

Compendium of Boulder City Council Member Hotline Questions

March 26, 2014

Questions from council member Macon Cowles:

Fundamental Questions

What is the impetus for investigating and then proposing changes to the Green Tag program? Is it primarily because in the Visitor Master Plan, we committed to doing an analysis of the success of the program at some time in the future? Or is it to address certain conflicts that have arisen on Open Space?

Staff Response:

The Voice and Sight Tag (Tag) Program was described in the 2005 Visitor Master Plan (VMP) as experimental. The program was implemented adaptively (per the guiding principles of the VMP) with the objectives of improving awareness of the requirements of voice and sight control and improving compliance with voice and sight control regulations. A monitoring component was included with the implementation of the program to provide information about whether the program was successfully achieving its objectives.

Staff evaluated changes for several reasons:

- Dog and off-leash related conflicts remain one of the top sources of conflict reported by visitors to Open Space and Mountain Parks (OSMP),
- Monitoring concluded that several compliance factors revealed results lower than standards set in the VMP and that these measures did not show decreases in conflicts over time,
- City Council identified the Tag Program among a number of overarching issues for OSMP staff review in response to concerns about the long-term sustainability of visitor services and environmental resources, and
- The Open Space Board of Trustees (OSBT) has recommended that staff examine potential enhancements to the Tag Program.

Question

Furthermore, what statistics do we have that would document Code or Rule infractions on Open Space—infractions by all users?

Staff Response:

OSMP tracks the number of citations issued by rangers. The following table summarizes the number of citations issued by rangers during 2013 for activities on OSMP.

Infraction	Number
No voice and sight control tag for off-leash dog	123
Dog off-leash in leash required area	86
Dog out of voice and sight control	73
Dogs prohibited	26
Dog at large-general	12
Camping	57

Tent Structure	41
Aggressive animal	7
Failure to remove animal excrement	7
Mountain biking prohibited	4
Failure to protect wildlife	2
Hot air balloons prohibited	2
Permit required for commercial use	3
Use of horse (livery) without a permit	1
Discharging firearm	1

Question Regarding Cost

What is the annual cost of the current Green Tag program, and how does that compare to the additional proposed cost of the revised Green Tag program?

Staff Response:

Implementing the existing Tag Program occurred over a two-year timeframe from 2005-06. After program implementation, annual program operating expenses remained fairly steady. The process to make the proposed revisions to the Tag Program will follow a similar approach with implementation occurring over a two-year period (2014-2015) then transitioning to more consistent operating expenses after implementation. The table below summarizes and compares the program implementation and ongoing annual operation expenses of the existing program with the proposed revised program. For the purposes of the cost estimate, one full time equivalent (FTE) is equal to 2,080 hrs of staff time.

	Equipment, Materials and Services	Seasonal Staff (FTEs)	Standard Staff (FTEs)
Implementation Costs			
Existing Program — Implementation (2005-2006)	\$67,800	1.3 FTEs	2.6 FTEs
Proposed Revised Program — Implementation (2014-2015)	\$201,630	4.5 FTEs	3.9 FTEs
Annual Operating costs			
Existing Program — Annual Costs Post Implementation	\$3,450	-	.5 FTE
Proposed Revised Program — Annual Costs Post Implementation	\$25,190	1 FTE	.8 FTE

The OSBT and City Council both supported a cost recovery model for the Tag Program. The three-tiered fee structure based upon residency is structured to achieve cost recovery. Increased registration fees coupled with a requirement for periodic renewal were modeled to generate program revenues adequate to cover program costs. The program cost estimates are based on information prepared for the revised program based upon a 2014 start date. Estimates may need to be adjusted to account for council-directed revisions and the later (2015) start date.

Substantial staff time is required to plan, coordinate and implement the recommended Tag Program changes. During 2014, staff will develop systems to administer the revised program and integrate information from the Tag Program with dog license information as well as to design and schedule presentations of the education session. Under the proposed recommendations, changes will become effective in 2015. After full implementation in 2015, staff predicts annual costs and staffing needs will be substantially reduced and remain relatively constant.

