

**Department of
Public Health &
Environment**

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**Rules and Regulations Governing
Off-Leash Enclosures**



Approvals

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Effective Date:

April 18, 2019

RULES AND REGULATIONS GOVERNING OFF-LEASH ENCLOSURES

Statement of Basis and Purpose

These rules and regulations are adopted pursuant to Chapter 8, Article II, Section 8-16 of the Denver Revised Municipal Code ("D.R.M.C.").

The regulation and control of Off-Leash Enclosures is necessary to protect public health and safety. The purpose of these rules and regulations is to define the operational standards for Off-Leash Enclosures.

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1.0 Definitions

- A. "Accessory Use" means a subordinate use, clearly incidental and related to the primary use of land, and, unless otherwise permitted by the Denver Zoning Code and Former Chapter 59 ("the Denver zoning codes"), located on the same zone lot as that of the primary use.
- B. "Attack" means violent or aggressive physical contact with a person or animal, or violent or aggressive behavior that confines the movement of a person, including, but not limited to, chasing, cornering, or encircling."
- C. "Board" means the Board of Public Health & Environment.
- D. "City" means the City and County of Denver.
- E. "Department" means the City and County of Denver Department of Public Health & Environment.
- F. "Executive Director" means the Executive Director of the City and County of Denver Department of Public Health & Environment or the Executive Director's designee.
- G. "Off-Leash Enclosure" means an Accessory Use comprised of a designated outdoor area, located on private property, limited in usage to an exclusive set of persons (e.g., only residents of an apartment complex or patrons of a commercial business), and where dogs may run off-leash.
- H. "Operator" means the person or persons who operate an Off-Leash Enclosure on private property.
- I. "Owner" means the person or persons who own the property on which the Off-Leash Enclosure is located.

2.0 Applicability and Exemptions

A. Applicability. These Rules and Regulations Governing Off-Leash Enclosures shall apply to the construction, ownership, and operation of an Off-Leash Enclosure, except as exempted in paragraph B of this Section 2.0.

B. Exemptions. The following are exempt from these Rules and Regulations:

- 1. Unobstructed Open Space associated with (a) Single Unit Dwelling uses, (b) Two-Unit Dwelling uses (Duplex), (c) Rowhouse, and (d) Multi-Unit Dwelling uses in a building permitted under the Row House building form standards in the Denver Zoning Code. All terms in this exemption are as defined in the Denver zoning codes.

2. Off-Leash Enclosures located on the same premises as a permitted commercial Animal Sales and Service primary use, as such use is defined in the Denver zoning codes, provided the Off-Leash Enclosure is part of a business that is licensed in accordance with Section 8-111 of the Denver Revised Municipal Code.
3. Off-Leash Enclosures located on the same premises as a pet animal care facility licensed under the Colorado Pet Animal Care and Facilities Act (“PACFA”), C.R.S. § 35-80-101, *et seq.*, and applicable rules, as amended.
4. Off-Leash Enclosures approved by the City as a Temporary Use, or as part of another permitted Temporary Use, as “Temporary Use” is defined in the Denver zoning codes (e.g., pop-up dog parks either stand-alone, or as part of a larger permitted special event).

3.0 Off-Leash Enclosure Application and Approval Process

- A. Submit Off-Leash Enclosure Application. Prior to constructing, owning, or operating an Off-Leash Enclosure, the Owner or Owner’s designee must submit an application to the Department providing the following:
 1. The name and contact information of the Owner;
 2. The name and contact information of the Operator;
 3. The location of the Off-Leash Enclosure and Buffer Zone and its proximity to any public right-of-way, public park or open space, residential building, or commercial building;
 4. A depiction of the Off-Leash Enclosure and Buffer Zone clearly demarcating the total square footage of the Off-Leash Enclosure, the height and materials of the perimeter fencing, the location of the Buffer Zone in relation to the Off-Leash Enclosure, and the location of the access gates to and from the Buffer Zone and Off-Leash Enclosure; and
 5. A copy of the signage, which shall be located at each entry to the proposed Off-Leash Enclosure.
- B. Department Review of Application. The Department will review an applicant’s Off-Leash Enclosure application and will notify the applicant whether the application has been approved or denied. The Department’s approval of an Off-Leash Enclosure application does not waive the applicant’s obligation to comply with all applicable laws (e.g., zoning permits may be required for the Off-Leash Enclosure use and perimeter fence).
- C. Final Decision. The Department’s decision will be considered a final decision of the Executive Director.

