



City of Bloomington  
Common Council

Legislative Packet

Organizational Meeting  
Committee of the Whole

03 January 2007

Office of the Common Council  
P.O. Box 100  
401 North Morton Street  
Bloomington, Indiana 47402

812.349.3409

[council@bloomington.in.gov](mailto:council@bloomington.in.gov)  
[www.bloomington.in.gov/council](http://www.bloomington.in.gov/council)

**City of  
Bloomington  
Indiana**



City Hall  
401 N. Morton St.  
Post Office Box 100  
Bloomington, Indiana 47402

**Office of the Common Council**  
(812) 349-3409  
Fax: (812) 349-3570  
email: [council@bloomington.in.gov](mailto:council@bloomington.in.gov)

**To: Council Members**  
**From: Council Office**  
**Re: Weekly Packet Memo**  
**Date: December 28, 2006**

## **Packet Related Material**

**Memo  
Agenda  
Calendar**

### **Notices and Agendas:**

*None*

### **Material Related to Action at Organizational Meeting:**

List of Council Positions - Officers, Appointments, and Assignments for 2007 (*blank*)

List of Council Positions - Officers, Appointments, and Assignments for 2006

List of Interview Committee Assignments 2006 (*typically kept for the entire term – unless there is a new council member*)

Council Member Seating Chart for 2004, 2005, 2006, and 2007 (*blank*)

### **Legislation for Final Action:**

*None*

### **Ordinances and Background Material for First Reading:**

**Ord 07-01** 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)

- Memo from Patty Mulvihill, Assistant City Attorney; Partnership Agreement; Title 7 (Animals) with Changes Annotated; Article on Efficacy of Trap-Neuter-Return Programs

*Contact: Patty Mulvihill at 349-3552 or [mulvihip@bloomington.in.gov](mailto:mulvihip@bloomington.in.gov)*

### **Minutes from Regular Session:**

*None*

## **Memo**

**Chair of Meeting: Ruff**

**Organizational Meeting and Committee of the Whole on  
Wednesday, January 3<sup>rd</sup> at 7:30 p.m.**

The Council will hold an Organizational Meeting followed by a Committee of the Whole on Wednesday, January 3, 2007.

**Organizational Meeting.** As a result of State and local code, the Council has routinely met for an Organizational Meeting on the first Monday of the new year (unless it fell on a holiday, in which case the Council met on the first Tuesday). However, the State legislature repealed that law this year and the Council changed the date called for under local code when it adopted the Annual Schedule in November which set the Organizational Meeting for the first Wednesday of the year. The Organizational Meeting typically includes:

- Election of officers – President, Vice President, and Parliamentarian;
- Assignment of seating for Council members by the newly-elected President;
- Appointments of Council members to various boards and commissions by vote of the Council; and
- Assignments to Council committees by the newly-elected President.

Please see the attached sheets for:

- Council Officers, Appointments, and Assignments for 2006 and a blank one for 2007;
- Council Interviewing Committees for 2006 – *please note that these rarely change during the 4-year term except with the change in Council members;* and
- Council Seating for 2003 – 2007.

Once that is done, the Council will introduce an ordinance and then adjourn and reconvene for a Committee of the Whole.

### **Legislation for First Reading**

#### **Ordinance 07-01 To Amend Title 7 of the BMC (Animals) in Order to Implement the Trap-Neuter-Return Method of Feral Cat Management and to Establish Feral Cat Care Guidelines**

In late 2005, the Council passed Ord 05-33 which extensively amended Title 7, “Animals” of the Bloomington Municipal Code. The ordinance made several important changes, including an anti-tethering provision. The ordinance also acknowledged feral cats and outlined a permitting and inspection protocol, but did not spell out measures for management of population control nor did it contain measures for the management of feral cat populations. Feral cat advocates worked

closely with Animal Care and Control (ACC) to develop such measures, but were unable to come to an agreement by the date of the ordinance's final vote.

Councilmember Rollo sponsored an amendment to delay the ordinance's feral cat provisions for six months. The delay was intended to provide added time for feral cat advocates and City staff to develop an alternate approach to the care and management of feral cat colonies. The amendment allowed the President of the Council to appoint up to four Council members to join these meetings to help strike an agreement that would reduce the number of feral cats, improve their living conditions, and otherwise protect the health, safety and welfare of the community. Councilmembers Sturbaum, Rollo and Mayer have led the effort to effect an agreement between advocates and City staff. While reaching agreement took longer than anticipated, in October, all parties agreed upon an approach to feral cat management; this ordinance follows from that agreement.

**Ord 07-01** outlines several key provisions for the care and control of feral cat colonies. Two of the most notable codify the Trap-Neuter-Return method of feral cat population management and the ability of the City to appoint a designee to provision for the City's feral cat program.

### **Feral Cats**

A feral cat is an untamed cat who is unsocialized. Feral cats are frightened of people and avoid contact whenever possible. While feral kittens can be tamed, adult feral cats are not usually able to be socialized. The ordinance defines "feral cat" as "a cat that has lived its life with little or no human contact, is not socialized or is ear-tipped or tattooed." (Note that a feral cat is not a stray cat. Stray cats have had human contact, are less frightened of people than feral cats and can usually be socialized and adopted into a home.)

### **Trap-Neuter-Return Method of Feral Cat Population Control**

According to the Humane Society of the United States (HSUS), feral cats are a substantial part of the growing pet over-population problem. The HSUS estimates that a pair of breeding cats and their offspring can exponentially produce over 400,000 cats in seven years.

The Trap-Neuter-Return (T-N-R) method is widely agreed to be the most successful method of stabilizing and maintaining healthy feral cat populations. Under the T-N-R approach, caregivers who are feeding feral cats, trap them in humane live traps, take the cats to be spayed/neutered, and after they are recovered, return the cats to where they are fed, provided adequate shelter and

medical care. Adoptable cats or kittens are removed and adopted into new homes whenever possible.

T-N-R is said to be the most effective approach to feral cat population management for a number of reasons. First, T-N-R stabilizes the feral cat population at manageable levels by reducing the number of breeding cats. Historically, many communities had relied on a method of trapping feral cats and euthanizing them to control the feral cat population. However, when a colony is removed, fertile cats from surrounding areas typically move into the vacated area to take over shelter and food resources and begin breeding. On the other hand, sterilized feral cats returned to their site of capture do not breed and tend to keep fertile outsiders away. Secondly, sterilization reduces aggression and problematic behavior associated with in-tact cats such as spraying, howling and fighting and improves a feral cat's quality of life. Thirdly, T-N-R is more cost effective. The cost of repeatedly trapping and euthanizing feral colonies are far higher than promoting stable, non-breeding colonies in the same location. Lastly, T-N-R is widely endorsed as a humane solution to feral cat population control.

*See:*

- The American Society for the Prevention of Cruelty to Animals  
[http://www.asPCA.org/site/PageServer?pagename=cruelty\\_tnr](http://www.asPCA.org/site/PageServer?pagename=cruelty_tnr)
- The Humane Society of the United States:  
[http://www.hsus.org/pets/issues\\_affecting\\_our\\_pets/TNR\\_statement.html](http://www.hsus.org/pets/issues_affecting_our_pets/TNR_statement.html)
- Alley Cat Allies: The National Feral Cat Resource: <http://www.alleycat.org/>

### **Establishing a Designee Relationship**

To help the City realize the twin goals of 1) reduced feral cat populations and 2) improved quality of life for these animals, Ord 07-01 allows the City to appoint a designee to manage the feral cat program. Members of City staff and Councilmembers Sturbaum, Rollo and Mayer have worked closely with the City of Indianapolis and its feral cat management designee, IndyFeral, in working through the issues of proper management in the context of a public-private partnership.