Staff estimates that over the two-year time frame approximately 8.4 FTEs or \$532,000 of standard and seasonal OSMP staff time will be necessary to plan, coordinate and implement the proposed program enhancements. This estimate includes approximately 4.4 FTEs (\$295,000) to prepare program changes in 2014 and 4.0 FTEs (\$237,000) for first year administration of the revised program. Implementation will be a high priority for the department, and existing staff will be assigned to assist with the Tag Program. Of the 8.4 FTEs needed during 2014 and 2015, approximately half can be allocated from existing staff, mostly standard positions. An additional 2 FTEs (\$87,000) of seasonal positions will be needed in 2014 and 2.5 FTEs (\$109,000) will be needed in 2015.

Non-personnel program costs are estimated at \$201,630 for the first two years and \$25,190 annually thereafter. These expenses include revisions to the online registration and record management system and links to the city's dog license program, space and supplies for the education sessions, new information and regulation signs, and other materials and supplies.

Question about Two Strikes

I am confused by part of the Amendment to 6-13-5, B.R.C., the text of which amendment can be found at the bottom of packet page 133. Subsection (b) provides for the loss of Green Tag privilege on the second conviction within two years of three numbered offenses. The third numbered offense which could lead to suspension of Green Tag privileges would be a dog running at large "on open space land or on other city properties where Voice and Sight Control privileges are authorized by that section."

Question:

Isn't it true that Voice and Sight Control privileges only exist on certain Open Space land, and that Voice and Sight Control privileges do not apply to City land that is not part owned or managed by Open Space?

Staff Response:

There are three city-owned lands that allow voice and sight control which are not part of the Open Space and Mountain Parks system. These lands include areas by the Boulder Reservoir, Coot Lake and the dog park at Howard Hueston Park.

Question:

Is it correct to say, then, that having an unleashed dog in a City Park where leashes are required does NOT count as a violation?

Staff Response:

Currently, this violation does count as a strike towards the suspension of privileges. Please see B.R.C. 6-13-5(a). Under the proposed ordinance, it will not count as a strike.

Question:

We have heard from so many dog guardians that they fear chasing a squirrel up a tree would cause them to lose privileges for their pet, can staff draft an exception for chasing a squirrel up a tree?

Staff Response:

Staff would like to draw attention to two points regarding concerns expressed about a dog “chasing a squirrel up a tree” and the loss of voice and sight privileges. First is a clarification of wildlife protection laws, enforcement and links to suspension of privileges. Second is a clarification of the ecological significance of wildlife protection laws.

1) Wildlife Protection Laws — The importance of protecting wildlife from dogs harassing (which includes chasing) wildlife is codified in state law, which the Boulder Revised Code parallels as shown in the table below. The state statute defines “harass”. Although city code does not include this definition, rangers base their enforcement on behavior consistent with the state definition. As well, the state definition would be presented as persuasive authority to a judge or jury if a charge were to go to trial.

Colorado Revised Statutes (C.R.S.)	Boulder Revised Code (B.R.C)
<p>33-6-128. Damage or destruction of dens or nests - harassment of wildlife</p> <p>(2) Unless otherwise allowed by commission rule or regulation, it is unlawful for any person to knowingly or negligently allow or direct a dog which he owns or which is under his control to harass wildlife, whether or not the wildlife is actually injured by such dog. Any person who violates this subsection (2) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of two hundred dollars.</p> <p>(24) "Harass" means to unlawfully endanger, worry, impede, annoy, pursue, disturb, molest, rally, concentrate, harry, chase, drive, herd, or torment wildlife.</p>	<p>8-3-5. Wildlife Protection.</p> <p>No owner or keeper of a dog shall negligently allow or direct such dog to harass wildlife or livestock, whether or not the wildlife is actually injured by such dog, within any park, recreation area, or open space, or other property of the city, including, without limitation, any street or other right of way controlled or maintained by the city. This prohibition does not apply to any lessee of such property using a working dog to control livestock on the leasehold.</p>

In the proposed changes to the Tag Program, convictions of B.R.C. 8-3-5 violations after court proceedings would cause suspension of voice and sight privileges. It is important to note that

charges for this violation must be for incidents where the guardian negligently allowed or directed a dog to harass wildlife or livestock. The standard for “negligence” is whether the dog guardian failed to exercise the degree of care that would be exercised by the ordinarily reasonable and prudent inhabitant of the city under the same or similar circumstances. Please see, BRC 1-2-1(b). Rangers issue citations for these incidents when they determine there is negligence in dog control. Moreover, guardians charged with this violation have the right to demand a trial, where the city would be required to prove this alleged negligence beyond a reasonable doubt.

