

AGENDA ITEM SUMMARY FORT COLLINS CITY COUNCIL	ITEM NUMBER: 15 DATE: June 1, 2004 STAFF: Gary Perman
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SUBJECT

First Reading of Ordinance No. 083, 2004, Amending Various Sections of Chapter 4 of the City Code Pertaining to Animals.

RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

EXECUTIVE SUMMARY

Staff has performed a comprehensive review of Chapter 4 of the City Code pertaining to animals in an effort to refine and update the animal code. This process began in early 2002 and has culminated in the proposed amendments in the Ordinance. Specifically the amendments will:

- Change the organization name from Humane Society for Larimer County to Larimer Humane Society.
- Add a section to allow an owner or keeper to be charged a fee set by the City Manager when an animal is impounded or confined and boarded by the Humane Society and allow collection of that fee through restitution or other means provided by law.
- Make unlawful the transportation or confinement of an animal in a manner that endangers the animal's health or life.
- Prohibit the possession of certain additional species of wild or exotic animals.
- Allow an exception to the prohibition against animals at large for animals in designated areas such as dog parks and add a section requiring fences used to enclose animals to be secure, adequate for the purpose and in good repair.
- Add language pertaining to the impoundment of unclaimed animals and require owners who surrender or recover impounded animals to pay impound fees set by City Manager.

ORDINANCE NO. 083, 2004
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING VARIOUS SECTIONS OF CHAPTER 4
OF THE CODE OF THE CITY OF FORT COLLINS
PERTAINING TO ANIMALS

WHEREAS, Chapter 4 of the City Code contains various provisions relating to animals within the city limits; and

WHEREAS, contacts between the citizens of the Fort Collins and animals, both domestic and wild, are becoming more frequent as the City grows; and

WHEREAS, the provisions of the Code dealing with animal control need to be revised to reflect current community needs; and

WHEREAS, City staff and employees of the Humane Society have prepared proposed revisions to Chapter 4 of the Code; and

WHEREAS, the City Council believes it to be in the best interests of the City to adopt the revisions recommended by City staff and the Humane Society.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the definition of "*Humane Society*" contained in Section 4-1 of the Code of the City of Fort Collins is hereby amended to read as follows:

Humane society shall mean the ~~Humane Society for Larimer County,~~
~~Inc.~~ **Larimer Humane Society**, Fort Collins, Colorado.

Section 2. That Section 4-52 of the Code of the City of Fort Collins is amended by the addition of a new subsection (g) to read in its entirety as follows:

Sec. 4-52. Reporting animal bites; confinement.

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(g) Any owner or keeper whose animal is confined pursuant to this Section shall pay a confinement and daily boarding fee as established by the City Manager upon recommendation of the director or operator of the animal shelter plus all actual veterinary costs incurred on behalf of the animal. Said fees and costs may be collected through court-ordered restitution or in any other manner provided by law.

Section 3. That Section 4-70(b) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-70. Improper care or treatment prohibited.

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(b) No person shall beat, cruelly ill-treat, torment, overload, overwork, otherwise abuse or needlessly kill an animal or cause, instigate or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans, nor shall any person transport or confine an animal in or upon any vehicle in a ~~cruel or reckless~~ such a manner as to endanger the animal's health or life.

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Section 3. That Section 4-73(a) and (b) of the Code of the City of Fort Collins are hereby amended to read as follows:

Sec. 4-73. Limitation on possession and feeding of wild or exotic animals.

(a) No person shall own or feed, ~~or possess~~ any animal for which a state license is required unless such person possesses the appropriate license from the state Division of Wildlife.

(b) No person shall keep any wild or exotic animal within the city unless such possession is authorized by federal or state law. Notwithstanding the foregoing, in no event shall any person keep or feed the following within the city:

- (1) Bears;
- (2) Any species of feline, ~~including exotic cat/domesticated cat crossbreeds,~~ other than ordinary domesticated house cats;
- (3) Skunks;
- (4) Poisonous or venomous amphibians or reptiles;
- (5) Raccoons, ~~porcupines, badgers, or other similar species, except ferrets or minks, except as permitted~~ unless authorized under a state wildlife rehabilitation license;
- (6) Deer;
- (7) Any wolf, coyote, or fox;
- (78) Any species of nonhuman primate, but excluding animals imported under authority of state or federal law; and

(89) Wild geese or ducks, except as permitted under a state wildlife rehabilitation license.

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Section 4. That Section 4-93 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-93. Animals at large prohibited.

(a) All pet animals, except birds, shall be kept under restraint. It shall be unlawful for the owner or keeper of any pet animal, except birds, to permit such animal to be at large in the city **except in areas designated or signed for animals to be at large, such as dog parks**. The following shall be exempt from this prohibition:

- (1) Dogs under the control of a public law enforcement agency.
- (2) Dogs not under restraint in a city natural area or recreation area pursuant to an applicable permit issued under Article IX or Article X of Chapter 23.
- (3) Dogs under the control of city employees or contractors when used for maintenance or management activities in city recreation areas, as defined in § 23-202.

(b) All pet birds within the city shall be kept under physical control at all times. For the purposes of this subsection, *physical control* shall not require the use of a leash, lead or tether, but shall require that the owner or keeper of said pet bird be able to immediately control the bird, physically or verbally, so that the bird does not present a threat to the safety of persons or property.

