

## ORDINANCE NO. 1235

### AN ORDINANCE AMENDING THE FORT MORGAN MUNICIPAL CODE CONCERNING LICENSING AND IDENTIFICATION OF PET ANIMALS

**WHEREAS**, the City of Fort Morgan, Colorado (the "City"), is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution; and

**WHEREAS**, the City Council (the "Council") has authority pursuant to the Home Rule Charter and C.R.S. §31-16-101, et seq. to adopt and enforce all ordinances; and

**WHEREAS**, pursuant to that authority, the City has previously enacted Chapter 7 of Fort Morgan Municipal Code (the "Code") regarding animals and fowl; and

**WHEREAS**, the purpose of this Chapter was and continues to be to protect the public health, safety and welfare of the residents of the City by prescribing certain conditions and establishing uniform regulations to prevent, control and limit health hazards to the community; and

**WHEREAS**, the probability of spreading certain diseases, and the financial cost to the community to control such health hazards significantly increases when pet animals are not spayed or neutered; and

**WHEREAS**, the Council recognizes that a general pet animal licensing program will promote responsible pet ownership and animal welfare; and

**WHEREAS**, the Council also recognizes the importance of updating its vaccination requirements for the benefit of the community safety, health and welfare; and

**WHEREAS**, the Council therefore desires to adopt the below referenced Code amendments to Chapter 7, including the addition of a new Article 4 to Chapter 7 to the Fort Morgan Municipal Code to exercise its authority to license pet animals and identify pet animals to preserve and protect the public health, safety and welfare of the residents of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT MORGAN, COLORADO**, as follows:

**SECTION 1.** The Fort Morgan Municipal Code section 7-1-20, concerning Definitions, is hereby amended as follows, in the appropriate alphabetical order:

**Sec. 7-1-20. – Definitions.**

For the purposes of this Chapter, the following definitions shall apply:

...

**Pet animal shall include dogs or cats which are sold or retained as household pets.**

**SECTION 2.** The Fort Morgan Municipal Code section 7-2-410, concerning requirements for vaccinations, is hereby amended as follows:

**Sec. 7-2-410. – Required.**

It shall be the duty of every person who owns or harbors any dog or cat in the City to have such dog or cat inoculated for rabies by a person authorized to do so. The inoculation shall be valid **AND CURRENT AT ALL TIMES.** ~~for a two-year period from the day the dog or cat was last inoculated. The dog or cat shall be inoculated every two (2) years following the initial inoculation.~~

**SECTION 3.** A new Article 4, concerning Licensing and Identification, is added to Chapter 7 of the Fort Morgan Municipal Code, to read as follows:

**Sec. 7-4-10. – Pet animal license required.**

- (a) A license is required for any pet animal over the age of four months, within 30 days of acquisition of said pet animal, or within 30 days of the owner moving into the city whichever occurs last. It shall be unlawful for the owner of any such pet animal to fail to obtain such license.
- (b) Application for such license shall be made to the Fort Morgan Humane Society or such agents as designated by the Fort Morgan Humane Society. The Fort Morgan Humane Society or such agents as designated by the City will administer the City's pet animal licensing program and issue pet animal licenses.
- (c) To obtain a pet animal license, a pet animal owner must submit proof of current rabies vaccination administered by a Colorado licensed veterinarian prior to licensing, or in the case of a booster vaccination, within the time period recommended by the Northeast Colorado Health Department.
- (d) The pet animal owner must renew the pet animal license by January 1 of each calendar year.
- (e) License fees, including fees for renewal licenses, shall be set by the Fort Morgan City Council within its Schedule of Fees, amended from time to time.

Fees shall be reduced for spayed or neutered pet animals. Proof of spaying or neutering by a licensed veterinarian is required for a pet animal to qualify for the reduced license fee.

- (f) License fees shall be used for the maintenance and operational expenses of the Fort Morgan Humane Society Animal Shelter, as well as for the upkeep of the Fort Morgan Humane Society Animal Shelter's principal building and accessory structures. The proceeds of the annual license fee shall be divided as follows: two-thirds to the Fort Morgan Humane Society for maintenance and operations, and one-third to the City of Fort Morgan Capital Fund, restricted for the upkeep of the physical building and structures.
- (g) Pet animal licenses shall run from January 1 through December 31 of each calendar year. The City or the Fort Morgan Humane Society Animal Shelter shall be permitted, at its discretion, to charge half of the established annual license fee for new licenses obtained on July 1 or later in that calendar year.

**Sec. 7-4-20. – Tag required.**

It shall be unlawful for the owner or custodian of any pet animal to fail to cause the pet animal to wear in public a current license tag affixed to the dog's collar or harness. When the pet animal is wearing a current pet animal license affixed to its collar or harness, it is not necessary to display a current rabies tag.

**Sec. 7-4-30. – Tag non transferable.**

It shall be unlawful for any person to affix to the collar or harness of any pet animal, or to permit to remained affixed, a tag evidencing licensing for any other pet animal, or to display such tag to an animal management officer, police officer or peace officer.

**Sec. 7-4-40. – Impounding.**

If a pet animal licensed under this Article is impounded pursuant to Article 3 of this Chapter, the impounding fee shall be waived by the City upon the first offense. An impounding fee shall apply to any subsequent offenses relating to the pet animal licensed under this Article. It is not the intention of this section to waive the redemption fee paid to the Fort Morgan Humane Society.

**SECTION 4.** If any section, provision, paragraph, clause or phrase of this Ordinance is held, or decided to be unconstitutional, invalid or enforceable for any reason, such decision shall not affect the constitutionality, validity or enforceability of the remaining portions of this Ordinance.

**SECTION 5.** All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**SECTION 6.** The City Council finds that this Ordinance is necessary for the immediate preservation of the public peace, health and safety of the residents of the City.

**INTRODUCED, READ, ADOPTED ON FIRST READING AND ORDERED  
PUBLISHED** on the 3<sup>rd</sup> day of September, 2019.



THE CITY COUNCIL OF THE CITY OF FORT  
MORGAN, COLORADO

Ronald Shaver  
By: Ronald Shaver  
Mayor

Attest:

John Brennan

John Brennan  
City Clerk

PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED  
PUBLISHED this 17<sup>th</sup> day of September, 2019.



THE CITY COUNCIL OF THE CITY OF  
FORT MORGAN, COLORADO

Ronald Shaver  
By: Ronald Shaver  
Mayor

Attest:

John Brennan

John Brennan  
City Clerk

STATE OF COLORADO  
COUNTY OF MORGAN  
CITY OF FORT MORGAN

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ss.  
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**CERTIFICATE**

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing **Ordinance No. 1235** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 21<sup>st</sup> day of September, 2019, 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. Within five (5) days after its final passage, said **Ordinance No. 1235** 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.



John Brennan  
City Clerk