Voice and sight control per the city’s code requires that a guardian must prevent their dog from engaging in the behavior of “Chasing, harassing or disturbing wildlife or livestock.” The proposed changes to the Tag Program recommend including convictions of the voice and sight control (6-1-16) offense among those offenses where two convictions in two years would cause suspension of privileges. Rangers may issue a Voice and Sight (6-1-16) violation in addition to charges for Failing to Protect Wildlife (8-3-5) or instead of charges for 8-3-5 where incidents do not meet the negligence standard required in 8-3-5 but where the guardian was unable to use voice and sight control to prevent disturbance to wildlife.

2) Significance of Dogs Chasing Wildlife —

Unlike humans and their pets, wildlife does not have the luxury of leisure time, and all activities can be crucial to their survival. Harassment or chasing disrupts required maintenance activities such as feeding, resting, tending to young, courtship or predator avoidance. It causes changes in physiology and behavior, and takes time away from these necessary activities. Dogs, which are seen as predators to wildlife, force wildlife movement. This movement causes avoidable energy expenditure and may take them outside their home territory, take them away from nests or young, advertise their location or the location of their young to a natural predator, or take them into an area where they may face a threat from other individuals of their species. This unnecessary energy expenditure may directly conflict with overwinter survival strategies, their ability to provide for their young or respond to other stressors in the environment including weather, predators or disease.

Dogs can be directly or indirectly responsible for wildlife mortality. Indirect effects may be unseen by the dogs’ human companion, but are nonetheless significant for wildlife. Cumulative stressors (i.e., deep snow, flooding, extreme weather, food shortages, low temperatures, disease) act to depress body condition. Harassment by dogs may be the (avoidable) difference between life and death for some animals, especially in already-stressed individuals.

Because wildlife potentially face so many cumulative challenges to their survival or ability to successfully reproduce, it is important for guardians to prevent the avoidable and additional stress of wildlife being chased or harassed by dogs. Avoiding this unnecessary stress will help give the wildlife the best chance to respond to natural challenges and survive while successfully raising offspring that will contribute to the next generation- leading to healthy wildlife populations on OSMP.

Question about the proposed One Year Term of the Green Tag license

What is the reason for the proposed one-year renewal term of green tags? How will that contribute to the success of the program? See p. 128.

Staff Response:

Requiring a one-year renewal for voice and sight control tags is to ensure that participants are meeting the requirement that their dogs are appropriately vaccinated against rabies while providing a consistency with dog licensing requirements. City of Boulder dog licenses must be renewed annually to ensure rabies vaccinations are current. An annual renewal also supports the need to have accurate information about program participation and participants which helps in having current contact information and reporting accurate statistics on participation numbers.

Question of meaning

I do not understand the meaning of the italicized phrase in the sentence below, found at packet page 128, in a table with the row heading, “6-13-4 Voice and Sight Control Evidence Tag Requirements”:

Requires attendance at an informational session for all guardians prior to applying for participation in the Tag Program *and within the past five years for renewing participation.*

Staff Response:

The statement “*and within the past five years for renewing participation*” refers to the proposed requirement that guardians attend the education session at least every five years.

Question of Fairness

Some dog guardians are asking why they alone are subject to losing privileges on Open Space for serial violations. What is the staff response to that?

Staff Response:

Dog guardians have the opportunity to exercise voice and sight control privileges only after agreeing to the terms and conditions of managing a dog under voice and sight control. City staff are not aware of any other municipal open space programs that allow the extensive opportunities for off leash dogs provided by the City of Boulder. This privilege comes with a need for assurances that off leash dogs are in fact under control when participating in the Tag Program. Program privileges are based on a guardian’s agreeing to the requirements of voice and sight control and complying with the program regulations. The potential for suspension of privileges is also a term of complying with the expectations of the program. The suspension of privileges has occurred with guardians who have repeatedly violated the requirements of voice and sight control or for specific circumstances of aggressive dogs. Reinstatement of privileges can be accomplished by completing a demonstration test and re-attending the education class.

The loss of voice and sight privileges does not mean that guardians can no longer be accompanied by their dogs on open space unless otherwise mandated by a judge. Even when voice and sight privileges are suspended, guardians and their *leashed* dogs are welcome on OSMP trails and properties where dogs are permitted.

Similarly, commercial use on OSMP is allowed only after a commercial use permit is obtained which dictates special terms of use. Comparable to the Tag Program, this permitted activity can be suspended for rule infractions or violating the terms of the permit.