Locally, the City has signed an agreement with Feral Cat Friends (FCF), a 501(c)(3) collective of committed veterinarians and volunteers who will trap,

neuter, ear-tip or tattoo a cat for identification and return the cat to its colony, work with colony caregivers to properly establish and care for colonies, deal with any nuisance complaints and provide an annual report to the City on its progress. The volunteers of FCF have years of experience in the T-N-R form of colony management and provide this service free-of-cost.

As explained in the accompanying *Memorandum* from Assistant City Attorney, Patty Mulvihill, feral cat colony caretakers are answerable to Feral Cat Friends, Inc. and must comport with the following:

- Trap the feral cat in a humane manner & follow the T-N-R standards adopted by the City or its designee (FCF); and
- Have the feral cat surgically sterilized and ear-tipped or tattooed; and
- If a feral cat is turned into the shelter and the shelter can identify the colony the feral cat belongs to, the feral cat shall be returned to the colony. If the cat is a danger to public health or safety the cat may be euthanized; and
- Anyone convicted of cruelty to animals is not permitted to manage a feral cat colony;
- Neither the colony nor the cats may become a public nuisance; and
- The general animal care and control provisions of 7.36 apply (appropriate medical care; adequate food, water & shelter; requirement of a structurally sound, moisture-proof and wind-proof shelter large enough to keep the cats reasonably clean and dry and provide adequate protection from the cold and heat); and
- Any person who gives food, water or shelter to a feral cat must be registered with the City's Animal Care and Control Department or its designee (Feral Cat Friends); and
- Any violation of this chapter will result in a \$25.00 fine for the first offense and each subsequent offense will increase in increments of \$50.00.

**NOTICE AND AGENDA FOR  
COMMON COUNCIL  
ORGANIZATIONAL MEETING AND COMMITTEE OF THE WHOLE  
7:30 P.M., WEDNESDAY, JANUARY 3, 2007  
COUNCIL CHAMBERS  
SHOWERS BUILDING, 401 NORTH MORTON**

**I. ROLL CALL**

**II. AGENDA SUMMATION**

**III. APPROVAL OF MINUTES FOR:** None

**IV. REPORTS FROM:**

- 1. Council Members**
- 2. The Mayor and City Offices**
- 3. Council Committees**
- 4. Public**

**V. ELECTION OF OFFICERS** (The newly-elected President will assign seats to Council members before the Council makes appointments to boards and commissions).

**VI. APPOINTMENTS TO BOARDS AND COMMISSIONS**

**VII. LEGISLATION FOR FINAL ACTION**

None

**VIII. LEGISLATION FOR FIRST READING**

1. Ordinance 07-01 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)

**IX. PRIVILEGE OF THE FLOOR** (This section of the *Agenda* is limited to a maximum of 25 minutes. Each speaker is allotted 5 minutes.)

**X. ADJOURNMENT**

**Immediately followed by:**

**COMMITTEE OF THE WHOLE**

**Chair: Andy Ruff**

1. Ordinance 07-01 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)

Asked to attend: Patty Mulvihill, Assistant City Attorney  
Laurie Ringquist, Director of Animal Care and Control

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To: Council Members  
From: Council Office  
Re: Calendar for the Week of January 1-5, 2007  
Date: December 29, 2006

**Monday, January 1, 2007**

*City Holiday -- Offices Closed*

**Tuesday, January 2, 2007**

*No meetings are scheduled for this day*

**Wednesday, January 3, 2007**

12:00 pm Bloomington Urban Enterprise Association, McCloskey  
2:00 pm Hearing Officer, Kelly  
7:30 pm Common Council Organizational Meeting *immediately followed by a*  
Committee of the Whole Discussion, Council Chambers, 401 N. Morton.

**Thursday, January 4, 2007**

11:30 am Solid Waste Management District, Monroe County Courthouse, Judge Nat. U. Hill, III Room  
12:00 pm Redevelopment Commission, McCloskey  
5:30 pm Commission on the Status of Women, McCloskey

**Friday, January 5, 2007**

*No meetings are scheduled for this day*



**COUNCIL OFFICERS, APPOINTMENTS & ASSIGNMENTS  
FOR 2007**

**ACTION BY MOTIONS OF THE COUNCIL**

President \_\_\_\_\_  
Vice President \_\_\_\_\_  
Parliamentarian \_\_\_\_\_

**Citizens Advisory Committee - Community Development Block Grants (CDBG)**

**Social Services** \_\_\_\_\_

**Physical Improvements** \_\_\_\_\_

**Commission for Bloomington Downtown** \_\_\_\_\_

**Economic Development Commission (City)** \_\_\_\_\_

**Economic Development Commission (County)** \_\_\_\_\_

**Environmental Resource Advisory Committee** \_\_\_\_\_

**Metropolitan Planning Organization** \_\_\_\_\_

**Plan Commission** \_\_\_\_\_

**Solid Waste Management District** \_\_\_\_\_

**Board of the Urban Enterprise Association** \_\_\_\_\_

**Utilities Service Board** \_\_\_\_\_

**Bloomington Economic Development Corporation** \_\_\_\_\_

**ACTION BY PRESIDENT**

**Jack Hopkins Social Services Funding Committee (5 council members)**

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**Council Sidewalk Committee (4 council members)**

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**Council Interview Committees for Citizen Appointments to Boards and Commissions (see accompanying list)**

