

MANITOU SPRINGS - It's not your typical neighborhood dispute - the city of Manitou Springs vs. Homer the Duck - but then, this isn't your typical community.

Amid crises such as the extreme fire danger, drought and the tourism decline, Municipal Judge Rob Lowry is scheduled today to take up the case of Homer and her quacking.

A 6-pound European buff-crested duck takes the spotlight in court as the city prosecutes Homer's owner, longtime Manitou resident Lou Smith, for a noise violation usually reserved for barking dogs.

It's not that ducks are illegal in Manitou. Homer doesn't fall on the list of banned livestock. One of Smith's neighbors has ducks, an African grey goose, chickens and two roosters.

But it seems Homer's quacking is getting on the nerves of Smith's next-door neighbor, Jan Dawson.

"All my neighbors love Homer, except one," Smith said Monday. "She's a very personable little duck."

Smith acquired Homer in August 2000 at the duck pond near the Fine Arts Center in Monument Valley Park. It was about to be released by its owner, who had raised it from an egg.

She took the golden brown duck, with its unique tufted feather head, and a child's plastic swimming pool to her home on Via Vallecito in the northeast corner of Manitou.

The duck soon settled in with Smith's two cats and became a neighborhood attraction.

"Apparently, Homer has made her way into the hearts of her admirers," said Alan Jensen, Manitou city attorney who is prosecuting the complaint. "Friends walk by and call out a greeting to Homer and she always responds sociably."

Those responses are getting Homer and Smith into trouble with Dawson, who called police several times to complain about the quacking.

Her complaints led to the city charging Smith with a noise complaint last year. The resulting hourlong trial included a petition signed by 23 neighbors supporting Homer. It ended with the judge ordering the two neighbors to work out their differences.

Smith said she has not ignored Dawson's complaints. She moved Homer's pen 190 feet from Dawson's home. She even tried to placate the duck by getting it a companion duck, Gerard.

But, as Jensen noted, that only further angered the neighbor.

"Now she has quacking going on in stereo," Jensen said.

Mediation efforts by the Neighborhood Justice Center failed to resolve the conflict, leading to today's 9:30 a.m. trial.

Dawson refused to discuss the case Monday.

"This is a trial; this is confidential," Dawson said Monday. "No one should be talking about it at this point."

And she angrily noted the city, not her, is prosecuting Smith and Homer.

"I'm just a witness," Dawson said.

She won't be the only witness.

Smith, who has lived on Via Vallecito for 27 years and describes herself as "over 60," has many neighbors who have volunteered to testify on Homer's behalf. Some have even suggested that Homer should testify.

Although people are having fun telling Homer's story, it's not a joke to Smith or Dawson.

Smith faces a possible fine of \$1,000 and 90 days in jail if convicted of a noise violation.

"It is serious," Smith said. "It's too bad, too. I really think that duck quacking doesn't warrant this."

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