



WESTMINSTER

COLORADO

CITY COUNCIL MEETING

MAY 19, 2025 at 7:00 PM

- C First Reading of Councillor's Bill No. 19 Amending 6-7-1 of the Westminster Municipal Code to Permit Trap, Neuter, and Return of Feral Cats



Agenda Memorandum

Agenda Item – 11.C.

City Council Meeting
May 19, 2025



Strategic Priority 2: Community Empowerment and Engagement

Enhance the sense of community and connection in Westminster through engaging methods of communication and dialogue that improve accessibility, increase understanding, and encourage participation in civic and City life.



Strategic Priority 3: Community Health and Safety

Invest in innovative and collaborative approaches to provide a continuum of services that preserve, promote, and protect the health, safety, and environment of Westminster.

Subject: First Reading of Councillor's Bill No. 19 Amending 6-7-1 of the Westminster Municipal Code to Permit Trap, Neuter, and Return of Feral Cats

Prepared By: David Frankel, City Attorney
Mark Brostrom, Assistant Prosecuting Attorney II

Recommended City Council Action:

Pass Councillor's Bill No. 19 amending section 6-7-1 of Westminster Municipal Code to allow the public to trap, neuter, and return feral cats to the community without criminal liability if they follow Westminster Municipal Code provisions.

Summary Statement:

Feral cats, and feral cat colonies, present particular problems to municipalities because of the tendency of cat populations to expand rapidly if unmanaged. Typically, a feral cat cannot be placed for adoption because of its lack of socialization, which can lead to euthanization. Trap, Neuter, and Return (TNR) is a process where a feral cat can be temporarily removed from its habitat so it can be spayed or neutered, which mitigates the growth of feral cat communities without resorting to euthanasia. When TNR is performed, the cat will also be marked by the removal of a portion of their ear in a process called eartipping.

Presently, City ordinances would not permit TNR because an individual who provided sterilization to a feral cat may be described as its custodian, and thereby become responsible for its ongoing care. The suggested amendment would exempt individuals engaged in TNR from the definition of custodian, allowing TNR in Westminster. The amendment would not require substantial amendments

to the City's existing ordinances promoting animal welfare. The proposed update to the City ordinances would include an amendment to the definition of custodian, as well as newly define the terms "Eartipping" and "Trap-Neuter-Return."

All other ordinances designed to ensure the humane treatment of animals would remain in place, meaning anyone engaged in TNR activities would be required to do so in a humane manner in compliance with the code.

Fiscal Impact:

\$0 in expenditures

Source of Funds:

Not applicable

Policy Issue(s):

Should the City amend Section 6-7-1, W.M.C., regarding definitions of Custodian, to allow Trap-Neuter-Return activities in Westminster and additional amendments for the associated definitions of Eartipping and Trap-Neuter-Return?

Alternative(s):

City Council could decide not to pass the proposed ordinance which would continue the present prohibition of TNR in Westminster.

Background Information:

Individuals from the community approached City Council requesting City ordinances be amended to allow TNR in Westminster. This revision amending Section 6-7-1 of the Westminster Municipal Code would allow TNR to occur in Westminster legally and would not conflict with other provisions of the animal code.

The suggested ordinance amendments would allow interested individuals to participate with TNR in Westminster without substantial revision to the established ordinances or cost to the City. The amendment has been narrowly crafted to allow TNR without vacating animal welfare ordinances that Staff views as necessary and effective at addressing concerns commonly raised to animal management.

The City Attorney's Office consulted with Animal Management in the Police Department to ensure that their input was considered and included in the draft.

The proposed code that originated from citizen concerns would promote the Strategic Priority of Community Empowerment and Engagement by encouraging individuals to participate and interact with Counsel and their community. The Strategic Priority of Community Health and Safety is met by mitigating feral cat populations in the community.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "D. Smith", written in a cursive style.