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# COUNCIL OFFICERS, APPOINTMENTS & ASSIGNMENTS FOR 2006

## ACTION BY MOTIONS OF THE COUNCIL

President Sturbaum  
Vice President Rollo  
Parliamentarian Mayer

### **Citizens Advisory Committee - Community Development Block Grants (CDBG)**

**Social Services** Ruff  
**Physical Improvements** Mayer

**Commission for Bloomington Downtown** Sturbaum

**Economic Development Commission (City)** Diekhoff

**Economic Development Commission (County)** Regina Moore

**Environmental Resource Advisory Committee** Gaal

**Metropolitan Planning Organization** Ruff

**Plan Commission** Gaal

**Solid Waste Management District** Volan

**Board of the Urban Enterprise Association** Sturbaum

**Utilities Service Board** Mayer

**Bloomington Economic Development Corporation** Sturbaum

**Bloomington Commission on Sustainability** Rollo

## ACTION BY PRESIDENT

### **Council Social Services Funding Committee (5 council members)**

Gaal, Mayer, Rollo, Ruff & Sabbagh

### **Council Sidewalk Committee (4 council members)**

Mayer, Rollo, Ruff & Sturbaum

### **Council Interview Committees for Citizen Appointments to Boards and Commissions (see accompanying list)**

<b>2006 COUNCIL</b>			
<b>BOARD AND COMMISSION INTERVIEW COMMITTEES</b>			
<u>Animal Control</u>	<u>Bloomington Community Arts Commission</u>	<u>Bike &amp; Ped Safety Com</u>	<u>CFR</u>
David Rollo	Chris Sturbaum	Chris Sturbaum	Chris Sturbaum
Stephen Volan	Chris Gaal	David Sabbagh	Stephen Volan
Brad Wisler	Andy Ruff	Dave Rollo	David Sabbagh
<u>Environmental</u>	<u>Historic Preservation Commission *</u>	<u>Housing Quality</u>	<u>Housing Trust Fund Board of Directors</u>
Dave Rollo		Tim Mayer	David Sabbagh
Chris Sturbaum		Chris Gaal	Chris Gaal
Chris Gaal		Mike Diekhoff	Dave Rollo
<u>Human Rights</u>	<u>Martin Luther King, Jr. Birthday Commission</u>	<u>Redevelopment</u>	<u>Status of Black Males</u>
Dave Rollo	Andy Ruff	Andy Ruff	Chris Gaal
Chris Gaal	Chris Gaal	Chris Sturbaum	Andy Ruff
Stephen Volan	Mike Diekhoff	Mike Diekhoff	Mike Diekhoff
<u>Traffic</u>	<u>(Public) Transit</u>	<u>Tree Commission</u>	<u>Telecommunications</u>
Mike Diekhoff	Brad Wisler	Stephen Volan	David Sabbagh
Andy Ruff	Stephen Volan	Brad Wisler	Mike Diekhoff
Chris Sturbaum	Tim Mayer	Chris Gaal	Stephen Volan
<u>USB</u>	<u>Women's Commission</u>	<u>Zoning Appeals</u>	<u>Urban Enterprise Association Board</u>
Tim Mayer	Dave Rollo	Mike Diekhoff	David Sabbagh
Chris Gaal	Chris Gaal	Tim Mayer	Chris Sturbaum
Brad Wisler	David Sabbagh	Dave Rollo	Stephen Volan
<u>BDU Advisory Board</u>	<u>Sustainability Commission</u>		
Chris Gaal	Dave Rollo		
David Sabbagh	Brad Wisler		
Mike Diekhoff	Chris Gaal		
		<b><u>Notes</u></b>	
		<i>* The Council appoints 3 advisory members to the HPC and the Mayor appoints 7 voting members with the consent of the Council.</i>	

The President assigns members to interviewing committees (per Standing Committees - BMC 2.04.210) and these assignments generally don't change during the entire term. These committees receive and review applications for appointments to their respective boards/commissions, and then determine whether to interview applicants and, if so, which ones. Typically interviews are set up on Wednesday evening before a council meeting when a decision is made and then forwarded to the full council for the final action. Please note that while the Open Door Law allows the initial review and cut to be done in an Executive Session, the interviews, if any, must be conducted at a public meeting (per IC 5-14-1.5-6(b)(10)).

# Council Member Seating 2003 - 2007

## Seating For the Year 2003

Banach	Cole	Ruff	Diekhoff	Gaal	Pizzo	Willsey / Rollo	Sabbagh	Mayer
			Vice President	President	Parliamentarian			

## Seating For the Year 2004

Banach	Sturbaum	Gaal	Ruff	Diekhoff	Mayer	Rollo	Sabbagh	Volan
			Vice President	President	Parliamentarian			

## Seating For the Year 2005

Banach	Diekhoff	Gaal	Sturbaum	Ruff	Mayer	Rollo	Sabbagh	Volan
			Vice President	President	Parliamentarian			

## Seating For the Year 2006

Banach/ Wisler	Diekhoff	Gaal	Rollo	Sturbaum	Mayer	Ruff	Sabbagh	Volan
			Vice President	President	Parliamentarian			

## Seating For the Year 2007

			Vice President	President	Parliamentarian			

**ORDINANCE 07-01**

**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 \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
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.

To: City of Bloomington Common Council  
From: Patty Mulvihill, Assistant City Attorney  
Date: December 6, 2006  
Re: Animal Ordinance Revisions Regarding Feral Cats

## MEMORANDUM

In early 2005 the City passed a new Animal Ordinance. The ordinance contains provisions pertaining to the regulation of feral cats. Supporters of feral cats were unhappy with certain ordinance provisions and changes were suggested. After numerous months of negotiations and work, a compromise has been reached between the City and supporters of feral cats. This memorandum serves as a summary of the ordinance as it presently stands in relation to feral cats and the changes that are being proposed in the new ordinance.

### Current Ordinance

The current ordinance has only three definitions pertaining specifically to feral cats. Defined terms are as follows: “feral cat”, “feral cat colony” and “trap-neuter-return”. These definitions state that if a person owns or harbors feral cats they are responsible for a feral cat colony.

Provisions regarding the regulations of feral cats are found in Chapter 7.21 on Kennel Permits. In order to manage a feral cat colony a person has to obtain a feral cat colony permit. The permit requires individuals to provide their name, address, information regarding the cats, etc...All colonies are subject to inspection by the City’s Animal Care and Control Department. The colonies must be operated in such a manner so that they do not constitute a public nuisance and all animals must be treated in a manner that conforms with Chapter 7.36, Animal Care.

The current ordinance also identifies feral cats as cats that are ear-tipped, there is no mention of cats being tattooed.

### Proposed Ordinance

The proposed ordinance is considerably different than the one presently in place. To begin, there are substantially more definitions. The following terms are defined: “colony”, “colony caretaker”, “designee” and “managed colony”. These definitions state that a person may have a feral cat colony so long as the colony is registered with the City’s Animal Care and Control Department or its designee (as it now stands the only designee is Feral Cat Friends). It also provides that a “colony caretaker” does not own or harbor cats. Two major deletions occurred in this section; first the term “feral cat colony” has been deleted and second the requirement that a feral cat be vaccinated has been deleted from the definition of “trap, neuter and release”.

All references to feral cats were deleted from Chapter 7.21 dealing with Kennel Permits. Instead a new chapter was created, Chapter 7.23, Feral Cats. There are three sections to this chapter. The first section deals with the general requirements of feral cat colonies, the second section deals with managed feral cats and the third section deals with caretaker's responsibilities.

Generally speaking a feral cat colony must do the following:

1. The colony cannot be operated in such a manner that it constitutes a public nuisance.
2. The general animal care provisions of Chapter 7.36 must be met.
3. Any person who gives food, water or shelter to a feral cat must be registered with the City's Animal Care and Control Department or its designee (Feral Cat Friends).
4. Any violation of this chapter will result in a \$25.00 fine for the first offense and each subsequent offense will increase in increments of \$50.00.

Managed feral cat colonies and caretakers can and must do the following:

1. Trap the feral cat in a humane manner.
2. Have the feral cat surgically sterilized and ear-tipped or tattooed.
3. Release the cat for adoption or to a colony caretaker.
4. If a feral cat is turned into the shelter and the shelter can identify the colony the feral cat belongs to, the feral cat shall be returned to the colony. If the cat is a danger to public health or safety said cat may be euthanized.

A colony caretaker has the following responsibilities:

1. Abide by standard trap-neuter-release standards adopted by the City of Bloomington Animal Care and Control Department and/or its designee (Feral Cat Friends).
2. Can not have ever been convicted of animal cruelty.
3. Can not allow the colony or a feral cat to become a public nuisance.

Other sections of the ordinance were amended to add the terms "tattooed" or "caretaker" whenever it was applicable. One or both of these terms were added to the following chapters:

1. Chapter 7.24, Restraint
2. Chapter 7.28, Public Nuisance
3. Chapter 7.32, Impoundment
4. Chapter 7.36, Animal Care
5. Chapter 7.44, Rabies

The last and final major change occurred in Chapter 7.32, Impoundment. Language was added that precludes caretakers for being responsible for the cost of any medical treatment received by a feral cat while said cat is in the Bloomington Animal Shelter.

### Procedural Changes

With the new ordinance, new procedures will be utilized for managing feral cats. The major change is that the City's Animal Care and Control Department now has the authority to appoint designees to specifically address the concern of feral cats. As of today, the only designee is Feral Cat Friends, a non-for-profit organization that specifically supports and advocates for feral cats.

In order to become a designee of the Animal Care and Control Department, Feral Cat Friends had to sign a partnership agreement. This partnership agreement states the responsibilities of both the City of Bloomington and Feral Cat Friends. Generally speaking, the City has agreed to receive and record all incoming complaints regarding feral cats. The complaints will then be forwarded to Feral Cat Friends. Feral Cat Friends has agreed to respond to all feral cat complaints within seventy-two (72) hours. If Feral Cat Friends does not or can not respond to a feral cat complaint, the City has the authority to respond to the complaint itself and resolve the complaint as it sees fit. Feral Cat Friends has a right of first refusal for any feral cat brought into the City's Animal Shelter; meaning Feral Cat Friends will be given the opportunity to take possession of a feral cat before said cat is euthanized. If Feral Cat Friends cannot resolve a feral cat complaint, Feral Cat Friends will request assistance from the City. Both the City and Feral Cat Friends will keep adequate records of all feral cat contacts and Feral Cat Friends will make an annual report of its activities to the Animal Control Commission.

