

AGENDA ITEM SUMMARY

City Council



STAFF

Marcy Yoder, Neighborhood Services Manager

SUBJECT

First Reading of Ordinance No. 148, 2024, Updating Section 4-142 of the Code of the City of Fort Collins Regarding Sterilization of Adopted Animals to Align with State Law.

EXECUTIVE SUMMARY

The purpose of this item is to update the local Fort Collins Animal Code to align with Colorado Revised Statutes (C.R.S.) Section 35-80-106.4.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

There is a potential conflict between the City's animal sterilization requirement exemption, City Code Section 4-142, and state law, C.R.S. § 35-80-106.4. State law expressly authorizes local governments to adopt stricter requirements than the State, but there is nothing that allows local governments to enforce looser requirements.

The animal sterilization requirements under City Code could be interpreted as less strict than the State requirements, since the Code contains an exception to mandatory sterilization not found in the statute. Code Section 4-142 currently allows exemption from the sterilization requirement when there is a written agreement between an animal shelter and a party adopting a pet guaranteeing that the animal will be sterilized within a certain period of time after the date of release.

This exemption does not fall within any of the sterilization exemptions under State law and could unintentionally increase the risk of uncontrolled animal reproduction. Staff recommends updating the exemptions in City Code to align with the State law exemptions, as set forth in the proposed ordinance.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance for Consideration