

# COUNCIL COMMUNICATION

<b>Meeting Date:</b> January 26, 2010	1 <sup>st</sup> Reading <u>  X  </u> 2 <sup>nd</sup> Reading <u>      </u>	<b>Legal Review:</b>	<b>Work Plan #</b>	<b>Agenda Location:</b> Consent Calendar	<b>Agenda Item:</b> 8B
<b>Subject:</b> AN ORDINANCE REPEALING SECTION 6-7(b)(3) OF THE THORNTON CITY CODE TO ELIMINATE EMERGENCY VETERINARIAN FEES.					
<b>Prepared by:</b> Jay N. Steele		<b>Approved by:</b> Jack Ethredge		<b>Ordinance previously introduced by:</b> _____	
<b>Reviewed by:</b> James Nursey		<b>Presented by:</b> James Nursey Police Chief			

**KEY CONSIDERATIONS:**

- Thornton Animal Control currently provides \$50, as directed by Section 6-7(b)(3) of the Thornton City Code, to veterinarians who offer emergency care to injured animals that are not claimed by their owners.
- There are two reasons for staff bringing this section forward for elimination from the Code:
  - 1) The amount of \$50 for emergency veterinarian care was last amended by the City in 1986 and does not provide adequate reimbursement to the service providers for emergency veterinary care.
  - 2) The placement of this service provision in the Code as a fee is confusing. The amount of \$50 is not collected, as in the case of other fees, but rather provided to veterinarians as payment for a service provided. This transaction is better facilitated through contracts negotiated between veterinarians and the City.
- Thornton continues to be one of only a few cities with such arrangements for provision of emergency services, which ensures that animals are cared for and veterinarians are paid for their services.

**BUDGET/STAFF IMPLICATIONS:**

- None. The 2010 Animal Control budget has an approved reimbursement cost of \$4,200 for emergency veterinarian care. This amount was established based on history of 40 to 45 animals needing emergency veterinarian care per year at \$100 per animal.

**RECOMMENDATION:**

- Staff recommends approval of the ordinance repealing Section 6-7(b) (3) of the Thornton City Code to allow for contracts to be established with private vendors to provide the emergency veterinarian care in accordance with the City’s budget.

**HISTORY:** (includes previous City Council action)

- The City first implemented this type of emergency veterinary fee in 1986.
- The 2008 and 2009 Animal Control budgets were approved to allow fee increases to \$100 an incident for emergency veterinarian care.

INTRODUCED BY: \_\_\_\_\_

AN ORDINANCE REPEALING SECTION 6-7(b)(3) OF THE THORNTON CITY CODE TO ELIMINATE EMERGENCY MEDICAL FEES.

WHEREAS, the City regulates the conduct of animals within the City pursuant to Chapter 6 of the Thornton City Code ("Code"); and

WHEREAS, Section 6-7 of the Code authorizes the imposition of various fees associated with regulation of animals within the City; and

WHEREAS, emergency medical fees authorized by Subsection 6-7(b)(3) needs to be repealed so the City can pursue private contracts for the provision of such services.

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

1. Subsection 6-7(b)(3) of the Code is hereby repealed with the remaining subsections to be renumbered accordingly.

2. If any portion of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared unconstitutional or invalid.

3. 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.

4. The repeal or amendment of any provision of the Code by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

5. This ordinance shall take effect upon final passage.

INTRODUCED, READ, PASSED on first reading, ordered posted in full, and title ordered published by the City Council of the City of Thornton, Colorado, on \_\_\_\_\_, 2010.

PASSED AND ADOPTED on second and final reading on \_\_\_\_\_, 2010.

CITY OF THORNTON, COLORADO

\_\_\_\_\_  
Erik Hansen, Mayor

ATTEST:

\_\_\_\_\_  
Nancy A. Vincent, City Clerk

THIS ORDINANCE IS ON FILE IN THE CITY CLERK'S OFFICE FOR PUBLIC INSPECTION.

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Margaret Emerich, City Attorney

PUBLICATION:

Posted in six (6) public places after first and second readings.

Published in the Northglenn-Thornton Sentinel after first reading on \_\_\_\_\_, 2010, and after second and final reading on \_\_\_\_\_, 2010.