**City of Bloomington Animal Care and Control  
Program Partnership Agreement with  
Feral Cat Friends, Inc.**

This Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by and between the City of Bloomington, acting through the Animal Care and Control Department, (hereinafter “BACC”) and Feral Cat Friends, Inc., (hereinafter, “FCF”).

WHEREAS, BACC and FCF desire to cooperate in the care and management of feral cats and,

WHEREAS, FCF is qualified to perform such services with BACC; and

WHEREAS, BACC is authorized to plan and develop partnerships and contractual arrangements with non-City organizations to ensure delivery of diverse services.

NOW THEREFORE, in consideration of the terms and conditions set forth herein, the parties agree as follows:

**1.0 Purpose of Agreement:**

The purpose of this Agreement is to outline a program partnership which provides for the care and management of feral cats in the Bloomington community by combining available resources from each party to the Agreement.

**2.0 Duration of Agreement:**

This agreement shall be in full force and effect from January 1, 2007, to December 31, 2007, unless early termination or modification occurs as described in Article 9.0 of this Agreement.

**3.0 City of Bloomington Animal Care and Control:**

The goal of BACC is to work for the benefit of all animals, including feral cats, in the Bloomington community. BACC agrees to:

- a. Record all incoming complaints regarding feral cats. Said program will record the following, whenever possible: the date the complaint was received, the location of the feral cat(s), a description of the feral cat(s), the reason for the complaint, the name and address of the complainant, and the name and address of the owner or caregiver of the cat(s) or the owner of the property where the cat(s) are located.

- b. Contact FCF about any and all incoming complaints regarding feral cats by faxing the completed service request to FCF immediately upon receipt.
- c. Provide FCF a “first right of refusal” in regards to responding to any and all incoming complaints regarding feral cats.
- d. If FCF refuses or fails to respond to an incoming complaint regarding feral cats in an adequate and timely manner, as determined by BAAC, BACC reserves the right to respond to the complaint itself and remedy the situation as it so chooses.
- e. At the request of FCF, respond to and assist FCF with feral cat colonies that are not being properly monitored or maintained by a caregiver.
- f. If a feral cat is brought into the shelter, contact FCF so that FCF may take possession of the cat. Should FCF refuse or fail to take possession of the cat within forty-eight (48) hours of being contacted, BACC may choose what course of action to take in regards to the cat.
- g. Contact FCF upon receipt of an ear-tipped or tattooed cat, whether or not it is feral. If FCF chooses to reclaim the cat, it will be processed as a redemption at no charge. No ear-tipped or tattooed cat will be euthanized unless to not do so would unnecessarily prolong the cat’s suffering. BACC shall make a diligent attempt to contact FCF before an ear-tipped or tattooed cat is euthanized. A diligent attempt means a call to FCF’s primary contact number, and if there is not an answer at that number, then a call to FCF’s secondary contact number.
- h. Will release all euthanized ear-tipped or tattooed cats to FCF within forty-eight (48) hours for post-mortem analysis and disposal.
- i. Create a monthly report of: the number of calls referred to FCF, a summary of the general location of calls, and a summary of the call outcomes.
- j. Provide information to the public about services provided by FCF.

#### **4.0 Feral Cat Friends, Inc.**

The goal of FCF is to provide services for homeless, stray and feral cats. FCF agrees to:

- a. Establish a message service (otherwise known as the primary contact number) within ten (10) days of signing this Agreement that will allow BACC to forward complaints regarding feral cats within the community.
- b. Check the message service at least once every twenty-four (24) hours.

- c. Establish and provide BACC with a secondary contact number within ten (10) days of signing this Agreement.
- d. Respond to all complaints of feral cats forwarded by BACC within seventy-two (72) hours of receiving the complaint.
- e. If FCF is unable or unwilling to respond to a complaint forwarded by BACC within seventy-two (72) hours of receiving said complaint, FCF will notify BACC of its inability to respond to the complaint and BACC will respond to the complaint as it so chooses.
- f. Upon completion of a service request, notify BACC of the call outcome so that the call can be closed.
- g. Request assistance from BACC if FCF can no longer effectively and adequately maintain a feral cat colony or if a caregiver refuses or fails to effectively and adequately maintain his/her colony.
- h. Maintain a database which will contain, at a minimum, the following: location of all colonies, name and address of each caregiver, and a list of feral cats at each colony. No obligation exists to share said database with BACC.
- i. Maintain records on each cat. At a minimum, records shall contain the following: sex, age, color, vaccination records, date of alteration, medical records, the location of the cat, and any other pertinent information relating to each cat.
- j. Conduct annual inspections of all feral cat colonies under its jurisdiction and/or protection.
- k. Upon receipt of a complaint alleging abuse or neglect of animals maintained at a FCF colony, conduct an inspection of said colony within forty-eight (48) hours of receiving the complaint.
- l. Prepare and provide BACC with an annual report no later than December 31, 2007. Said report shall include: the number of colonies operated by or associated with FCF, the number of caregivers, the total number of cats at each colony, the number of alterations completed, the number of cats assisted by FCF, the number of cats relocated, and the number of cats re-homed.
- m. FCF provided the City the following documents on May 18, 2006: Feral Cat Friends, Inc. Articles of Incorporation, Feral Cat Friends, Inc. Policy Statements, Feral Cat Friends, Inc. Protocol, Feral Cat Friends, Inc. Volunteer Agreement & Release from Liability and Feral Cat Friends, Inc. Caregiver Agreement for a Managed Cat Colony. Said documents are henceforth known as “FCF Policies and Practices” and are incorporated by reference into this Agreement. FCF acknowledges that this Agreement is being entered into on the basis that it will substantially adhere to FCF Policies and Practices. Any substantial deviation, modification, alteration or suspension of FCF Policies and Practices by FCF may constitute a breach of this Agreement.



**5.0 Terms Mutually Agreed to by all Parties to this Agreement:**

- a. The intent of this Agreement is to document a mutually beneficial partnership between BACC and FCF.
- b. The staff and personnel involved in this Agreement will at all times represent all parties to this Agreement in a professional manner and reflect the commitment of all parties.
- c. This Agreement and the services provided will be evaluated one (1) month prior to the expiration of this Agreement.

**6.0 Insurance:**

FCF shall maintain comprehensive general liability insurance, with a minimum combined single limit of \$1,000,000.00 per occurrence and \$2,000,000.00 in the aggregate. The policy shall name the City of Bloomington Animal Care and Control as an additional insured, and FCF shall provide BACC with a certificate of insurance prior to the commencement of operations under this agreement. FCF and its insurer shall notify BACC within ten (10) days of any insurance cancellation.

**7.0 Mutual Indemnity and Release of Liability:**

Each party agrees to release, hold harmless and forever indemnify the other party and its employees, officers, members, volunteers and agents from any and all claims or causes of action that may arise from its reckless or negligent acts or failure to act in performance of this Agreement. This includes claims from personal injury, property damage, and/or any other type of claim which may arise from these activities, whether such claims may be brought by the undersigned or by any third party.

