



Follow up on City Council's request to evaluate Commerce City's pit bull ban (Sec. 4-2011)

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August 12, 2019

Purpose

- The City Council requested a study session about the City's Current pit bull regulations to:
 - Review the circumstances leading to the ban's passage
 - Provide information about the pit bull ban, its history, pros/cons, efficacy, and enforcement
 - Evaluate the effectiveness of the ban
 - Discuss City Council's desired outcomes and provide staff direction



Background

- In 2005, the City passed Ordinance 1593 banning pit bulls from Commerce City
 - Prior to the 2005 ban, Ordinance 817 required pit bull owners to securely fence their yards.
 - Other cities had recently passed pit bull bans
 - A number of pit bull attacks on people and pets had recently occurred in the City and Metro Area
 - Public hearings sparked citizen engagement; about 40 people spoke during the adoption of Ordinance 1593

Current Commerce City Pit Bull Regulation

- It is unlawful to possess a pit bull **except:**
 - City employees as dictated by their duties
 - Transportation through the city
 - Sanctioned dog shows/exhibitions with police approval
 - Grandfathered animals
 - Service Animal distinction
- Pit bulls are defined as any dog displaying a majority of characteristics of the American pit bull terrier, American Staffordshire terrier, or Staffordshire bull terrier

Current Regional Regulatory Landscape

- Six other Colorado cities have breed specific legislation (BSL)
 - Aurora: Bans ‘restricted breeds’
 - Broomfield: Bans wolf-dog hybrids
 - Denver: Bans pit bulls
 - Fort Lupton: Bans pit bulls
 - Lone Tree: Bans pit bulls, which are defined to include many other breeds of fighting dogs
 - Louisville: Bans pit bulls



Breed Specific Legislative Trends

- Nationwide many cities passed BSL in the 1980s
 - Approximately 945 cities have BSL (as of 2016)¹
- States passed pre-emption laws in the 1990s
 - 19 states pre-empt local authority to pass BSL
 - Colorado included, but Home Rule mutes pre-emption²
- Nationwide cities are repealing BSL³
 - Approximately 333 BSLs have been repealed⁴
 - Castle Rock repealed BSL last year⁵
 - Aurora is currently debating their BSL

BSL Pros

- There is a history of pit bull attacks in the community
- Pit bulls cause more severe injuries when attacking than do other breeds¹
- Studies indicate BSL is effective at reducing dog-bite induced hospitalizations²
- BSL allows proactive enforcement

BSL Cons

- BSL unfairly targets responsible owners and animals
- Study demonstrates no significant difference in temperament of pit bulls and golden retrievers¹
- BSL results in owners hiding pit bulls, which can exacerbate health and behavior problems
- Potential abuse of service animal protections under ADA

Violations Brought to Court

Year	Pit Bull Ban (Sec. 4-2011)	Vicious Animal (Sec. 4-2010)
2019 YTD	1	8
2018	3	21
2017	6	11
2016	5	16
2015	4	24
2014	9	14
2013	3	6
2012	4	5

Alternatives

- City Council could take the following actions:
 - Continue with current regulations
 - Repeal pit bull ban entirely
 - Lift ban but regulate pit bulls (e.g. registration, enclosure requirements, microchips, etc.); Similar to local regulations prior to 2005
 - Replace ban with breed-neutral legislation (i.e. regulate any dog that shows dangerous tendencies irrespective of breed)
 - Refer decision to ballot for citizen vote



Questions and City Council Feedback

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Feedback

