

****DISAPPROVED****

ORDINANCE NO. 1313

AN ORDINANCE OF THE FORT MORGAN CITY COUNCIL AMENDING CHAPTER 7 OF THE FORT MORGAN MUNICIPAL CODE TO INCLUDE TRAP, NEUTER, AND SPAY PROTOCOLS FOR COMMUNITY CATS

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

WHEREAS, pursuant to C.R.S. § 31-15-401, the City, by and through City Council ("Council"), possesses the authority to adopt laws and ordinances within its police power in furtherance of public health, safety, and welfare;

WHEREAS, it has come to the Mayor's and Council's attention that the City is currently facing an influx of feral cats ("Community Cats") which poses a threat to the health, safety, and welfare of the City; and

WHEREAS, a speaker from a Trap, Neuter, and Release program in the state of Colorado spoke to City Council last year and provided information regarding this effective and humane method of controlling feral and free-roaming cat populations and informed Council that removing cats from an area may cause a temporary decrease in the feral cat population but more feral cats will replace the population in a fairly short amount of time and catching and removing or killing cats is futile in such scenarios; and

WHEREAS, in light of the foregoing, the Council finds it desirable, appropriate, and in the best interest of the general health, safety, and welfare of its residents to amend Section 7-1-10 of the Municipal Code to identify the ability of the City to permit utilization of Trap, Neuter, and Release programs, to amend Section 7-1-20 of the Code by adding necessary definitions for Trap, Neuter, and Release programs, and by amending Section 7-2-50 to include utilization of a Trap, Neuter, and Release program for feral and free roaming cats.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO, AS FOLLOWS:

Section 1. The foregoing recitals are hereby incorporated as conclusions, facts, determinations, and findings by the City Council.

Section 2. Section 7-1-10(a) concerning purpose and jurisdiction is hereby amended by the addition of the following:

- (a) The purpose of this Chapter is to protect the public health, safety, and welfare of the residents of the City by prescribing the types of animals that can be kept in the City and the conditions under which they can be kept, limitations on keeping animals that create a nuisance by being safety or health hazards and the procedures by which the City Manager or an authorized agent may impound and dispose of animals kept in violation of the Chapter, and the ability of the City to utilize Trap, Neuter, and Release programs to assist in the control of the community cat population.

Section 3. Section 7-1-20 concerning definitions is hereby amended by the addition of the term “feral and free roaming cats” as follows:

Community Cat means a free-roaming cat that may be feral but is not wildlife and who may be cared for by one or more residents of the immediate area, whether those residents are known or unknown, and who are distinguishable from domestic cats because they are less socialized to humans and are unadoptable.

Community Cat Caregiver means a person who, in accordance with a good faith effort to conduct a Trap, Neuter, and Return, provides care to a community cat including food, shelter, or medical care. A community cat caregiver is not the owner and/or custodian of the community cat.

Custodian means any person who is in possession of, or is keeping, harboring, or caring for any animal three (3) or more days in length excluding community cat caregivers.

Eartipping means the removal of the distal one-quarter of a community cat’s left ear, which is approximately 3/8 inch, or 1 centimeter, in an adult and proportionally smaller in a kitten. Eartipping is performed under sterile conditions while the community cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian.

Trap, Neuter, and Return or “TNR” means the nonlethal process of humanely trapping, sterilizing, vaccinating for rabies, ear tipping, and returning feral and free roaming cats to their original location.

Section 4. Section 7-2-50 concerning trapping is amended to include the utilization of a Trap, Neuter, and Release program for community cats as follows:

Trapping, Neuter, and Return

- (a) The Police Department may place and set humane traps for the purpose of capturing unrestrained animals on any property in the City at the request of the owner or agent of the property. No person, other than Police Department members,

shall molest or release any animal trapped within, or bother or tamper with the trap in any way except as set forth in subsection (b) below.

(b) Cats at Large.

- (1) An animal control office may seize any cat, whether a community cat or domestic cat, which is found strayed or running at large in any public highway, street, public way, or upon public property.**
- (2) The animal control officer may impound any community cat in response to a complaint verified by an animal control officer related to damage or other activity of the community cat that impacts the comfortable enjoyment of an individual's property. Once a community cat is seized, the animal control officer may turn over the community cat to the animal shelter or to a community cat caregiver for entrance into a Trap-Neuter-Return program if such a caregiver exists.**
 - (A) Trap Trap-Neuter-Return ("TNR") shall be permitted to be practiced by community cat caregivers, as defined in Section 6-40-10, organizations, and animal control, in compliance with any applicable federal or state law. As part of TNR, spay or neuter and vaccination for rabies shall take place under the supervision of a licensed veterinarian.**
 - (B) A trapped eartipped cat will be released on the site where it was trapped unless veterinary care is required. An eartipped cat received by a shelter or animal control will be returned to the location where trapped unless veterinary care is required.**
 - (C) Community cat caregivers may reclaim impounded community cats without proof of ownership solely for the purpose of carrying out TNR or returning eartipped community cats to their original locations.**
 - (D) A community cat caregiver who returns a community cat to its original location while conducting TNR does not impermissibly abandon the cat.**
 - (E) TNR shall be the preferred disposition for impounded community cats. Animal control facilities and shelters shall be authorized and encouraged to conduct TNR or to direct impounded community cats to a TNR program.**

(3) If a seized cat is found to be a domestic cat, it may be sized pursuant to this Section. If it is unclear whether the cat is a community cat or a domestic cat, the cat may be released to a community cat caregiver or if the shelter finds the cat adoptable, it may be put up for adoption.

Section 3. The City Clerk shall cause at least one certified copy of the Code adopted by reference by this Ordinance to be on file in his office at least fifteen (15) days prior to the public hearing on this Ordinance and, after adoption, shall maintain a reasonable supply of copies of such Codes available for purchase by the public at a moderate price.

Section 4. *Severability.* 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 portion of this Ordinance.

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

INTRODUCED, READ, AND ADOPTED ON FIRST READING AND ORDERED PUBLISHED on the 17th day of June , 2025.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[SEAL]

/s/ Kevin Lindell
Kevin Lindell, Mayor

ATTEST:

/s/ Jill Curtis
Jill Curtis, City Clerk

PASSED, APPROVED, AND ADOPTED ON THE SECOND AND FINAL READING AND ORDERED PUBLISHED THIS ____ DAY OF _____, 2025.

THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO

[SEAL]

Kevin Lindell, Mayor

ATTEST:

Jill Curtis, 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. ____** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the ____ day of June, 2025. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the ____ day of June, 2025, published on the City of Fort Morgan website (www.cityofformorgan.com) under the heading of "Legal Notices". 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 ____ day of _____, 2025. Within five (5) days after its final passage, said **Ordinance No. ____** was again published on the City of Fort Morgan website (www.cityoffortmorgan.com) under the heading of "Legal Notices".

Jill Curtis, City Clerk