**8.0 Notice and Agreement Representatives:**

Notices regarding any significant concerns and or breaches of this Agreement shall be given to those contacts as follows:

BACC  
Laurie Ringquist  
3410 Old State Road 37 South  
Bloomington, Indiana 47402  
(812) 349-3492

FCF  
Theresa Fanyo  
816 Auto Mall Road, Suite 221  
Bloomington, Indiana 47401

**9.0 Termination**

This Agreement may be modified or terminated only in writing and by the mutual agreement of all parties; unless said Agreement expires without renewal.

IN WITNESS WHEREOF, the parties have signed this Agreement on the date first set forth above.

**Bloomington Animal Care & Control**

**Feral Cat Friends, Inc.**

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Laurie Ringquist  
Director of the Bloomington Animal Shelter

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Theresa Fanyo

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Mark Kruzan  
Mayor

~~strike~~ – proposed deletion  
**bold** – proposed addition  
▶ -- relevant section

## TITLE 7 “ANIMALS”

### AS AMENDED BY ORDINANCE 07-01

#### Title 7

#### ANIMALS

##### Chapters:

- 7.01 Definitions
- 7.16 Commercial Animal Establishment Permits
- 7.21 Kennel Permits
- 7.22 Breeders
- ▶ **7.23 Feral Cats**
- 7.24 Restraint
- 7.28 Nuisance
- 7.32 Impoundment
- 7.36 Animal Care
- 7.40 Wild Animals
- 7.42 Reptiles
- 7.44 Rabies\*
- 7.48 Adopted Animals
- 7.52 General Provisions\*

## Chapter 7.01

### DEFINITIONS

Sections:

7.01.010 Definition of terms.

7.01.010 Definition of terms.

As used in this title, the following terms mean, unless otherwise designated:

“Abandoned animal” means any animal whose owner/guardian has knowingly, intentionally or recklessly left it unattended, without proper food, water or shelter, for twenty-four hours or more.

“Altered animal” means any animal which has been spayed or neutered.

“Animal” means any live, nonhuman vertebrate creature, domestic or wild.

“Animal exhibition, permanent” means any spectacle, display, act or event other than circuses, in which animals perform or are displayed, with the exception of education programs presented by persons or organizations with proper state and federal education permits, as required, and which are perpetual in nature and in a stationary location.

“Animal exhibition, transient” means any spectacle, display, act or event other than circuses, in which animals perform or are displayed, with the exception of education programs presented by persons or organizations with proper state and federal education permits, as required, and which are traveling shows of a temporary duration.

“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.**

“Auctions” mean any place or facility where domestic livestock are regularly bought, sold, or traded, except for those facilities otherwise defined in this chapter.

“Circus” means a commercial variety show featuring animal acts for public entertainment.

▶ **“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.**

“Commercial animal establishment” means any major and/or minor petshop, nonmunicipal animal shelter/sanctuary, auction, riding school or stable, zoological park, circus or animal exhibition.

“Commercial kennel” means any person engaged in owning or harboring more than four dogs and cats over the age of six months, any one of which is unaltered; or engaged in the business of boarding, training for a fee and/or grooming animals.

▶ **“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.**

“Domestic livestock” means any animal, other than a domestic pet, that is a member of one of the following species:

- (1) Bison;
- (2) Elk;
- (3) Poultry;
- (4) Cattle;
- (5) Donkey;
- (6) Horse;
- (7) Goat;
- (8) Llama;
- (9) Mule;
- (10) Ostrich;
- (11) Pig; or
- (12) Sheep.

“Domestic pet” means any animal that is a member of one of the following species:

- (1) Dog (*Canis familiaris*);
- (2) Cat (*Felis catus* or *Felis domesticus*);
- (3) Rabbit (*Oryctolagus cuniculus*);
- (4) Mouse (*Mus musculus*);
- (5) Rat (*Rattus rattus*);
- (6) Reptile (*Reptilis*), as defined herein;
- (7) Guinea pig (*Cavia porcellus*);
- (8) Chinchilla (*Chinchilla laniger*);
- (9) Hamster (*Mesocricetus auratus*);
- (10) Gerbil (*Gerbillus gerbillus*);
- (11) Ferret (*Mustela putorius furo*).

“Exotic animal” means an animal belonging to a species that is not native to the United States, or an animal that is a hybrid or cross between a domestic animal and an animal that is not native to the United States.

“Feral cat” means a cat that has lived its life with little or no human contact, is not socialized ~~and has reverted to a wild state~~ **or is ear-tipped or tattooed.**

“Feral cat colony” means ~~a group of more than six altered feral cats owned or harbored by a person who provides adequate food, water and shelter.~~

“Harboring” means the actions of any person that permit any animal habitually to remain or lodge or to be fed within his home, store, enclosure, yard or place of business or any premises on which such person resides or controls. An animal shall be presumed harbored if it is fed or sheltered for three consecutive days.

“Major breeder” means any person who intentionally or unintentionally causes or allows the breeding of more than one litter of dogs or cats in a twelve-month period, or makes more than one cat or dog available for breeding purposes in a twelve-month period; or any person who offers for sale, sells, trades, receives any compensation or gives away more than one litter of dogs or cats in a twelve-month period, with the exception of a litter of dogs or cats taken to the animal shelter.

“Major pet shop” means any retail establishment engaging in the purchase and/or sale of cats and/or dogs, either solely or in addition to the purchase and/or sale of other species of animal.

- ▶ **“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.**

“Minor breeder” means any person who intentionally or unintentionally causes or allows the breeding of one litter of dogs or cats per twelve-month period, or makes one dog or cat available for breeding purposes per twelve-month period; or any person who offers for sale, sells, trades, receives any compensation for or gives away one litter of dogs or cats within a twelve-month period, with the exception of a litter of dogs or cats taken to the animal shelter or animals that are altered prior to being rehomed; or any person who owns one or more unaltered dogs and/or cats that are found to be in violation of Section 7.24 of this title.

“Minor pet shop” means any retail establishment engaging in the purchase and sale of any species of animal, with the exception of cats and dogs.

“Municipal animal shelter” means any facility operated by a municipal agency, or its authorized agents for the purpose of impounding or caring for animals held under the authority of this title or of state law.

- ▶ “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.

“Nonmunicipal animal shelter/sanctuary” means any facility operated by a person or organization other than a municipality for the purpose of harboring and/or rehoming animals.

“Owner/guardian” means a person owning or harboring one or more animals for a period of longer than twenty-one days.

“Person” means any individual, firm, association, joint stock company, syndicate, partnership, or corporation.

“Potentially dangerous” means any of the following:

(1) Any animal which, when unprovoked, on two separate occasions within the prior thirty-six month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the animal are off of property owned, lawfully occupied or controlled by the owner/guardian or keeper of the animal.

(2) Any animal which, when unprovoked, bites a person causing an injury that is not a severe injury, as defined below.

(3) Any animal which, when unprovoked and off of property owned, lawfully occupied or controlled by the owner/guardian or keeper of the animal, on two separate occasions within the prior thirty-six month period, has bitten or otherwise caused injury to a domestic animal that is not a severe injury, as defined below.

“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’s/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.

“Reptile” means any air-breathing vertebrate of the class Reptilia, with the exception of:

- (1) Any reptile on the federal endangered or threatened species list or on the convention or international trade in endangered species list;
- (2) Any venomous reptile, including front- or rear-fanged reptiles;
- (3) Any python of a species which naturally exceeds twelve feet in length;
- (4) All crocodylians, including alligators, caimans, and crocodiles;
- (5) Monitor lizards;
- (6) Anacondas;
- (7) Any reptile of a species native to Indiana; or
- (8) Any reptile protected by state or federal law.

“Research laboratory” means any animal research facility registered with the United States Department of Agriculture under authority of the Federal Laboratory Animal Welfare Act, 71 United States Code Section 2132 et seq.

