

ORDINANCE 07-01

(Passed 8-0
Dieknott absent)

**TO AMEND TITLE 7 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED "ANIMALS"**

**(To Implement the Trap-Neuter-Return Method of Feral Cat Management and
To Establish Feral Cat Care Guidelines)**

- WHEREAS, The Trap-Neuter-Return approach is the most humane and effective method to reduce feral cat populations; and
- WHEREAS, Trap-Neuter-Return reduces the number of free-roaming cats and the volume of nuisance complaints associated with them; and
- WHEREAS, The Bloomington Municipal Code does not presently include provisions for Trap-Neuter-Return; and
- WHEREAS, It is in the best interest of the City and its animals to codify this method of managing the feral cat population.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL
OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Section 7.01.010 of the Bloomington Municipal Code "Definition of Terms" shall be amended by adding the following definitions in alphabetical order:

"Colony" means one or more feral cats, whether unmanaged or managed.

"Colony caretaker" means a person who provides food, water and/or shelter for feral cats in a managed colony. Colony caretakers shall not be deemed to own or harbor said cats.

"Designee" means an organization or individual recognized by the City of Bloomington Animal Care and Control Department that uses the Trap-Neuter-Return method for stabilizing and reducing the feral cat population.

"Managed colony" means a colony of feral cats that is registered with the City of Bloomington Animal Care and Control Department or its designee and is maintained by a colony caretaker using the Trap-Neuter-Return method to stabilize and reduce the feral cat population.

SECTION II. Section 7.01.010 "Definition of Terms" shall be amended by deleting the definition for "At large animal" and replacing it with the following:

"At large animal" means a stray animal or any animal whose owner/guardian knowingly, intentionally, or recklessly allows the animal to stray beyond premises owned, lawfully occupied or controlled by the owner/guardian unless under restraint. This section does not apply to dogs engaged in lawful hunting accompanied by the owner/guardian or custodian or to feral cats who belong to a managed colony.

SECTION III. Section 7.01.010 "Definition of Terms" shall be amended by deleting the definition of "Feral Cat" and replacing it with the following:

"Feral Cat" means a cat that has lived its life with little or no human contact, is not socialized or is ear-tipped or tattooed.

SECTION IV. Section 7.01.010 "Definition of Terms" shall be amended by deleting the entire definition of "Feral Cat Colony."

SECTION V. Section 7.01.010 "Definition of Terms" shall be amended by deleting the definition of "Noncommercial kennel" and replacing it with the following:

"Noncommercial kennel" means any person engaged in owning or harboring, with the exception of dogs and/or cats fostered for the city of Bloomington Animal Care and Control Department or feral cats belonging to a managed colony, more than four altered dogs; more than six altered cats; or more than a total of ten altered dogs and cats combined.

SECTION VI. Section 7.01.010 "Definition of Terms" shall be amended by deleting the definition of "Public nuisance" and replacing it with the following:

"Public nuisance" means any animal or animals that:

- (1) Molest passersby or passing vehicles;
- (2) Attack other animals;
- (3) Damage public property or private property;
- (4) Bark, whine or howl in an excessive or continuous fashion;
- (5) Defecate on public or private property, other than the owner/guardian's/harbinger's/colony caretaker's property, unless the waste is immediately removed and disposed of in a sanitary manner by the animal's owner/guardian/harbinger/colony caretaker; or
- (6) Otherwise interferes with the free use and comfortable enjoyment of life or property.

SECTION VII. Section 7.01.010 "Definition of Terms" shall be amended by deleting the definition of "Trap-Neuter-Return" and replacing it with the following:

"Trap-Neuter-Return" means a full management plan in which feral cats already living outdoors are humanely trapped, then evaluated, sterilized and ear-tipped or tattooed by veterinarians. Kittens under ten weeks old are adopted into good homes if they become socialized. Healthy adult cats too wild to be adopted are returned to their familiar habitat under the lifelong care of volunteers.

SECTION VIII. Section 7.21.010 "Kennel permits required" shall be amended by deleting subsection (a) and replacing it with the following:

(a) No person shall operate a commercial or noncommercial kennel or chicken flock without first obtaining a permit from the City of Bloomington Animal Care and Control department in accordance with this chapter.

SECTION IX. Chapter 7.21 "Kennel Permits" shall be amended by deleting Section 7.21.026 "Obtaining feral cat colony permits" and Section 7.21.055 "Standards for feral cat colonies" from the table of contents.

SECTION X. Section 7.21.026 "Obtaining feral cat colony permits" shall be amended by deleting the entire section.