The City of Boulder also has services or locations where privileges can be suspended for rule violations. Examples of services include the library and recreational facilities. Additionally, the Boulder Municipal Court can issue no trespass orders for specific violations and circumstances preventing a person from returning to certain areas for a specified timeframe. Example locations include the Municipal Campus, Central Park, and the Pearl Street Mall.

Question about Rabies Vaccination

Could an exception to rabies vaccination be provided for older or sick dogs, where a vet certifies that a rabies vaccination would propose a risk to the dog?

Staff Response:

The exception already exists in the code. An amendment to 6-13-4 last year allows applicants to provide proof of current rabies vaccination **as provided in section 6-1-3, “Rabies Vaccinations.”** Section 6-1-3(a) says:

6-1-3. Rabies Vaccinations.

(a) Every owner or keeper of every dog, cat, or ferret over four months of age shall maintain a current rabies vaccination on each such animal. The vaccination required in this section shall be made by a veterinarian licensed by the State of Colorado using a vaccine licensed by the United States Department of Agriculture. **The requirements of this subsection shall not apply when the applicant produces a waiver issued by a veterinarian licensed by the State of Colorado affirming that the animal is medically unable to receive the required vaccination. This waiver must have been issued by the licensed veterinarian no more than one year before the date of the alleged violation.**

Follow up questions from council member Macon Cowles:

1. If the proposed 1 and 2 strike rules were in effect during 2013, how many people would have lost GT privileges? I ask this because I am interested in whether we are catching serial violators.

Response:

An answer to this question requires a complex analysis which staff is determining if and how we can do the analysis. Staff will follow up about if we can provide the requested information.

2. People are complaining about having to re-up their GT's every year. Rabies vaccinations are available for a three year period. Are Boulder dog licenses available for a

three year period? If so, would we lose more than just current coordinates for a percentage of GT holders if the GT program enable people to get a three year GT?

Response:

Dog licenses must be renewed every year. Rabies vaccinations need to be updated every one or three years depending on the type of vaccination given.

3. *With respect to 6-13-4 that Requires attendance at an informational session for all guardians prior to applying for participation in the Tag Program, will people be able to take an on-line education course, or does this require them physically to attend a class?*

Response:

The education session (class) will require guardians to physically attend the class. It will not be available on-line. An important aspect of guardians attending the session will be the opportunity for staff and guardians to talk about the program and for guardians to get their questions answered. Having the guardian’s attend the session will develop a greater buy-in and understanding of the program expectations and requirements.

4. *The stats on ticketed violations are impressive in that so many of them appear to represent ticketing of a dog guardian. I think it would be helpful to know the facts that led to people being ticketed for an aggressive animal. I wonder if any of those were issued for a dog injuring another dog in a fight?*

Response:

The table below includes the details on several aggressive dog citations from 2013 and 2012 that involve off-leash dogs. A brief summary of the incident provides details on the nature of the incident. The incidents involving aggression towards another dog are highlighted.

DATE	INCIDENT SUMMARY	LOCATION
8/13/2013	Off leash dog charged and bit boy scout on the buttocks. Victim turned and grabbed the dog’s collar and dog bit boy’s elbow. Owner reported that dog had nipped at kids before.	Green Mountain
10/27/2013	Two dogs approached family on bicycles and leapt toward a child with teeth barred, barking and growling. Guardians denied to victims that the dogs acted aggressively even though the dogs were behind them with their backs to the dogs. Rangers observed the dogs run into field of prairie dog homes and run from hole to hole. Dog guardians “did not know their dog could not chase wildlife.” Guardians didn’t see the interaction because the dog was behind him. One dog lunged and growled at a bicyclist while Ranger was talking with guardian.	Sage and Eagle Trails