4.0 Off-Leash Enclosure Access Requirements

- A. Dogs Only. No animals other than dogs are permitted in Off-Leash Enclosures.
- B. Restrictions on Certain Dogs. The following dogs are not permitted in an Off-Leash Enclosure:
 - 1. Dogs that are Dangerous Animals or Potentially Dangerous Animals as defined in Sections 8-62 and 8-63 of the Denver Revised Municipal Code;
 - 2. Female dogs currently in estrus;
 - 3. Dogs that do not have current rabies vaccination tags; and
 - 4. Dogs too young to be vaccinated against rabies.
- C. Restrictions on Persons. The following restrictions shall apply to persons within an Off-Leash Enclosure:
 - 1. Any person ten (10) years of age or younger is not permitted in an Off-Leash Enclosure.
 - 2. Any person eleven (11) to fifteen (15) years of age must be accompanied by an adult eighteen (18) years of age or older.
 - 3. Every dog must be accompanied by a person who is sixteen (16) years of age or older.
 - 4. A person may not bring more than two (2) dogs at a time to an Off-Leash Enclosure.
- D. Days and Hours of Operation of Off-Leash Enclosure. Dogs are not permitted in an Off-Leash Enclosure when the Off-Leash Enclosure is closed. Dogs are not permitted in the Off-Leash Enclosure when the Off-Leash Enclosure is dark and unlighted.

5.0 Requirements for Owners and Operators of Off-Leash Enclosures

- A. Perimeter Barrier. The Owner or Operator of an Off-Leash Enclosure shall construct and maintain a fence or other such barrier with a minimum height of five (5) feet along the entire perimeter of the Off-Leash Enclosure and Buffer Zone. An illustration is provided at Attachment A. The location of the Off-Leash Enclosure, as well as construction of the required fence or barrier, shall be constructed and maintained in compliance with all laws, including but not limited to the Denver zoning codes. An Owner or Operator of an Off-Leash

Enclosure established prior to the date on which these Rules and Regulations were adopted by the Board shall not be required to comply with this Perimeter Barrier height requirement.

- B. Buffer Zone. The Owner or Operator of an Off-Leash Enclosure shall construct and maintain a zone (“Buffer Zone”) for safe entry to and exit from the Off-Leash Enclosure. The Buffer Zone shall contain two (2) gates and an area where a person may unleash and leash his or her dog(s) upon entry to and exit from the Off-Leash Enclosure. The gates must have auto-close features so that it is not possible for a gate to be left open. See Attachment A. Off-Leash Enclosures constructed prior to the date on which these Rules and Regulations were adopted by the Board shall have a grace period of one hundred twenty (120) days to construct a Buffer Zone.
- C. Cleaning Off-Leash Enclosures. The Owner or Operator of an Off-Leash Enclosure shall be responsible for: (1) ensuring that all dog excrement, and trash are picked up, and waste containers are emptied, within the Off-Leash Enclosure and Buffer Zone; and (2) ensuring that the Off-Leash Enclosure, Buffer Zone, and perimeter barrier are regularly cleaned to reduce accumulation of dog urine and feces.
- D. Excrement Bags. The Owner or Operator of an Off-Leash Enclosure shall at all times provide dog excrement bags and covered waste containers within the Off-Leash Enclosure.
- E. Food and Beverages Restriction. The Owner and Operator shall prohibit the consumption of human food and alcoholic beverages within the Off-Leash Enclosure and Buffer Zone.
- F. Posted Rules. The Owner or Operator of an Off-Leash Enclosure shall post and maintain signage located at each entry to an Off-Leash Enclosure indicating that it is a designated Off-Leash Enclosure and listing the rules for use of the Off-Leash Enclosure. The signage shall comply with the language contained in Attachment B. Signs required under these rules may require a zoning permit prior to placement on the property.