Jody L. Andrews
City Manager

Attachments:

Ordinance Amending Chapter 7 of Title VI of the Westminster Municipal Code

BY AUTHORITY

ORDINANCE NO. **4295**

COUNCILLOR'S BILL NO. **19**

SERIES OF 2025

INTRODUCED BY COUNCILLORS

A BILL
FOR AN ORDINANCE AMENDING CHAPTER 7 OF TITLE VI OF THE WESTMINSTER
MUNICIPAL CODE

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title VI, Chapter 7, W.M.C., is hereby AMENDED to read as follows:

6-7-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the following meaning, unless the context clearly indicates otherwise:

Abandon shall mean leaving of an animal for more than 24 hours by its owner or custodian without making effective provisions for its proper care. This shall include, but is not limited to, depositing or dropping off an animal on public property or on property other than that of the owner or custodian without prior permission of the property owner.

Animal shall mean any living dumb creature, domestic or wild.

Animal management officer shall mean an employee or agent of the City authorized by the chief of police to enforce the provisions of this chapter.

Animal shelter shall mean any premise designated by the City for the purpose of boarding or the caring of any animal impounded under the provisions of this chapter or any other ordinance of the City or law of the state.

Bee shall mean the hymenopterous insects in the genus *Apis*, especially *Apis mellifera*, primarily distinguished by honey and wax production in colonial, perennial, docile hives, when the hives are intentionally initiated and maintained on residential property for honey production. Bee shall not refer to naturally occurring bee colonies, mason bees, or other bee species that are not intentionally kept for honey production.

Cat shall mean a domestic cat (*felis catus*) regardless of gender that can be vaccinated against rabies.

Chicken shall mean a domestic fowl kept for its eggs or meat, excluding ducks, geese, pigeons, turkeys, pea fowl, and guinea hens.

Common area shall mean and include areas such as but not limited to the yards, grounds, garden areas, play areas, clubhouses, swimming pools, walkways, common garage areas, entryways, hallways, and driveways of condominiums, townhouses, apartment complexes, motels, hotels and mobile home parks.

Countywide Licensing Administrator shall mean the entity to which authority to issue dog licenses for all dogs within the City, regardless of county of residence, and to collect fees for said licenses has been delegated by the parties to the animal shelter/dog licensing/funding intergovernmental agreement, dated August 15, 2012, as may be amended from time to time.

Custodian shall mean any person who has responsibility for or looks after an animal. An individual does not become the custodian of a feral cat by providing care necessary to facilitate the trap-neuter-return

process, as defined herein, so long as that individual acts in compliance with the other requirements of this code.

Dog shall mean a domestic dog (*canus lupus familiaris*) regardless of gender that can be vaccinated against rabies.

Dog license shall mean current indication that the dog has been registered with the countywide licensing administrator within the previous 365 days.

Domestic animal shall mean domesticated or household dogs, cats, rabbits, guinea pigs, hamsters, rats, mice, ferrets, birds, reptiles, amphibians, and invertebrates, commonly found in a pet store and intended to live and breed in a tame condition. It shall also include pot-bellied pigs and expressly does not include bees or chickens.

Eartipping shall mean the removal of the distal one-quarter of a cat's left ear, which is approximately 3/8 inch, or 1 centimeter, in an adult cat and proportionally smaller in a kitten and which service is performed by a licensed veterinary facility.

Endangered species shall mean any species of animal, bird or reptile that is currently listed as endangered by the United States Department of Interior or the Colorado Department of Natural Resources.

Exotic animals shall mean a rare or unusual animal or pet kept within human households and not commonly thought of as a pet.

Feral shall mean an animal that has escaped from domestication and returned, partly or wholly, to a wild state.

Fowl shall mean ducks, geese, pigeons, turkeys, pea fowl, guinea hens, and the like. For purposes of this title, fowl expressly does not mean chickens.

Guard dog shall mean any dog disciplined through special training to protect persons or property by attacking or threatening to attack any person found within the enclosed area patrolled by such dog.

Harboring shall mean the act of keeping and caring for an animal or of providing a premises to which the animal returns for food, shelter or care.

Household shall mean those people living together in the same dwelling.

Humane trap shall mean a box-type trap that does not cause bodily harm to the animal intended to be captured or to any other animal or person coming in contact with such trap.

Kennel shall mean premises where more than five non-livestock animals, excluding offspring not exceeding four months of age belonging to one of the adult animals, are kept for any purpose, including boarding, foster care or training. The term "kennel" does not include pet shop.