4/18/2013	Victim walking leashed dog. Off leash dog approached and bit victim's dog two separate times. Guardian attempted to call the aggressor dog several times and was unsuccessful.	Bluebell Road
05/26/2013	Victim was hiking on trail and passed guardians with 2 dogs after asking if she could pass. Dogs were off leash, ahead of guardians. As victim approached dog growled and bit victim. Dog continued growling after victim asked guardian to leash the dog. Dog lunged a second time at victim. Guardian euthanized the dog because it bit someone again after this incident.	Sanitas East Ridge Trail
12/6/2013	Parent hiking with 5-year old twin daughters. Guardian 10' from off leash dog. Dog jumped on child, knocked child to ground, continued to jump on child and repeatedly push its snout into child's face. Guardian repeatedly attempted to call dog but dog was not responsive to guardian. (Guardian has V&S tag.)	Sanitas Valley Trail
10/19/2012	Dog off leash and with no V&S tag fights with another dog. While aggressor dog was attacking guardian kept shouting stop, stop, stop but the aggressor dog did not respond to these verbal commands. Aggressor dog seized victim dog by the back of the neck and drug her into the ditch. Aggressor dog guardian jumped into ditch, leashed the dog but was unable to control the dog. Aggressor dog was trying to move his grip to the front of victim dog's throat. Victim dog guardian jumped into ditch, tried to pull dog off victim dog unsuccessfully, punched aggressor dog and finally pried the jaws open to the victim dog could escape. Victim dog and guardian injured.	Community Ditch Trail
8/23/2012	Female victim running on trail when dog ran up and bit her on left leg below knee. Dog did not have V&S tag and was off leash.	Sanitas Valley Trail
2/20/2012	Guardians walking leashed dog on trail, two off leash dogs came on trail toward them. Unleashed dogs growled and charged at humans and the dog. No guardian in sight. Guardian later came around the corner and called the aggressive dogs numerous times. Eventually the aggressor dogs ran toward him. Same guardian had been charged with aggressive animal and dog off leash 3 years prior, same location.	Sanitas Valley Trail

5. *A comment: ranger resources would be leveraged greatly by an OSMP app that permitted other people to report Open Space violations as they occur. You could receive a description, a photo and a precise location of a violation that is occurring in real time and dispatch a ranger to that area to make an assessment. Has staff considered creating such?*

Response:

There is no need to create an “app”. Any citizen can call (303) 441-3333 and ask for a Ranger to be dispatched and/or contact them. While rangers will gladly receive a photo of a violation, we do not want to encourage a confrontation as there are frequently aggressive responses between citizens and toward Rangers from angry dog owners. Rangers also have a wide range of duties and responsibilities, beyond enforcing dog regulations.

Questions from council member Mary Young:

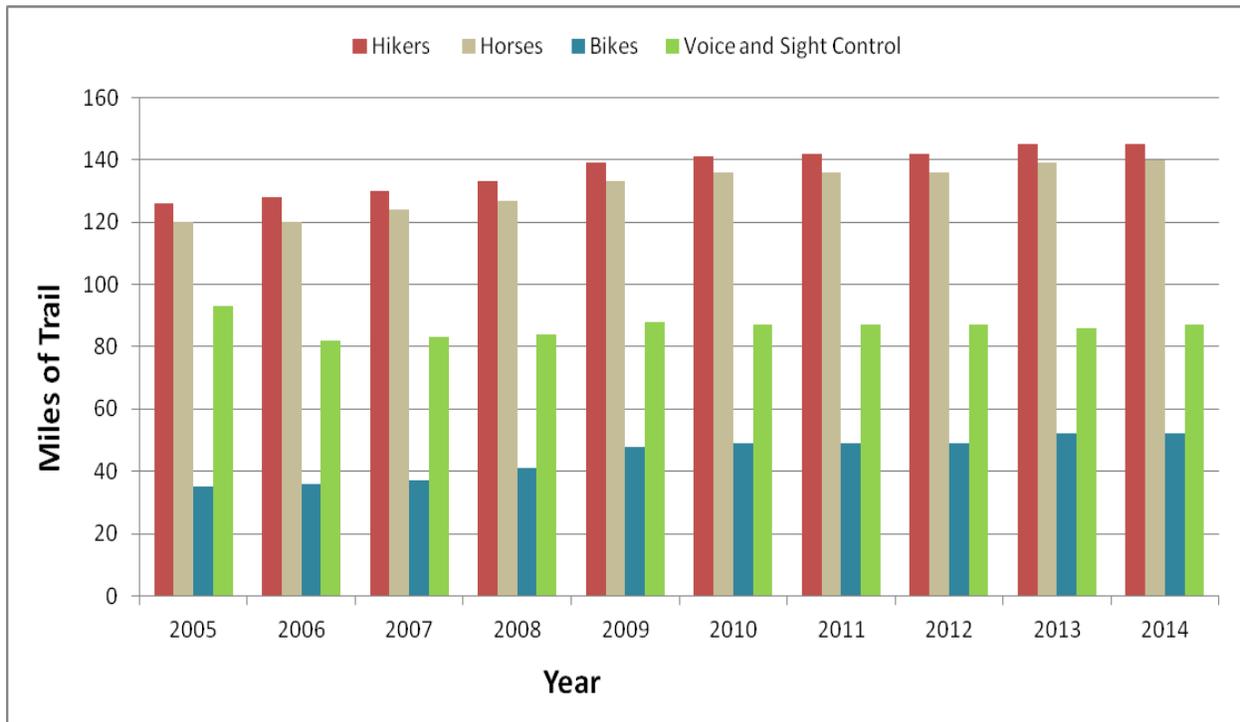
Question: 1. Would it be possible to provide annual data on the number of trails or trail miles available by user types (hikers, bikers, horses and dogs with green tag) since the inception of the green tag program or for a period long enough to identify a trend? And as a companion set of data to this, overlaid on the same graph, the cumulative number of green tags issued for the same period?

