

POLICE MEMORANDUM
#28-2022

DATE: Aug. 22, 2022

TO: Honorable Mayor Meredith Leighty and City Council Members

THROUGH: Heather Geyer, City Manager *hmg*

FROM: James S. May, Jr., Chief of Police *JSM*
Randall L. Darlin, Deputy Chief of Police

SUBJECT: CB-1989 – Trap-Neuter-Return Process for Community Cats

PURPOSE

To consider CB-1989, an ordinance on first reading that would amend Chapter 14 of the Municipal Code to allow implementation of Trap-Neuter-Return (TNR), a non-lethal process of humanely trapping, sterilizing, vaccinating, and returning community cats to their original location.

BACKGROUND

In 2021, multiple Council members received a request via email from resident Chris Cline for the City to consider a Shelter-Neuter-Return (SNR) program. Staff met with Cline and Ward 3 Council member Katherine Goff and former Council member Julie Duran Mullica in early 2022 to discuss the request. Council asked that the program be brought forward for Council's consideration. Staff completed the research and coordination with Riverdale Animal Shelter in early 2022 and presented a Shelter-Neuter-Return program to Council at the July 11, 2022 regular meeting.

The most humane way to improve the quality of life for feral cats while reducing their numbers within the communities is to limit their ability to reproduce. This helps community cats live healthy lives and reduces nuisance conduct. Riverdale has an SNR program that focuses on returning feral cats to the community they live in while reducing nuisance conduct by the colony. The City has a Memorandum of Understanding with Riverdale to use the facility, which is located in Brighton.

SNR policies allow community members to trap cats and bring them to a shelter. The shelter would then spay or neuter the cats and vaccinate them to protect against rabies. The shelter tips one ear to identify that the animal has been sterilized and vaccinated. The cat would then be returned to the same neighborhood, where it would live independently.

Building on Riverdale's SNR program, staff proposes a TNR program, which would allow anyone to trap feral cats and bring them to Riverdale for SNR services. Changes to the Municipal Code are necessary to implement TNR. Under the proposed ordinance, a community cat is defined as "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 resident(s) are known or unknown, and who are distinguishable from domestic cats because they are less socialized to humans and are unadoptable."

The proposed ordinance would add Section 14-4-17, which would permit a TNR process. The ordinance would provide that "Trap-Neuter-Return shall be permitted to be practiced by

community cat caregivers, as defined in Section 14-1-1(g), organizations, and animal control, in compliance with any applicable federal or state law.” This section identifies TNR as the preferred disposition for impounded community cats. Therefore, animal control facilities and shelters shall be authorized and encouraged to conduct TNR or direct impounded community cats to a TNR process.

These changes, along with the other amendments proposed, would support a change in response to at-large cats in the community and reduce the overall population and the need to euthanize feral and unadoptable cats.

While the process provides a compassionate and humane response to community cats, the Northglenn Police Department (NPD) wants to ensure accountability remains for domesticated cat owners. Therefore, NPD strongly supports maintaining the cats at-large portion of the ordinance under Section 14-3-8 – Unlawful Acts. This would allow Animal Control officers to continue impounding community cats in response to a complaint related to damage or other activity of the community cat that impacts the comfortable enjoyment of an individual’s property as described in Section 14-3-3 of the proposed ordinance. Impounding is the only remedy NPD has for these situations. Staff believes this would strike a balance of protecting the community while providing a humane and compassionate process for cats in City neighborhoods.

Over the past three years, NPD has trapped three cats following complaints from community members.

BUDGET/TIME IMPLICATIONS

The financial impact on the City would be reduced over time. As cat colonies are reduced in size, fewer cats would be present in the community, and the cost associated with euthanizing feral cats would decrease.

If CB-1989 is approved on first reading, a public hearing and second reading of the proposed ordinance will be held on Sept. 12, 2022.

STAFF RECOMMENDATION

Staff recommends approval of CB-1989.

STAFF REFERENCE

If Council members have any questions, please contact:

- James S. May, Jr., Chief of Police, at jmay@northglenn.org or 303.450.8967
- Randall L. Darlin, Deputy Chief of Police, at rdarlin@northglenn.org or 303.450.8964

CB-1989 –Trap -Neuter-Return Process for Community Cats

SPONSORED BY: MAYOR LEIGHTY

COUNCIL MEMBER'S BILL

ORDINANCE NO.