“Restraint” means the securing of an animal by a leash or lead or confining it within the real property limits of property owned, lawfully occupied or controlled by its owner/guardian.

“Riding school or stable” means any place that has available for hire, boarding, and/or riding instruction, any horse, pony, donkey, mule or burro.

“Service dogs” mean any dog engaged in working or training to work for the assistance of hearing or sight impaired, or physically handicapped or disabled persons.

“Severe injury” means any physical injury to a human being or domestic pet or domestic livestock that results in multiple bites, broken bones, muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

“Stray” means any animal that does not appear, upon reasonable inquiry, to have an owner/guardian.

“Tether” means attaching a domestic pet to a stationary object or pulley run by means of a chain, rope, tether, cable, or similar restraint. “Tether” does not include the use of a leash to walk a domestic pet.

- ▶ “~~Trap-#Neuter-#Return~~” means a full management plan in which feral cats
- ▶ already living outdoors are humanely trapped, then evaluated, ~~vaccinated~~, sterilized
- ▶ and eartipped **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.

“Veterinary hospital” means any establishment maintained and operated by a veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

“Vicious animal” means any of the following:

- (1) Any animal which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being or domestic pet.
- (2) Any animal previously determined to be and currently listed as a potentially dangerous animal which, after its owner/guardian or keeper has been notified of this determination, continues the potentially dangerous behavior, as defined herein or is maintained in violation of Chapter 7.24 of this title.

“Wild animals” means any animal not a domestic animal, with the exception of small, nonpoisonous aquatic or amphibious animals and birds of the order Psittaciformes, canaries, and finches.

“Wildlife rehabilitator” means any person or persons that acquire the necessary state and federal permits to allow the rehabilitation of wildlife in their homes, on their property or in a professional facility, with the intent of releasing such animals according to state and federal guidelines.

“Zoological park” means any facility, other than a pet shop or kennel, displaying or exhibiting, without the predominant purpose of selling, one or more species of nondomesticated animals. The facility must be accredited by the American Zoological Association (AZA) or The Association of Sanctuaries (TAOS). (Ord. 05-33 § 2, 2005; Ord. 99-39 §§ 1—14, 1999; Ord. 98-27 §§ 1, 2, 3, 1998; Ord. 85-23 § 1, 1985; Ord. 78-20 § 1, 1978; Ord. 76-14 § 1 (part), 1976).

## Chapter 7.21

### KENNEL PERMITS

#### Sections:

- 7.21.010 Kennel permits required.
- 7.21.020 Obtaining noncommercial kennel permits.
- 7.21.025 Obtaining commercial kennel permits.
- ▶ ~~7.21.026 Obtaining feral cat colony permits.~~
- 7.21.030 Inspection.
- 7.21.040 Standards for noncommercial kennels.
- 7.21.050 Standards for commercial kennels.
- ▶ ~~7.21.055 Standards for feral cat colonies.~~
- 7.21.060 Kennel permit periods.
- 7.21.070 Fees.
- 7.21.080 Reclassification.
- 7.21.090 Violations.

7.21.010 Kennel permits required.

- ▶ (a) No person shall operate a commercial or noncommercial kennel or chicken flock ~~feral cat colony~~ without first obtaining a permit from the city of Bloomington animal care and control department in accordance with this chapter.

(b) No permit shall be issued unless the proposed operation is in compliance with all zoning laws. (Ord. 05-33 § 5 (part), 2005; Ord. 99-39 §§ 26 (part), 27, 1999).

7.21.020 Obtaining noncommercial kennel permits.

Applications for noncommercial kennel permits shall be made to the city of Bloomington animal care and control department.

- (a) The application for a noncommercial kennel permit shall include:
  - (1) The name, address, and telephone number of the applicant;
  - (2) The description (species, breed, sex, age and coloration) of and proof of rabies vaccination for each animal to be housed in the kennel; and



(3) A statement as to whether the applicant has ever been convicted of the offense of cruelty to animals.

(b) If the applicant withholds or falsifies any information on the application, no permit shall be issued and any permit previously issued on false or withheld information shall be revoked.

(c) No person previously convicted of cruelty to animals shall be issued a kennel permit without prior review by the animal control commission. (Ord. 05-33 § 5 (part), 2005; Ord. 99-39 §§ 26 (part), 28, 1999).

#### 7.21.025 Obtaining commercial kennel permits.

Applications for commercial kennel permits shall be made to the city of Bloomington animal care and control department.

(a) The application for a commercial kennel permit shall include:

(1) The name, address, and telephone number of the applicant;

(2) A statement as to whether the applicant has ever been convicted of the offense of cruelty to animals; and

(3) A statement of the total capacity of the kennels used for the purposes of Class B, Class C and Class D commercial kennel permits.

(b) Applications for Class A commercial kennel permits must include the description (species, breed, sex, age and coloration) of each animal to be housed in the kennel.

(c) If the applicant withholds or falsifies any information on the application, no permit shall be issued and any permit previously issued on false or withheld information shall be revoked.

(d) No person previously convicted of cruelty to animals shall be issued a kennel permit without prior review by the animal control commission. (Ord. 05-33 § 5 (part), 2005; Ord. 99-39 §§ 26 (part), 29, 1999).

#### ► ~~7.21.026 — Obtaining feral cat colony permits.~~

~~Applications for feral cat colony permits shall be made to the city of Bloomington animal care and control department.~~

~~(a) The application for a feral cat colony permit shall include:~~

~~(1) The name, address, and telephone number of the applicant;~~

~~(2) The description (breed, sex, age and coloration) of and proof of rabies vaccination for each cat to be housed in the colony; and~~

~~(3) A statement as to whether the applicant has ever been convicted of the offense of cruelty to animals.~~

~~(b) If the applicant withholds or falsifies any information on the application, no permit shall be issued and any permit previously issued on false or withheld information shall be revoked.~~

~~(c) No person previously convicted of cruelty to animals shall be issued a feral cat colony permit without prior review by the animal control commission. (Ord. 05-33 § 5 (part), 2005).~~

#### 7.21.030 Inspection.

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 ~~or colony~~ 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 ~~or colony~~ 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 ~~or colony~~ is maintained (or believed to be maintained) refuse inspection of said kennel ~~or colony~~, 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 ~~or colony~~ is located in order to determine if the kennel ~~or colony~~ is maintained in accordance with this title. (Ord. 05-33 § 5 (part), 2005; Ord. 99-39 §§ 26 (part), 30, 1999).

#### 7.21.040 Standards for noncommercial kennels.

All noncommercial kennels shall:

(a) Operate in such a manner as to not constitute a public nuisance; and

(b) Comply with all of the provisions of Chapter 7.36, Animal Care, of this title which provides standards for the general care of animals. (Ord. 05-33 § 5 (part), 2005; Ord. 99-39 §§ 26 (part), 31, 1999).

#### 7.21.050 Standards for commercial kennels.

All commercial kennels shall:

(a) Operate in such a manner as to not constitute a public nuisance;

(b) Comply with all of the provisions of Chapter 7.36, Animal Care, of this title which provides for the general care of animals;

(c) Provide an isolation area for animals which are sick or diseased to be sufficiently removed so as to not endanger the health and well-being of other animals;

(d) Keep all animals caged within a secure enclosure or under the control of the owner/guardian or representative of the kennel at all times;

(e) Provide each animal sufficient space to stand up, lie down and turn around in a natural position without touching the sides or top of the enclosure;

(f) Provide individual kennels for each animal being harbored for any portion of a twenty-four hour period, with the exception of yard or other play areas used for the purpose of dog day care. Kennels intended for single occupancy shall not house more than one animal, with the exception of animals that are normally housed together in a home environment. (Ord. 05-33 § 5 (part), 2005; Ord. 99-39 §§ 26 (part), 32, 1999).