Livestock shall mean any animal commonly kept or harbored, as a source of food, hides, income through agricultural sale, as a pack animal or draft animal or for use as transportation. Livestock includes, but is not limited to, horses, mules, sheep, goats, cattle, swine, ducks, geese, pigeons, turkeys, pea fowl, and guinea hens. In the event of uncertainty concerning whether a particular animal is a species of livestock, the presumption shall be that such animal is a species of livestock until the owner of such animal proves by a preponderance of the evidence to the satisfaction of the municipal court that the animal is not a species of livestock.

Owner shall mean any person who has right of property in an animal or harbors an animal or allows an animal to remain about his premises for a period of 72 hours or longer; claims responsibility for an animal; or is declared by court decree to be the responsible party for an animal or the authorized agent of any such

person. The parent or guardian of any minor claiming ownership of an animal shall be deemed to be the owner of the animal for purposes of this chapter.

Person shall mean any natural person, corporation, partnership, association, or other entity.

Pet shop shall mean an establishment engaged in the business of breeding, buying or selling animals, other than livestock, in commercial, wholesale or retail trade.

Potbellied pig shall mean a pig weighing less than 95 pounds.

Prohibited animal shall mean any animal that is ordinarily found in an unconfined state and is usually not kept as a household pet, including, but not limited to, lions, tigers, cheetahs, panthers, leopards, cougars, mountain lions, ocelots, any wild members of the genus felis, lynx, bobcats, foxes, minks, skunks, raccoons, bears, nonhuman primates, wolves and coyotes; poisonous or venomous snakes and lizards; lethal toads and arachnids (spiders, scorpions, and tarantulas), crocodilians and nonpoisonous snakes over six feet in length. "Prohibited animal" shall not include domestic ferrets (*mustelia furo*), rabbits, dogs, cats, and small rodents. Alleged domestication of any prohibited animal shall not affect its status under this definition. In the event of uncertainty whether a particular animal is a prohibited animal, it shall be presumed prohibited until proven not prohibited by a preponderance of the evidence to the satisfaction of the municipal court.

Proper enclosure shall mean secure confinement indoors or secure confinement in a locked pen, fenced yard, or structure measuring at least six feet in width, 12 feet in length, and six feet in height, capped with secure sides and constructed at the bottom so as to prevent escape by digging, which provides proper protection from the elements for the animal, is suitable to prevent the entry of young children, and is designed to prevent the animal from escaping while on the owner's property. The proper enclosure must comply with all zoning and building ordinances/regulations of the City, be kept in a clean and sanitary condition, and be approved by an animal management officer, and such approval shall not be unreasonably withheld.

Rabies vaccination shall mean inoculation of a domestic animal with an anti-rabies vaccine approved by the Colorado Department of Health and administered by a licensed veterinarian. The vaccination shall be valid for the period of time specified in writing by the veterinarian for the specific vaccine used.

Responsible person shall mean a person at least 18 years old who is familiar with the animal, and has the size, strength, and experience to be able to keep the animal under complete control at all times.

Running at large shall mean an animal off the premises of the owner and not under the physical control of the owner.

Serious injury shall mean death or any physical injury that results in severe bruising, muscle tears, or skin lacerations requiring professional medical treatment or requires corrective or cosmetic surgery.

Shelter shall mean a moisture-proof structure made of durable material that allows retention of body heat and is of suitable size to accommodate the animal.

Stray animal shall mean any animal for which there is no identifiable owner.

Trap-Neuter-Return ("TNR") shall mean the nonlethal process of trapping a feral cat in order to allow a licensed veterinarian to sterilize, vaccinate for rabies, and ear-tip the feral cat, after which the feral cat must be returned to its original location.

Wild animal shall mean all wildlife, including but not limited to, raptors, furbearers, all game animals, non-domesticated waterfowl, and all other species of animals, which exist in their natural, unconfined state and are usually not domesticated.

Section 2. This ordinance shall take effect upon its passage after second reading. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED
PUBLISHED this 19th day of May, 2025.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED
this 9th day of June, 2025.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office