No. CB-1989
Series of 2022

Series of 2022

A BILL FOR AN ORDINANCE AMENDING CHAPTER 14 OF THE NORTHGLENN MUNICIPAL CODE REGARDING ANIMAL CONTROL AND SPECIFICALLY ADDRESSING ISSUES SURROUNDING FERAL CATS AND OUTDOOR CATS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Section 14-1-1 of the Northglenn Municipal Code is repealed and reenacted to read as follows:

Section 14-1-1. Definitions. As used in this ordinance and in Chapter 14, the following terms shall have the following meanings:

- (a) **"Animal control facility"** or **"Pound"** means the animal control facility for the City of Northglenn, State of Colorado, or any other place or facility temporarily or permanently designated by the City Manager or by ordinance for the impounding of dogs, cats, domestic animals, reptiles, or estrays.
- (b) **"Animal control officer"** means and includes any animal control officer appointed pursuant to the provisions of this ordinance, and any person authorized by this ordinance to perform the duties of an animal control officer.
- (c) **"Apiary"** shall mean place where bee colonies are kept.
- (d) **"Bovine animal"** means and includes any animal of the species commonly known as cattle or oxen, or other domestic animal of the genus *Bos*.
- (e) **"Cat"** means a mammal of the species *felis domestica* or other species of the family *Felidae*.
- (f) **"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 resident(s) are known or unknown, and who are distinguishable from domestic cats because they are less socialized to humans and are unadoptable.
- (g) **"Community cat caregiver"** means a person who, in accordance with a good fair effort to conduct trap-neuter-return, provides care to a community cat,

including food, shelter or medical care. A community cat caregiver is not the owner of the community cat(s).

(h) **"Chicken"** means a domestic fowl of the subspecies *Domesticus* of the species *Gallus*.

(i) **"Chicken coop"** means a physical structure where chickens are kept and that provides such chickens with protection and shelter.

(j) **"Colony"** shall mean a hive and its equipment and appurtenances, including honeybees, comb, honey pollen and brood.

(k) **"Dog"** means a mammal of the species *canis familiaris* or other species of the family *Canidae*.

(l) **"Domestic animal"** means and includes any domestic quadruped or biped not otherwise defined in this section; and any domestic fowl.

(m) **"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.

(n) **"Estray"** means and includes any bovine animal, horse, mule or ass found running at large upon public or private lands in the City of Northglenn.

(o) **"Flyway Barrier"** shall mean a permanent vertical structure made of common building materials or natural vegetation that augments a honeybee's flight path. A flyway barrier's utility is to adjust the flight path of honeybees causing them to fly above human contact.

(p) **"Guard dogs"** means and includes every dog kept for the purpose of guarding or protecting real or personal property which by reason of special training, breeding, or the known propensities of such dogs, known or intended by the owner of such premises to be likely to attack, or being spirited.

(q) **"Hive"** shall mean a structure intended for the housing of a honeybee colony.

(r) **"Holding fee"** means the fee provided by ordinance to be charged and collected by the City of Northglenn or its designated agent for the temporary holding and handling of any dog, cat, domestic animal or reptile.

(s) **"Impoundment"** means confinement in an animal control facility, or temporary holding facility, and includes custody or possession by an animal control

officer or police officer in any authorized place, vehicle, enclosure or building, pending transfer to an animal control facility or temporary holding facility or such holding facility as City Council shall, by agreement, make use of on behalf of the City or pending any investigation.

(t) **"Manager"** means the City Manager of the City of Northglenn, or the City Manager's authorized representative.

(u) **"Owner"** means and includes every person owning, possessing, keeping, or otherwise having the custody or control of any dog, cat, domestic animal, or reptile, subject to the provisions of ordinances of the City; and every person, of the age of eighteen years or more, in possession or control of premises upon which is kept any such dog, cat, domestic animal or reptile. An owner is not a community cat caregiver.

(v) **"Parcel"** shall mean a contiguous tract of land under common ownership.

(w) **"Pound fee"** means and includes all fees and charges established by the City of Northglenn for the impounding, care, boarding and release of any dog, cat, domestic animal, fowl, or reptile at the animal control facility.

(x) **"Predator resistant"** means building construction methods applied to a coop or shelter that restrict access to its inhabitants or contents. Methods applied may take the form of, but are not limited to, latches, hooks, barrier fencing, netting, or other forms of secondary barriers to the coop.

(y) **"Swarm"** shall mean the process by which a new honeybee colony is formed when the queen bee leaves the colony with a large group of worker bees.

(z) **"Temporary holding facility"** means and includes any building enclosure, vehicle, structure or place designated by the manager for temporary confinement of dogs, cats, domestic animals and reptiles subject to the provisions of this ordinance.

(aa) **"Trap-Neuter-Return"** or **"TNR"** means the nonlethal process of humanely trapping, sterilizing, vaccinating for rabies, eartipping, and returning community cats to their original location.

(bb) **"Veterinarian"** means a person licensed to practice veterinary medicine.

Section 2. Section 14-3-2 of the Northglenn Municipal Code is repealed and reenacted to read as follows:

Section 14-3-2. Impounding of Cats.

(a) The animal control officer may seize any cat, whether a community cat or domestic cat, which is found strayed or running at large in any public highway, street or public way, or upon public property.

(b) The animal control officer may not impound any community cat. Once a community cat is seized, the animal control officer must turn over the community cat to a community cat caregiver for entrance into a Trap-Neuter-Return program.