#### ► ~~7.21.055 Standards for feral cat colonies.~~

~~All feral cat colonies shall:~~

~~(a) Operate in such a manner as to not constitute a public nuisance; and~~

~~(b) Comply with all of the provisions of Chapter 7.36, Animal Care, of this title which provides standards for the general care of animals. (Ord. 05-33 § 5 (part), 2005).~~

7.21.060 Kennel permit periods.

(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.

► ~~(c) Feral cat colony permits shall be valid for a period of one year from the date of issuance. An application must be made prior to the creation of a colony. (Ord. 05-33 § 5 (part), 2005; Ord. 99-39 §§ 26 (part), 33, 1999).~~

7.21.070 Fees.

(a) The fee for noncommercial kennel permits shall be:

(1) More than 4 altered dogs	\$25.00
(2) More than 6 altered cats	\$25.00
(3) More than a total of 10 altered dogs and cats combined	\$25.00
(4) More than a total of 14 altered dogs and cats combined	\$50.00
(5) Additional altered dogs and cats combined in increments of 4	\$50.00, plus \$25.00 per additional increment

(b) The fee for commercial kennel permits shall be:

(1) Class A, owning:	
(A) 5-8 animals	\$100.00
(B) 9-12 animals	\$150.00
(C) Additional animals in increments of 4	\$150.00, plus \$50.00 per additional increment
(2) Class B, boarding:	
(A) 1-25 kennels	\$100.00
(B) 26-50 kennels	\$250.00
(C) Additional kennels in increments of 25	\$250.00, plus \$200.00 per additional increment
(3) Class C, training	\$75.00
(4) Class D, grooming	\$50.00
► <del>(c) The fee for feral cat colonies</del>	<del>\$0.00</del>

► ~~(c)(d)~~ No fee shall be required of any veterinary hospital or municipal animal shelter, research laboratory or government-operated zoological park.

► ~~(d)(e)~~ Persons whose establishments operate under more than one class, as defined by this chapter, shall be required to apply for a permit for each applicable class. (Ord. 05-33 § 5 (part), 2005; Ord. 99-39 §§ 26 (part), 34, 1999).

7.21.080      Reclassification.

Any person or business who has a change in class under which the commercial and/or noncommercial kennel permit was issued shall report the change to the city of Bloomington animal care and control department and apply for a new permit within thirty days of any such change. (Ord. 05-33 § 5 (part), 2005: Ord. 99-39 §§ 26 (part), 35, 1999).

7.21.090      Violations.

(a)      Any animal control officer may issue any person or business in violation of this chapter a notice of ordinance violation. The penalty established in subsection (b) of this section shall be paid to the city of Bloomington animal care and control department within seventy-two hours of the notice of ordinance violation. In the event that such payment is not made within seventy-two hours, the city may file a proceeding in the county court of competent jurisdiction to collect the applicable penalty.

(b)      Persons or businesses who violate any provision of this chapter shall be subject to a fine of double the applicable permit fee for the first offense, with the fine for each subsequent offense of this chapter increasing by an increment of double the permit fee. In the event that the kennel permit does not require a fee, the fine for a first offense shall be twenty-five dollars, with the fine for each subsequent offense of this chapter increasing by an increment of fifty dollars.

(c)      In the event that the person or business has no additional violations of this chapter for a period of twelve consecutive months, the fine for any violation of this chapter after that period shall be double the applicable permit fee for the first offense, with the fine for each subsequent offense increasing by an increment of double the applicable permit fee. In the event that the kennel permit does not require a fee, the fine for a first offense shall be twenty-five dollars, with the fine for each subsequent offense of this chapter increasing by an increment of fifty dollars. (Ord. 05-33 § 5 (part), 2005: Ord. 99-39 §§ 26 (part), 36, 1999).

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.**

Chapter 7.24

RESTRAINT

Sections:

- 7.24.010 General requirements.
- 7.24.020 Animals in heat.
- 7.24.030 Vicious animals.
- 7.24.040 Violations.

7.24.010 General requirements.

▶ 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. (Ord. 05-33 § 7 (part), 2005: Ord. 77-74 § 4 (part), 1977).

...

Chapter 7.28

NUISANCE

Sections:

- 7.28.010 Public nuisance prohibited.
- 7.28.020 Violations.

7.28.010 Public nuisance prohibited.

▶ No owner/guardian/**colony caretaker** shall fail to exercise due care and control of his animals to prevent them from becoming a public nuisance. (Ord. 05-33 § 8 (part), 2005: Ord. 81-101 § 7 (part), 1981: Ord. 76-14 § 1 (part), 1976).

7.28.020 Violations.

(a) Any animal control officer may issue to any person in violation of this chapter a notice of ordinance violation. The penalty established in subsection (b) of this section may, at the discretion of the animal owner/guardian, be paid to the city of Bloomington animal care and

control department within seventy-two hours in full satisfaction of the assessed penalty. In the event that such payment is not made within the period prescribed, proceedings shall be filed in the county court of competent jurisdiction.

(b) Persons who violate any provision of this chapter shall be subject to a fine of fifty dollars for the first offense, with the fine of each subsequent offense of this chapter increasing by an increment of fifty dollars.

(c) In the event the person has no additional violations of this chapter for a period of twelve consecutive months, the fine for any violation of this chapter after that period shall be fifty dollars for the first offense, with the fine for each subsequent offense increasing by an increment of fifty dollars. (Ord. 05-33 § 8 (part), 2005; Ord. 99-39 § 48, 1999; Ord. 81-101 § 7 (part), 1981).

## Chapter 7.32

### IMPOUNDMENT

#### Sections:

- 7.32.010 Animals to be impounded.
- 7.32.020 Jurisdiction of animal control officer for impoundment.
- 7.32.030 Notice of impoundment.
- 7.32.040 Impounded animals—Reclamation.

#### 7.32.010 Animals to be impounded.

▶ (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.

#### 7.32.020 Jurisdiction of animal control officer for impoundment.

The jurisdiction of animal control officers for purposes of enforcing this chapter shall include, in addition to the municipality of Bloomington itself, all land within four miles of its corporate limits. (Ord. 05-33 § 9 (part), 2005; Ord. 81-101 § 1 (part), 1981; Ord. 77-74 § 5 (part), 1977).

#### 7.32.30 Notice of impoundment.

- ▶ (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.

## Chapter 7.36

### ANIMAL CARE

#### Sections:

- 7.36.010 Giving animals as prizes.
- 7.36.020 Poisoning animals.
- 7.36.025 Cruelty, abuse and neglect of animals.
- 7.36.030 Motor vehicle accidents involving animals.
- 7.36.040 Use of devices to induce performance.
- 7.36.050 General animal care.
- 7.36.060 Specific animal care provisions for animals used for drawing vehicles.
- 7.36.070 Abandonment.

...



7.36.050 General animal care.

► (a) Every owner/guardian/**colony caretaker** of an animal within the city shall see that his animal:

(1) Is kept in a clean, sanitary, and healthy manner and is not confined so as to be forced to stand, sit, or lie in its own excrement;

(2) Has proper and adequate food, water, shelter, and protection from the weather;

(3) If diseased or injured, receives care as necessary to prevent suffering and, if diseased, is segregated from other animals so as to prevent the transmittal of the disease to other animals.

(b) Any domestic pet or feral cat that is owned or harbored and habitually kept outside or repeatedly left outside unattended by an adult person for such periods of time as may cause suffering or endanger the health or well-being of the animal shall be provided with a structurally sound, moistureproof and windproof shelter large enough to keep the animal reasonably clean and dry and provide adequate protection from the cold and heat. Shelter must be placed in a dry area free of debris, feces and standing water.