6.0 Off-Leash Enclosure Use Requirements

- A. Conduct in Off-Leash Enclosure. Each dog owner, or person who possesses or keeps a dog on behalf of a dog owner, must be able to exercise control of the dog at all times. “Exercise control” means the ability to exert voice or whistle command over the dog. Dogs must be in view of the dog owner or person possessing or keeping the dog at all times.
- B. Leash Requirement. A person bringing a dog to an Off-Leash Enclosure must have a leash available at all times. A dog entering an Off-Leash Enclosure from outside must be kept on a leash until it is inside the Buffer Zone. A dog exiting

an Off-Leash Enclosure must be placed on a leash within the Buffer Zone before exiting the area.

- C. Dog Excrement. A dog owner, or person who possesses or keeps a dog on behalf of a dog owner, must promptly dispose of any excrement deposited in an Off-Leash Enclosure by the dog.
- D. Posted Rules. Dog owners and persons who possess or keep a dog on behalf of a dog owner must comply with all posted laws, rules and regulations.

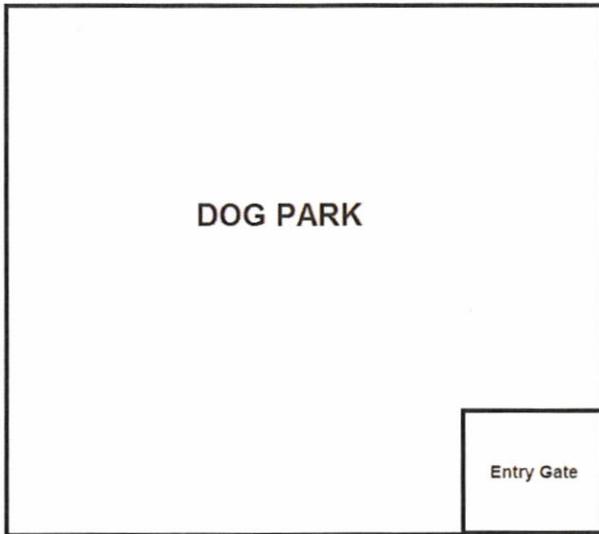
7.0 Variances

The Board may grant variances from these Rules and Regulations in accordance with Chapter 24, Article I of the D.R.M.C., and Part III of the Rules Governing Hearings Before the Board of Environmental Health.

8.0 Violations

- A. Any Owner or Operator of an Off-Leash Enclosure who violates these rules may face a maximum penalty of \$999.00 per violation and the Department may revoke its written approval authorizing Owner or Operator to operate an Off-Leash Enclosure.
- B. Any dog owner, or person who possesses or keeps a dog on behalf of a dog owner, who violates these rules may face a maximum penalty of \$999.00 per violation.

ATTACHMENT A:
DEPICTION OF OFF-LEASH ENCLOSURE
AND BUFFER ZONE



← Buffer Zone: Double gate into the dog park from outside area.

ATTACHMENT B:
OFF-LEASH ENCLOSURE SIGNAGE
REQUIREMENTS

- Children 10 years of age and younger are not permitted in the Off-Leash Enclosure.
- Children 11 to 15 years of age must be accompanied by an adult (18 years or older).
- Any person in charge of a dog must be 16 years of age or older.
- Any one person may not be in charge of more than 2 dogs at a time.
- Enter at your own risk.
- You assume full responsibility for your dog(s) and injury to any other person or dog.
- Dogs must be leashed when entering and exiting the Off-Leash Enclosure.
- A leash must be available at all times for your dog(s).
- While off leash, your dog(s) must be under your control and within view at all times.
- Dog excrement must be cleaned up immediately and disposed of properly by the dog owner.
- Dogs without a current rabies vaccination tag, female dogs in estrus, and Dangerous or Potentially Dangerous Animals as defined in Sections 8-62 and 8-63 of the Denver Revised Municipal Code are prohibited.
- For your safety, human food and alcoholic beverages in the Off-Leash Enclosure are prohibited.