Staff Response:

The annual total of trail miles available for hikers, bikers, horses, and voice and sight control is provided below. Annual mileage totals include changes in management, new trail construction and changes to trail alignments. Mileage totals do not include trail and management changes approved in Trail Study Area plans that have not yet been implemented. The change in voice and sight control trails from 2005 to 2006 is a result of implementing several Habitat Conservation Areas and dog management changes included in the 2005 Visitor Master Plan.

Miles of trail available on OSMP for four different activities from 2005 through 2014.

Activity	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Hikers	126	128	130	133	139	141	142	142	145	145
Bikes	35	36	37	41	48	49	49	49	52	52
Horses	120	120	124	127	133	136	136	136	139	140
Voice and Sight Control Trails	93	82	83	84	88	87	87	87	86	87

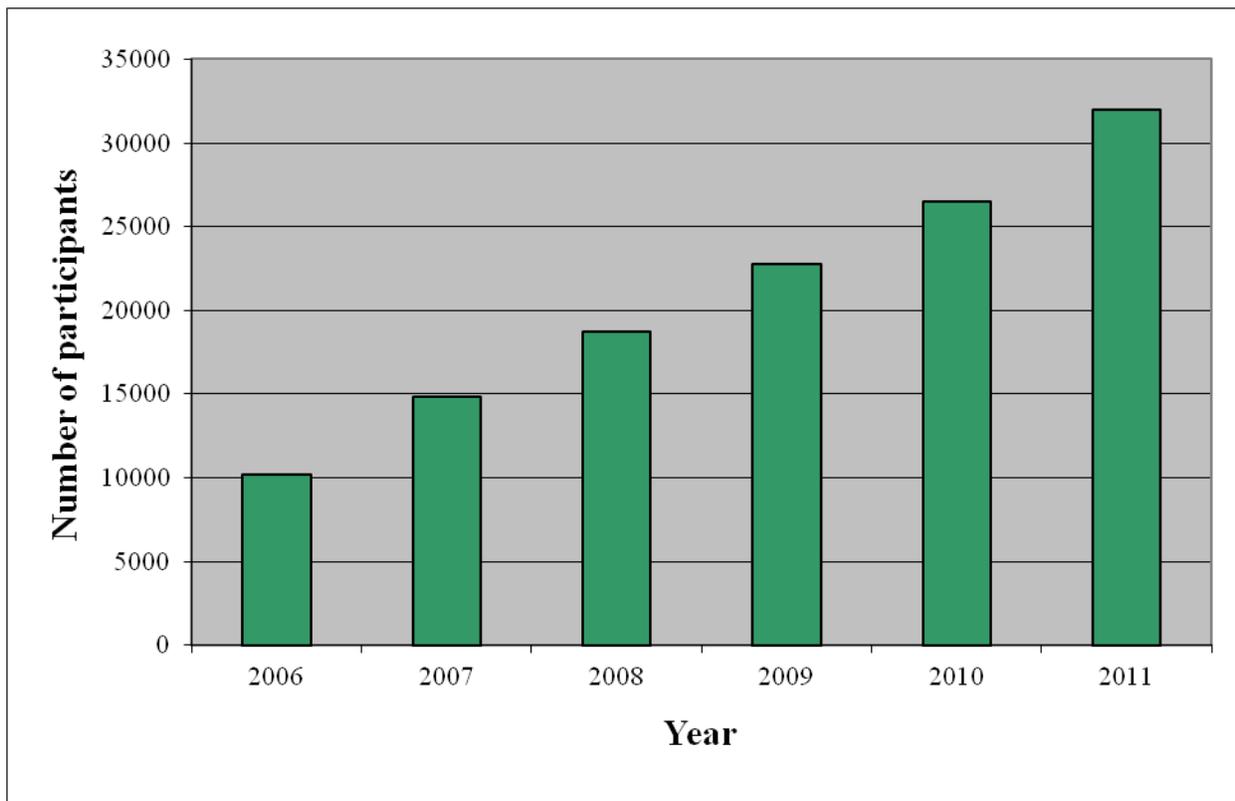


Approximately 32,000 participants from 18,000 households have registered in the Voice and Sight Program from its start in 2006 through 2011. During the same period, just over 29,000 tags have been distributed. The number of participants in the program has grown at a relatively steady rate, adding about 4,000 participants annually after the initial year, when approximately 10,000 participants registered. As of 2012, 41 percent of the households in the Tag Program are registered to mailing addresses within the City of Boulder and 59 percent are registered to addresses outside city limits.

When approved in the VMP, council wanted the program to be a one-time sign up. Consequently, the program does not include a process for updating participant information or renewing tags and it is likely that some registered participants and tags are no longer active. Some of the tags may include replacement tags and do not accurately represent the number of dogs participating in the program. Therefore staff believes the number of participants and households registered, or tags issued, overestimates the actual number of participants currently active in the program

Annual numbers of participation in the program were reported in the Voice and Sight Tag Program Monitoring Report after a detailed analysis of participation data. An analysis of annual numbers has not been completed for more recent years.

Number of participants in the Tag Program from the program start in 2006 through 2011.



Question: 2. Is there a definition for "aggressive animal" in the code and if not, can we provide one?

City Attorney's Response:

I am copying the code section prohibiting aggressive animals. It includes what I would consider a definition:

6-1-20. Aggressive Animals Prohibited.

(a) No person shall own or keep any aggressive animal. An aggressive animal is one that bites, claws, or attempts to bite or claw any person; bites, injures, or attacks another animal; or in a vicious or terrorizing manner approaches any person or domestic animal in an apparent attitude of attack, whether or not the attack is consummated or capable of being consummated.