(c) All female animals in heat shall be kept inside a building or within a fence or other enclosure which limits the animal to a particular premises, so that the animal cannot come into contact with a male animal except for a planned breeding. When allowed outside to relieve itself, said animal shall be under the observation of the owner or keeper.

(d) Doves and pigeons kept as pets shall be exempt from the provisions of this Division.

(e) Fences which are intended as enclosures for any animal shall be securely constructed, adequate for the purpose, and kept in good repair.

Section 5. That Section 4-96(b)(7) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-96. Vicious animals prohibited.

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(7) Attempting to capture the animal in the absence of the owner or keeper, with the exception of a peace officer, firefighter, animal control officer or other code enforcement officer in the performance of his or her duty.

Section 6. That Section 4-137 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-137. Notice of impoundment.

If, by tags or other identification attached to the animal or any other information given to the animal shelter, the owner of an impounded animal can be identified, an animal control officer or other animal shelter representative shall, immediately upon impoundment, notify the owner of such impoundment by telephone, electronic mail, U.S. or mail or written notice posted conspicuously upon the owner's last known residence as shown by humane society records.

Section 7. That Section 4-138 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-138. Minimum time for impoundment of unclaimed animals.

(a) Unclaimed animals shall be kept at an animal shelter or other appropriate location for not less than five (5) days unless euthanasia prior to that time is deemed necessary or appropriate by the veterinarian advising the animal shelter personnel.

(b) A pet animal without identification, including but not limited to a microchip or collar, may be held for only three (3) days if the animal shelter supervisor determines that the shelter has no additional resources for such pet animal or determines that such pet animal is dangerous.

(c) For purposes of this Section, "days" shall mean days during which the animal shelter is open to the public.

Section 8. That Section 4-140 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-140. Reclaiming Impound fees.

(a) An owner or keeper reclaiming an impounded animal shall pay an impound fee ~~plus~~ **and** a daily boarding fee, both as established by the City Manager upon recommendation of the operator of the animal shelter, **plus all actual and necessary veterinary costs incurred on behalf of the animal**. The amount of the impound fee may depend upon the type of animal involved, its age, its licensing status and whether it has been impounded more than once in a twelve-month period. **No owner or keeper may reclaim an impounded animal until he or she has paid the impoundment fee, boarding fees, and veterinary costs.**

~~(b) An owner or keeper reclaiming an impounded animal which is not validly licensed as required by this Chapter must license the animal and present evidence thereof to the animal shelter prior to reclaiming the animal. If the animal does not have a current rabies tag, the owner or keeper shall present a current rabies vaccination certificate for such animal issued by a licensed veterinarian prior to reclaiming the animal. If the owner or keeper cannot provide current rabies and/or licensure, the owner may place a cash deposit of fifty dollars (\$50.) with the animal shelter, to be refunded upon presenting, within seven (7) days thereafter, proof of current rabies vaccination and license. If proof of current rabies vaccination and licensure is not provided within said seven (7) days, the deposit shall be forfeited and shall become the property of the animal shelter.~~ **It is unlawful for an owner or keeper of any impounded animal to fail to pay all fees and charges incurred as a result of the impoundment. Failure to reclaim an animal prior to a determination that the animal has become property of the city or its designated animal shelter as set forth in § 4-141 of this Code shall not relieve the owner or keeper of the impounded animal of the responsibility to pay all impound fees and costs incurred prior to said determination. Payment of said fees and costs shall be due within fifteen (15) days of receipt of a written notice for fees and costs due. Notice shall be delivered in the same manner as a notice of impound as set forth in § 4-137 of this Code. The humane society is authorized to collect said fees as court-ordered restitution or in any other manner allowed by law or equity.**

(c) An owner or keeper reclaiming an impounded dog or cat must present satisfactory proof of vaccination for rabies and a valid license to the animal shelter prior to reclaiming the dog or cat. An owner or keeper reclaiming an impounded dog or cat which is not validly licensed must license the animal. If proof of vaccination and license cannot be provided, the animal shelter shall release the impounded dog or cat to the owner or keeper with the requirement that satisfactory proof of vaccination and license shall be furnished by the owner or keeper within forty-eight (48) hours after release.

(d) The animal shelter may waive any and all fees and costs other than the vaccination and licensing which are required under the provisions of this Article if the animal shelter supervisor determines that the payment of such fees would create undue hardship.

Section 9. That Section 4-141 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-141. Adoption or disposal of unclaimed animals.

Any animal not reclaimed by its owner within ~~five (5) days~~ **the period of time set forth in § 4-138 of this Code** shall become the property of the city or humane society and ~~shall~~ **may** be placed for adoption in a suitable home or humanely euthanized. In disposing of unclaimed animals, it shall be **un**lawful for the city or humane society to surrender them to any hospital or ~~reputable~~ institution of learning for use in research.

Section 10. That Section 4-142 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-142. Sterilization of adopted animals required.

No ~~unclaimed~~ dog or cat shall be released for adoption without being sterilized or without a written agreement from the adopter guaranteeing that such animal will be sterilized within a certain period of time after the date of release. It shall be unlawful for the adopter to violate the terms of such written agreement.

Introduced and considered favorably on first reading and ordered published this 1st day of June, A.D. 2004, and to be presented for final passage on the 15th day of June, A.D. 2004.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 15th day of June, A.D. 2004.

Mayor

ATTEST:

City Clerk