

DATE: June 4, 2013
STAFF: Beth Sowder

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

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SUBJECT

Second Reading of Ordinance No. 070, 2013, Amending Section 4-196 of the City Code so as to Change the Violation of Interference with Animal Control Officers from a Civil Infraction to a Criminal Misdemeanor Offense.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on May 21, 2013, changes City Code Section 4-196 from a civil infraction to a criminal misdemeanor. On February 19, 2013, City Council adopted Ordinance No. 021, 2013, amending Chapter 4 of the City Code decriminalizing certain offenses related to the care and keeping of animals. This change was intended to include all animal offenses that constitute neighborhood nuisances. After further deliberation, Animal Control recommends keeping the section pertaining to interference with an animal control officer as a criminal misdemeanor. Staff recommends changing this Code section from a civil infraction to a criminal misdemeanor.

STAFF RECOMMENDATION

Staff recommends adoption of this Ordinance on Second Reading.

ATTACHMENTS

1. First Reading Agenda Item Summary without attachments - May 21, 2013

DATE: May 21, 2013
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AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

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SUBJECT

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EXECUTIVE SUMMARY

On February 19, 2013, City Council adopted Ordinance No. 021, 2013, amending Chapter 4 of the City Code decriminalizing certain offenses related to the care and keeping of animals. This change was intended to include all animal offenses that constitute neighborhood nuisances. After further deliberation, Animal Control recommends keeping the section pertaining to interference with an animal control officer as a criminal misdemeanor. Staff recommends changing this Code section from a civil infraction to a criminal misdemeanor.

BACKGROUND / DISCUSSION

On February 19, 2013, City Council amended Chapter 4 of the City Code, decriminalizing certain offenses related to the care and keeping of animals. Staff identified the Code sections that were to remain criminal misdemeanors, and the rest of Chapter 4 was decriminalized, making those offenses civil infractions. Staff identified provisions that should remain criminal misdemeanors (i.e., primarily the cruelty to animals and dangerous animals sections). After further deliberation, Animal Control recommends keeping the section pertaining to interference with animal control officers as a criminal misdemeanor and staff agrees with that recommendation.

Staff believes that conduct rising to the level of interference with Animal Control Officers should be treated as a criminal misdemeanor offense. Staff recommends changing the violation of interference with animal control officers from a civil infraction to a criminal misdemeanor.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

COPY

ORDINANCE NO. 070, 2013
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 4-196 OF THE CODE OF THE CITY OF FORT COLLINS
SO AS TO CHANGE THE VIOLATION OF INTERFERENCE WITH
ANIMAL CONTROL OFFICERS FROM A CIVIL INFRACTION TO A CRIMINAL
MISDEMEANOR OFFENSE

WHEREAS, on February 19, 2013, City Council adopted Ordinance No. 021, 2013 which amended Chapter 4, Article II of the City Code decriminalizing certain offenses related to the care and keeping of animals; and

WHEREAS, interference with animal control officers was included within those offenses that were decriminalized; and

WHEREAS, City staff believes that conduct rising to the level of interference with animal control officers should be treated as a criminal misdemeanor offense; and

WHEREAS, City staff is recommending changing the violation of interference with animal control officers from a civil infraction to a criminal misdemeanor; and

WHEREAS, the City Council believes that it would be in the best interests of the City to amend City Code Section 4-196 changing the violation of interference with animal control officers from a civil infraction to a criminal misdemeanor.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 4-196 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-196. Generally.

Any person found guilty of violating any provision of this Chapter, except Sections 4-70, 4-74, 4-95, 4-96, 4-97, 4-119, 4-157, and 4-177 whether by acting in a manner declared to be unlawful or by failing to act as required, commits a civil infraction and is subject to the penalty provisions of Subsection 1-15(f). Any person who violates Sections 4-70, 4-74, 4-95, 4-96, 4-97, 4-119, 4-157, or 4-177 commits a misdemeanor criminal offense and is subject to a penalty or imprisonment, costs and fees and any other orders imposed in accordance with § 1-15.

Introduced, considered favorably on first reading, and ordered published this 21st day of May, A.D. 2013, and to be presented for final passage on the 4th day of June, A.D. 2013.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 4th day of June, A.D. 2013.

Mayor

ATTEST:

City Clerk