(b) It is a specific defense to the charge of owning or keeping an aggressive animal that the person who was bitten, clawed, injured, or approached by the aggressive animal was:

(1) Attacking the aggressive animal or intentionally provoking the aggressive animal;

(2) Unlawfully engaging in entry into or upon a fenced or enclosed portion of the premises upon which the aggressive animal was lawfully kept or upon a portion of the premises where the aggressive animal was lawfully tethered;

(3) Engaging in unlawful entry into or unlawfully in or upon a vehicle in which the aggressive animal was confined;

(4) Attempting to assault another person;

(5) Attempting to stop a fight between the aggressive animal and any other animal; or

(6) Attempting to aid the aggressive animal when it was injured.

(c) The following specific defenses apply to the charge of owning or keeping an aggressive animal:

(1) The aggressive animal was defending itself, its young, or its guardian or keeper from an attack by another animal or a person.

(2) The animal that was bitten, injured, or attacked:

(A) had entered onto the premises of the aggressive animal; or

(B) had entered into a vehicle in which the aggressive animal was confined.

(d) Nothing in this section shall entitle a person charged with violating this section to present evidence of previous incidents involving the bitten, injured, or attacked animal.

(e) It shall not be a defense to owning or keeping an aggressive animal that the person who was attacked, bitten, injured, or approached in a vicious or terrorizing manner was a peace officer.

(f) For the purposes of this section, a person is lawfully upon the premises of a guardian or keeper when such person is on said premises in the performance of any duty imposed by law or by the express or implied invitation of the owner of such premises or the owner's agent.

2 (a) Follow up questions by council member Young:

Would you clarify for me the following:

(d) Nothing in this section shall entitle a person charged with violating this section to present evidence of previous incidents involving the bitten, injured, or attacked animal.

Does (d) mean that previous charges cannot be brought in as evidence? If so, how does this work with the two strike rule? Please clarify.

(f) For the purposes of this section, a person is lawfully upon the premises of a guardian or keeper when such person is on said premises in the performance of any duty imposed by law or by the express or implied invitation of the owner of such premises or the owner's agent.

Would it be possible to interpret (f), in a case involving two dogs and respective guardians, that upon invitation by a guardian to approach an animal and the other guardian plus animal approach and after doing so the approaching guardian and/or animal are/is attacked the invitation would serve as a defense for the guardian with attacking animal?