SECTION XI. Section 7.21.030 shall be amended by deleting the entire section and replacing it with the following:

It shall be a condition to the issuance of any permit required by this chapter that:

- (a) The senior and staff animal control officers of the City and/or their designees shall be permitted to inspect the structure and/or premises wherein a kennel is maintained (or believed to be maintained) and all animals located thereon where such animals are harbored.
- (b) All reports of such inspections shall be in writing and maintained by the senior animal control officer.
- (c) The senior animal control officer, staff animal control officers, and/or their designees are authorized to enter the structure or premises wherein a kennel is maintained (or believed to be maintained) at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures.
- (d) If the owner or those in possession of a structure or premises wherein a kennel is maintained (or believed to be maintained) refuse inspection of said kennel, the senior animal control officer, staff animal control officers, and/or their designees may obtain an inspection warrant from any court of record in the county in which the kennel is located in order to determine if the kennel is maintained in accordance with this Title.

SECTION XII. Section 7.21.055 "Standards for feral cat colonies" shall be amended by deleting the entire section.

SECTION XIII. Section 7.21.060 "Kennel permit periods" shall be amended by deleting subsection (c) regarding feral cat colony permits such that the entire section shall read:

- (a) Noncommercial kennel permits shall be valid for a period of one year from the date of issuance. An application must be made within ten days of the creation of a kennel.
- (b) Commercial kennel permits shall be valid for one year beginning January 1st of each year. Applicants requiring a commercial kennel permit during the year shall pay a prorated fee for the remaining portion of the current year. An application must be made prior to the creation of a kennel.

SECTION XIV. Subsection 7.21.070(c) "Fees," feral cat colonies, shall be amended by deleting the entire subsection and renumbering the subsequent subsections accordingly.

SECTION XV. New Chapter. Chapter 7.23 entitled "Feral Cats" shall be inserted into the table of contents and the body of Title 7 "Animals" and shall read as follows:

Chapter 7.23

FERAL CATS

Sections:

- 7.23.010 General Requirements
- 7.23.020 Managed Feral Cats
- 7.23.030 Colony caretakers responsibilities

7.23.010 General Requirements

- (a) All feral cat colonies shall:
 - (1) Operate in such a manner as to not constitute a public nuisance; and
 - (2) Comply with all of the provisions of Chapter 7.36, Animal Care, of this title which provides standards for the general care of animals
- (b) Any person who provides food, water or shelter to a colony of feral cats shall be registered with the City of Bloomington Animal Care and Control Department or its designee.
- (c) A person who violates any provision of this chapter shall be subject to a fine of twenty-five dollars (\$25.00) for the first offense, with the fine for each subsequent offense increasing by an increment of fifty dollars (\$50.00).

7.23.020 Managed Feral Cats

- (a) The City of Bloomington Animal Care and Control Department or its designee, in order to encourage the stabilization and reduction of the feral cat population in the City of Bloomington, may:
 - (1) Trap any feral cat in a humane manner;
 - (2) Have the feral cat surgically sterilized and ear-tipped or tattooed by a licensed veterinarian.
 - (3) Release the feral cat for adoption or other disposition in accordance with the law or to a colony caretaker who will maintain the feral cat as part of a managed colony of feral cats.
- (b) The City of Bloomington Animal Care and Control Department may impound feral cats in violation of this Ordinance and dispose of the feral cats in accordance with applicable law. Any feral cat impounded at the City of Bloomington Animal Shelter that bears an appropriate ear-tipping or tattoo indicating it belongs to a managed colony shall be returned to its managed colony, if said colony can be determined, unless illness or injury present an imminent danger to public health or safety. Seriously ill or injured feral cats with no reasonable prognosis for humane rehabilitation for survival outdoors may be humanely euthanized.

7.23.030 Colony caretaker responsibilities

- (a) Colony caretakers shall abide by standard trap-neuter-return guidelines devised by the City of Bloomington Animal Care and Control or its designee regarding the provision of food, water, shelter and veterinary care within the managed colony.
- (b) A colony caretaker shall not have ever been convicted of animal cruelty.
- (c) A colony caretaker shall not allow a cat(s) which is part of his/her colony to become a public nuisance.

SECTION XVI. Section 7.24.010 "General requirements" shall be amended by deleting the entire section and replacing it with the following:

All animals, except cats which have been neutered or spayed and are wearing identification or are ear-tipped or tattooed in the case of feral cats, shall be kept under restraint. However, altered cats not kept under restraint at all times are still subject to public nuisance laws cited in Chapter 7.28 of this Title.

SECTION XVII. Section 7.28.010 "Public nuisance prohibited" shall be amended by deleting the entire section and replacing it with the following:

No owner/guardian/colony caretaker shall fail to exercise due care and control of his animals to prevent them from becoming a public nuisance.

