

## ORDINANCE NO. 1136

### AN ORDINANCE OF THE CITY OF FORT MORGAN, COLORADO AMENDING CHAPTER 7 ARTICLE 2 OF THE FORT MORGAN MUNICIPAL CODE TO PROHIBIT DOGS IN THE FORT MORGAN CEMETERY

**WHEREAS**, the City has allowed for the Fort Morgan Cemetery to be open to the public and allowed dog owners to walk dogs in and through the cemetery; and

**WHEREAS**, canine excrement has routinely been left upon the cemetery grounds in violation of the Fort Morgan Municipal Code § 7-2-60; and

**WHEREAS**, the feces left behind are a blight and disrespectful to the purpose of a cemetery; and

**WHEREAS**, the Fort Morgan City Council finds and determines that this Ordinance is necessary for the preservation of the public peace, safety, and welfare.

**THEREFORE, BE IT ORDAINED BY THE COUNCIL OF FORT MORGAN,**

**Section 1:** The Fort Morgan Municipal Code Chapter 7 Article 2 is hereby amended by the addition of the following:

#### SECTION 110: PROHIBITION OF ANIMALS ON CERTAIN CITY PROPERTY

NO OWNER OR PERSON HAVING AN ANIMAL IN HIS OR HER CARE, CHARGE, CONTROL, CUSTODY OR POSSESSION, WHETHER LEASHED OR UNLEASHED, EXCEPT A DISABLED PERSON USING AN ASSISTANCE DOG, SHALL PERMIT OR ALLOW THE ANIMAL TO DO THE FOLLOWING:

- (1) ENTER UPON OR REMAIN UPON PROPERTY UTILIZED BY THE CITY OF FORT MORGAN FOR THE FORT MORGAN CEMETERY AT ANY LOCATION WITHIN THE JURISDICTION OF THE CITY EXCEPT WHEN THE ANIMAL IS IN ATTENDANCE AT A FUNERAL SERVICE.

**Section 2. Validity.** If any part or parts or this Ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part hereof irrespective of the fact that any one part or parts be declared invalid.

**Section 3. Repeal.** All or parts of Ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any Ordinance hereby repealed prior to the effective date of this Ordinance.

**Section 4. Interpretation.** This Ordinance shall be so interpreted and construed as to effectuate its general purpose. Article and section headings of the Ordinance shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any Article or Section thereof.

**Section 5. Certification.** The City Clerk shall certify to the passage of this Ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

**Section 6. Severability.** In the event any part of this Ordinance is found to be unenforceable by a Court of competent jurisdiction, it shall not affect the enforceability of the other portions of the Ordinance.

**Section 7. Effective date.** The City Council hereby finds, determines, and declares that this ordinance is necessary for the immediate preservation of the public peace, health, and safety. This amendment to Chapter 7 Article 2 shall be effective five (5) days after final publication of this ordinance.

**INTRODUCED, READ, ADOPTED ON FIRST READING AND ORDERED PUBLISHED** on the 2nd day of April, 2013.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[SEAL]

/s/ Terry L. McAlister

By: Terry McAlister  
Mayor

Attest:

/s/ John J. Brennan

John Brennan  
City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED this 16th day of April, 2013.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[SEAL]

/s/ Terry L. McAlister

By: Terry McAlister  
Mayor

Attest:

/s/ John J. Brennan

John Brennan  
City Clerk

STATE OF COLORADO )  
COUNTY OF MORGAN ) ss. **CERTIFICATE**  
CITY OF FORT MORGAN )

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing **Ordinance No. 1136** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 2nd day of April, 2013. Said ordinance, as proposed, was duly read at

length at said meeting, and thereafter the same was, on the 6th day of April, 2013, published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed ordinance was again taken up and read a second time, duly and legally passed, approved and adopted at a regular meeting of the City Council held on the 16th day of April, 2013. Within five (5) days after its final passage, said **Ordinance No. 1136** was published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.

/s/ John J. Brennan

John Brennan

City Clerk