

**TOWN OF NEW CASTLE, COLORADO
ORDINANCE NO. TC 2023-1**

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL AMENDING
SECTION 6.12.120 OF THE NEW CASTLE MUNICIPAL CODE.

WHEREAS, Section 6.12.120 of the New Castle Municipal Code (“Code”) prohibits any person within the Town of New Castle (the “Town”) from keeping or harboring any dog or other animal that, without provocation, by frequent, habitual or continued barking, yelping, howling or other audible sound causes an unreasonable disturbance to any person, and declares such harboring or keeping a public nuisance (the “Barking Dog Offense”); and

WHEREAS, enforcement of the Barking Dog Offense currently requires two or more complaining witnesses from separate households; and

WHEREAS, the Town finds that this requirement has had a chilling effect on complaints and enforcement of the Barking Dog Offense; and

WHEREAS, the Town Council now desires to amend Section 6.12.120 of the Code to remove the requirement of two or more complaining witnesses from separate households and instead implement a warning procedure as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated by reference herein as findings and determinations of the Town Council.

2. Amendment. The Town Council hereby amends Section 6.12.120 of the Code as follows, with added language in **bold** and underlined and removed language ~~stricken~~. Those provisions of the Municipal Code not expressly amended by this Ordinance shall remain unchanged and in full force and effect.

6.12.120 – Barking dogs.

B. ~~No summons and complaint shall be issued unless there are two or more complaining witnesses from separate households who shall have signed such complaint, nor shall there be a conviction for violation of this section unless two or more complaining witnesses from separate households shall have testified at trial.~~ **Upon receipt of a complaint of an alleged violation of this Section, the Town shall issue a written warning citing this section and describing the nature of the alleged violation. Should the Town receive a second complaint for the same dog or animal, the following penalties shall be imposed, in order of escalation:**

Second offense: \$ 25.00 fine
Third offense: \$ 50.00 fine
Fourth offense: \$ 100.00 fine

Fifth offense: up to \$1,000.00 [fine] [municipal court summons and compliant]

Complaints may be filed by any citizen of the Town or a A-code enforcement officer or police officer of the Town who has personally investigated the complaint ~~of a single complainant, or multiple complainants from a single household, and~~ **or** who has personally observed the problem behavior of the dog or other animal with regard to its frequent, habitual or continued barking, yelping or howling. ~~shall satisfy the requirement for the second complaining witness and may sign the complaint and/or give testimony to such personal observation at trial.~~ **All complaints must be signed by the complainant or the investigating officer.**

3. Severability. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

4. Effective Date. This Ordinance shall be effective 14 days after final publication pursuant to Section 4.3 of the Town Charter.

INTRODUCED on March 21, 2023, at which time copies were available to the Town Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.

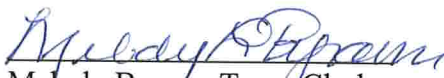
INTRODUCED a second time at a regular meeting of the Town Council of the Town of New Castle, Colorado, on April 4, 2023, 2023, read by title and number, passed without amendment, approved, and ordered published as required by the Charter.

TOWN OF NEW CASTLE, COLORADO
TOWN COUNCIL

By:


Art Riddile, Mayor

ATTEST:


Melody Byram, Town Clerk

