than one year in jail. None of the minimum monetary fines in this subsection shall be suspended by the municipal court and the penalties in this subsection may be imposed in addition to the court-ordered destruction provided in section 14-4.

(Ord. No. 2005-84, § 1, 10-24-2005; Ord. No. 2010-55, §§ 1—4, 12-6-2010; Ord. No. 2011-11, §§ 1—8, 5-9-2011; Ord. No. 2014-23, § 3, 7-28-2014)