SECTION XVIII. Section 7.32.010 shall be amended by deleting the entire section and replacing it with the following:

- (a) At-large animals (with the exception of altered cats that are wearing identification or are ear-tipped or tattooed in the case of feral cats and are not a public nuisance), nuisance animals, animals suspected of being neglected, subjected to cruelty or abandoned, and animals which have bitten persons or other animals may be taken by law enforcement or animal control officers and impounded in the city of Bloomington animal shelter.
- (b) In lieu of impounding an animal which is at large or a public nuisance according to this title, the law enforcement officer or animal control officer may issue to the known owner/guardian/colony caretaker of such animal a notice of ordinance violation and may return the animal to the owner/guardian/colony caretaker's property if the animal can be secured safely.

SECTION XIX. Section 7.32.030 "Notice of impoundment" shall be amended by deleting the entire section and replacing it with the following:

- (a) If the owner/guardian/colony caretaker of an impounded animal can be identified, the senior animal control officer or his or her designees shall immediately upon impoundment notify the owner/guardian/colony caretaker by telephone or mail.
- (b) Animals whose owners/guardians/colony caretakers are not identifiable or cannot be notified after reasonable effort shall be held for five calendar days from the date of impoundment, not counting officially recognized holidays, before becoming the property of the city.
- (c) Animals whose owners/guardians/colony caretakers have been notified and who do not reclaim their animals within the five-day stray period shall also become the property of the city unless the owner/guardian of the animal posts a five hundred fifty-dollar bond with the city controller prior to the expiration of the five-day stray period to provide for the animal's care and keeping.
 - (1) The bond must be valid for thirty days.
 - (2) The owner/guardian may renew a bond by posting a new bond in the amount of six hundred dollars prior to the expiration of the original bond, but may only do so once.
 - (3) If a bond expires and is not renewed, the animal becomes the property of the city.
- (d) Any stray animals found as part of a litter of two or more shall become the property of the city and may be placed for adoption or humanely euthanized if not claimed by the owner/guardian within three days of impoundment.
- (e) Any stray animal found with severe medical conditions and/or injuries shall be assessed by a veterinarian, whenever possible. Whenever possible, humane care will be provided in order to allow the animal to remain comfortable for the duration of the stray period. However, when an animal's injuries or illnesses are so severe such that the animal cannot be maintained in a comfortable fashion, the animal may be euthanized prior to the end of the stray period.

(f) Any medical expenses incurred while any animal except an ear-tipped or tattooed cat is in the care of the City shall be the responsibility of the owner/guardian should the owner/guardian be identified.

(g) Animals that are the property of the city may be placed for adoption or humanely euthanized.

SECTION XX. Section 7.36.050 "General animal care" shall be amended by replacing the term "owner/guardian" with "owner/guardian/colony caretaker."

SECTION XXI. Section 7.36.070 regarding "Abandonment" shall be amended by deleting the entire section and replacing it with the following:

No owner/guardian/colony caretaker of an animal shall abandon such animal. Persons who violate this section shall be subject to a fine of up to five hundred dollars for each offense.

SECTION XXII. Section 7.44.010 "Rabies vaccination required" shall be amended by deleting the entire section and replacing it with the following:

It is unlawful to own or harbor a dog, cat or ferret over the age of three months without a valid rabies vaccination. Feral cats are excluded from the rabies vaccination requirement.

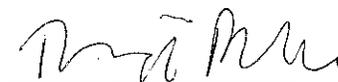
SECTION XXIII. Section 7.44.020 "Animals biting persons" shall be amended by deleting subsection (a) and replacing it with the following:

(a) If an owned dog, cat or ferret has bitten a person, the animal shall be impounded in the city of Bloomington animal shelter, veterinary hospital, or kennel approved by a city animal control officer, at the animal owner/guardian/colony caretaker's expense. This impoundment shall be for a period of ten days in order to determine whether or not the animal has rabies. If the animal dies during this ten-day period, it shall, at the animal owner/guardian/colony caretaker's expense, be sent to the proper authorities to determine whether or not it was rabid. Other animals which have bitten a person shall be handled in accordance with the current compendium for animal rabies control, with all expenses being the responsibility of the animal's owner/guardian/colony caretaker.

SECTION XXIV. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

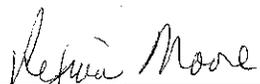
SECTION XXV. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 17th day of JANUARY, 2007.



DAVE ROLLO, President
Bloomington Common Council

ATTEST:


REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 18th day of JANUARY, 2007.

Regina Moore
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 18th day of January, 2007.

Mark Kruzan
MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Title 7 "Animals" of the Bloomington Municipal Code to provide for the Trap-Neuter-Return method of controlling the feral cat population and establishes guidelines for the care of feral cat colonies.

Signed copies to:

Legal (10)
Controller
P. Works
Animal control

Paradeact friends
CA/CA(3)
Clerk
file

BMC file (2)