(c) If multiple animals are present in one location, each animal must have access to shelter and the owner/guardian must meet all standards for each animal, as detailed in this section.

(d) The shelter must have bedding to provide insulation and protection against cold and dampness and promote the retention of body heat.

(e) Appropriate medical care and grooming of animals must be provided.

(f) No chain or tether shall weigh more than one-eighth of the animal's body weight.

(g) Any chain or tether shall be at least ten feet in length and have swivels on both ends.

(h) Any chain or tether must be attached to a properly fitting buckle-type collar or harness worn by the animal. Choke collars and pinch collars are prohibited for purposes of tethering an animal to a stationary object or cable run. A person may not wrap a chain or tether around an animal's neck. A chain or tether used to restrain an animal must, by design and placement, be unlikely to become entangled.

(i) It shall be unlawful for the owner/guardian of any animal to keep or maintain the animal on a tether for a period of more than ten continuous hours and no more than twelve hours in any twenty-four hour period, or for any duration under conditions, which threaten the health, or well-being of the animal.

(j) A muzzle may not be worn continuously as a means for controlling barking.

(k) A person may not restrain an animal in a manner that does not allow the animal to have access to necessary shelter, water and food.

(l) A person may not restrain an animal in a manner that allows the animal to move outside property owned, lawfully occupied or controlled by the person.

(m) Any person who owns or harbors any intact female dog or cat shall, during the period that such animal is in heat or in estrus, shall keep such dog or cat in a secured area that prevents a male dog or cat from having access to such female, except for controlled breeding permitted by the owner/guardian of the female. Additionally, the female dog or cat shall not be chained or tethered in a manner that prevents her from defending herself or from avoiding a mate.

(n) It shall be unlawful for any person to place or confine or allow any animal to be confined in such a manner that it must remain in a motor vehicle, trailer or pet carrier under such

conditions for such periods of time as may cause suffering or endanger the health or well-being of the animal due to extreme temperatures or lack of food or water.

(o) No person shall intentionally or unintentionally cause or allow the breeding of more than one litter per female cat or dog in a twelve-month period.

(p) Any animal control officer may issue to any person in violation of this section a notice of ordinance violation. The penalty established in subsection (q) of this section may, at the discretion of the animal owner/guardian, be paid to the city of Bloomington animal care and control department within seventy-two hours in full satisfaction of the assessed penalty. In the event that such payment is not made within the period prescribed, proceedings shall be filed in the county court of competent jurisdiction.

(q) Persons who violate any provision of this section shall be subject to a fine of fifty dollars for each offense. (Ord. 05-33 § 10 (part), 2005; Ord. 99-39 § 57, 1999; Ord. 81-101 § 12, 1981; Ord. 77-74 § 6 (part), 1977).

...

7.36.070 Abandonment.

- ▶ 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. (Ord. 05-33 § 10 (part), 2005; Ord. 99-39 § 59, 1999; Ord. 83-53 § 3, 1983; Ord. 77-74 § 6 (part), 1977).

## Chapter 7.44

### RABIES

Sections:

- 7.44.010 Rabies vaccination required.
- 7.44.020 Animals biting persons.
- 7.44.030 Animals biting animals.
- 7.44.050 Euthanization of stray animals.
- 7.44.060 Violations.

7.44.010 Rabies vaccination required.

- ▶ 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.** (Ord. 05-33 § 13 (part), 2005; Ord. 98-27 § 9, 1998; Ord. 81-101 § 13, 1981; Ord. 77-51 § 1 (part), 1977).

7.44.020 Animals biting persons.

- ▶ (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**.

(b) An owner/guardian reclaiming an impounded bite case animal, having been boarded at the city of Bloomington animal shelter, shall pay a board fee as follows:

(1) Dog	\$10.00 per day
(2) Cat or ferret	\$5.00 per day

(c) Persons failing to quarantine an owned animal that has bitten a person shall be subject to a fine, as specified in Section 7.44.060 of this chapter. (Ord. 05-33 § 13 (part), 2005; Ord. 99-39 § 63, 1999).

7.44.030 Animals biting animals.

If an animal has bitten another domestic pet, at the discretion of a city animal control officer, the animal may 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's expense. The conditions of the impound shall be the same as in Section 7.44.020 of this chapter. (Ord. 05-33 § 13 (part), 2005)

7.44.050 Euthanization of stray animals.

If a stray dog, cat or ferret has bitten a person or animal, it shall be confined in the city of Bloomington animal shelter for five days only. At the end of the five-day period, if unclaimed, the animal shall be euthanized, and its brain sent to the Indiana Department of Health Rabies Laboratory for diagnostic tests. (Ord. 05-33 § 13 (part), 2005; Ord. 98-27 § 13, 1998; Ord. 77-51 § 1 (part), 1977).

7.44.060 Violations.

Unless otherwise provided for by state statute, persons who violate any provision of this chapter shall be subject to a fine of up to two hundred dollars for each offense. (Ord. 05-33 § 13 (part), 2005; Ord. 99-39 § 64, 1999; Ord. 77-51 § 1 (part), 1977).

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John E. Talt  
David O. Wiebers, M.D.

The Humane Society of the United States (HSUS) believes that feral cat overpopulation is a community-generated problem and that every community has a responsibility to work toward a solution. The HSUS is concerned about feral cat populations, the welfare of individual cats, and the welfare of wild animals.

Feral cats are unsocialized cats who may be one or more generations removed from a home environment and may live in a group, or colony, of similar cats. These cats and their offspring are victims of abandonment, accidental loss, and failure by owners to sterilize their pets.

The HSUS advocates community-based Trap-Neuter-Return (TNR) programs with on-going responsible management as the most viable, long-term approach available at this time to reduce feral cat populations. Responsible management of existing feral cat colonies should include: humane trapping, sterilization, rabies vaccination, and treatment for illness or injury; removal of kittens and friendly adults for possible placement in homes; euthanasia of animals whose suffering cannot be alleviated; ear-tipping and returning ferals to the same location where they were trapped provided they would not face imminent risks; and providing lifelong care consisting of adequate food, water, and shelter as well as regular monitoring of the colony for sickness, injury, and the arrival of new animals. The goal of any feral cat management program should be to maximize quality of life for the cats and to eliminate the existing colony over time through attrition.

For a TNR program to be successful, cooperation among many members of the community is essential. No one person or agency should be expected to devote all the resources needed or shoulder the responsibility alone. Instead, organizations and individuals can offer their services to achieve a comprehensive goal, while still working within the scope of their mission and capability. A single program, such as subsidized sterilization, is an excellent step forward, but cannot effect change without other supportive pieces in place, such as public education and outreach, adoption resources, dedicated colony caretakers, and cooperation among the various interest groups. A working coalition, in which each member respects the others' contributions and limitations, and where there is productive and open communication, is a formula for success. While The HSUS strongly recommends that each community works toward the goal of non-lethal management, we realize that euthanasia may be considered as an interim solution where TNR cannot be implemented.

Inherent in all decisions about whether to maintain a particular colony is the potential negative impact on local wildlife. The HSUS values the lives of individual wild animals, no matter their species status. The goal of any TNR program should be to lessen the impact on wildlife by reducing the number of feral cats and eventually eliminating their presence from the environment. The location of colonies is an extremely important issue, and reinforces the need for a community-based approach to ensure that colonies are managed so that impacts on wildlife are minimized.

The HSUS recognizes that there are real challenges to reducing the numbers of feral cats currently living on the streets of this country, and this statement is meant to encourage all members of the community – citizens, veterinarians, animal shelters, wildlife advocates, policy makers, public health departments, businesses – to work together toward a goal of non-lethal approaches to feral cat management. Resources are available on our website at [www.hsus.org/feralcats](http://www.hsus.org/feralcats).

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