City Attorney's Response:

(d) is an evidentiary rule that prevents blaming the victim animal. It would not affect the two strike rule since it goes to the behavior of the victim.

(f) is a backwards definition of unlawfully on the premises. It is a defense if the victim was unlawfully on the premises. (f) attempts to explain that it's not a defense if the person had a legal duty to perform, e.g., a postal worker, or was there at the invitation of the guardian. The invitation would not serve as a defense, but would instead negate the defense.

Question: 3. What constitutes "protection of wildlife" and is there a definition in the code, if not, can we provide one?

Staff Response:

The table below includes both the state law with a definition for “harass” and the City of Boulder’s. Additional information is available in a Hotline response to council member Cowles’ question on this topic.

Colorado Revised Statutes (C.R.S.)	Boulder Revised Code (B.R.C)
<p>33-6-128. Damage or destruction of dens or nests - harassment of wildlife</p> <p>(2) Unless otherwise allowed by commission rule or regulation, it is unlawful for any person to knowingly or negligently allow or direct a dog which he owns or which is under his control to harass wildlife, whether or not the wildlife is actually injured by such dog. Any person who violates this subsection (2) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of two hundred dollars.</p> <p>(24) "Harass" means to unlawfully endanger, worry, impede, annoy, pursue, disturb, molest, rally, concentrate, harry, chase, drive, herd, or torment wildlife.</p>	<p>8-3-5. Wildlife Protection.</p> <p>No owner or keeper of a dog shall negligently allow or direct such dog to harass wildlife or livestock, whether or not the wildlife is actually injured by such dog, within any park, recreation area, or open space, or other property of the city, including, without limitation, any street or other right of way controlled or maintained by the city. This prohibition does not apply to any lessee of such property using a working dog to control livestock on the leasehold.</p>

Question: 4. Would it be possible to provide a table comparing fines assessed to various infractions by user group?

Staff Response:

Fines are determined after each infraction has been adjudicated through a court process. Staff is not able to summarize fines for the infractions by each user group without significant staff time dedicated to reviewing each individual citation and outcome to report this information as requested.

Question: 5. Would it be possible to review the list of the criteria for reinstatement of a green tag at second reading?

Staff Response:

The Voice and Sight Tag Program includes a process for guardians to reinstate suspended privileges by completing a demonstration test, the Voice and Sight Evaluation Test (VSET). The purpose of the evaluation test is to have a guardian and dog successfully demonstrate skills that indicate the ability to meet voice and sight control standards.

The VSET is conducted by a third party evaluator. The test is designed to determine a dog's ability to be under voice control in off-leash situations. The primary components of the test include a demonstration of the following skills:

- Walking under voice/hand control
- Meet and greet a dog
- Meet and greet a person
- Coming when called
- Reaction to wildlife

The test is on a pass/fail basis and the dog and guardian must complete the entire test and pass each skill to successfully pass the test.

In addition to successfully completing the evaluation test, the proposed ordinance would require these steps for a suspended Tag Program privilege to be re-instated:

- (1) Payment of a supplemental fee (currently \$50) established by City Manager Rule;
- (2) Providing written proof of attendance at a City of Boulder sanctioned presentation on voice and sight control of a dog;
- (3) Providing written proof of attendance at and successful completion of a voice and sight control evaluation as described, above; and
- (4) Certification by the applicant for reinstatement that he or she agrees to control any dog accompanying the guardian without a leash held by a person on certain City of Boulder lands where voice and sight control is permitted, in the manner described in the presentation on voice and sight control of a dog.

Question: 6. Do we currently communicate via email with green tag users? If not, what methods are used to communicate with licensees?

Staff Response:

OSMP has the email addresses for about 17,000 participants in the Voice and Sight Tag Program and have sent emails to the participants providing updates about the evaluation of the program and proposed changes. There has been a concerted effort over the last year to have participants update their contact information and provide emails so that staff can contact and update participants about changes to the program.

Dog licensees are mailed renewal notices each year with an information cover letter of both how to complete a license renewal and any upcoming changes to the licensing program. A utility bill insert was sent to inform Boulder residents of changes to the dog license program for 2014. The dog license program is in the process of updating the licensing software so that licenses may be applied for online by both to participating vets and dog licensees. This new on-line software will be more accessible for customers and should improve the efficiency for using emails to provide information to dog licensees. The program has an email address of doglicense@bouldercolorado.gov to receive customer emails.

