

# AGENDA ITEM SUMMARY

City Council



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## STAFF

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Marcy Yoder, Neighborhood Services Manager

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## SUBJECT

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**Second 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.**

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## EXECUTIVE SUMMARY

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This Ordinance, unanimously adopted on First Reading on October 15, 2024, updates the local Fort Collins Animal Code to align with Colorado Revised Statutes (C.R.S.) Section 35-80-106.4.

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## STAFF RECOMMENDATION

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Staff recommends adoption of the Ordinance on First Reading.

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## BACKGROUND / DISCUSSION

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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.

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## CITY FINANCIAL IMPACTS

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None.

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## BOARD / COMMISSION / COMMITTEE RECOMMENDATION

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None.

## **PUBLIC OUTREACH**

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Staff worked with the NOCO Humane Society on these code changes. They stated that it is already their practice and the practice of adoption organizations not to adopt animals until they are spade or neutered. This code should not have an impact on animal adoption agencies' current practices.

## **ATTACHMENTS**

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1. Ordinance for Consideration