(c) If a seized cat is found to be a domestic cat, it must be impounded, and its owner contacted. If it is unclear whether the cat is a community cat or a domestic cat, the cat must be released to a community cat caregiver.

Section 3. Section 14-3-3 of the Northglenn Municipal Code is repealed and reenacted as follows:

Section 14-3-3. Impounding of Animals. The animal control officer may seize and impound any domestic animal except an estray as defined in Section 14-1-1(n), any reptile which is found running at large in the City, or any community cat as defined in Section 14-1-1(f), except that any community cat may be impounded 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.

Section 4. Section 14-3-8, subsection (d) of the Northglenn Municipal Code is amended to read as follows:

Section 14-3-8. Unlawful Acts.

* * *

(d) Owners of cats or other domestic animals found to be at large pursuant to Sections 14-3-8(b) and 14-3-8(c), OR FOUND ON PRIVATE PROPERTY PURSUANT TO SECTION 14-3-4, are liable for all charges incurred by the City AND BY PROPERTY OWNERS prior to impoundment, including WITHOUT LIMITATION, ~~but not limited to,~~ veterinary fees AND PUBLIC AND PRIVATE PROPERTY DAMAGE. The City AND PROPERTY OWNER(S) may seek reimbursement for charges incurred through restitution or any other AVAILALBLE legal remedy ~~available to the City.~~

Section 5. Section 14-3-10 of the Northglenn Municipal Code is amended to read as follows:

Section 14-3-10. Duties of Animal Control Officer. In addition to any other duties which may be required from the animal control officer by the administrator or by the ordinances of the City:

(a) The animal control officer may seize and impound any cat, IN ACCORDANCE WITH SECTION 14-3-3, which is in violation of any of the provisions or requirements of this ordinance.

(b) The animal control officer may, whenever a violation of the provisions of this ordinance is committed by any person in the Animal Control Officer's presence or whenever the animal control officer has probable cause to believe that a violation of the provisions of this ordinance has been committed by any person, institute proceedings in the Municipal Court of the City of Northglenn for the prosecution of such violation, by issuing a summons and complaint.

(c) The animal control officer may, whenever a violation under the provisions of this ordinance is committed by any person in the animal control officer's presence, or whenever the officer has probable cause to believe that a violation of the provisions of this ordinance has been committed by any person, issue a warning notice requiring the correction or discontinuance of any violation or existing condition within a period of not more than seven (7) days.

(d) The animal control officer may, whenever the animal control officer has reason to believe that any violation of this ordinance has been committed or exists, notify the owner of any cat, or cats, of the existence of such violation and request the discontinuance or correction of such violation within a reasonable time stated within such notice. Such notice may contain a statement that the ordinances of the City provide for issuance of the summons and complaint for violations of the ordinance, and the possible penalties provided by the ordinance.

(e) The animal control officer may enter upon private property for the purpose of seizing a cat to be impounded if the animal control officer is in pursuit of a cat which the animal control officer has probable cause to believe to be in violation of any of the provisions of this ordinance and which has strayed to or taken refuge on such private property in the course of such pursuit, or if such entry onto private property is necessary to remove a danger of imminent bodily harm to a human being, animal, dog or cat.

~~(f) The animal control officer shall seize and impound any cat which is in violation of any of the provisions of this ordinance.~~

~~(g)~~(f) CONSISTENT WITH SECTION 14-3-2, the animal control officer may seize and impound any injured cat found at large in the City, when the owner cannot be immediately located OR WHEN SUCH CAT IS A COMMUNITY CAT.

~~(h)~~(g) The animal control officer shall dispose of any dead cats found in the City. If such dead cat has a rabies tag attached, the animal control officer shall notify, or cause to be notified, the owner thereof. The animal control officer shall remove and dispose of the rabies tag attached to such dead cat.

Section 6. Section 14-3-11 of the Northglenn Municipal Code is amended to read as follows:

Section 14-3-11. Violations – Penalty.

* * *

(b) Proceedings for prosecution of violations of Section 14-3-8~~(b)~~ of this article shall be commenced only in compliance with the procedural requirements of Section 14-4-14 of this Chapter.

~~(c) — Except as provided in Section 14-3-11(b) of this article,~~ Violation of any of the provisions of this ordinance, Article 3 of Chapter 14 of the Northglenn Municipal Code, shall be punishable as provided in Section 1-1-10(a)(2) of this Code.

Section 7. A new Section 14-4-17 is hereby enacted as follows:

Section 14-4-17. Trap-Spay-Neuter Program.

(a) Trap-Neuter-Return ("TNR") shall be permitted to be practiced by community cat caregivers, as defined in Section 14-1-1(g), 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 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.

INTRODUCED, READ, AND ORDERED POSTED this ____ day of _____,
2022.

MEREDITH LEIGHTY
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____,
2022.

MEREDITH LEIGHTY
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney