

ORDINANCE NUMBER 005-2016

AN ORDINANCE ESTABLISHING POLICY AND PROTOCOLS FOR THE MANAGEMENT, HARBORING AND/OR FEEDING OF STRAY, FERAL, OR ABANDONED CATS AND FELINES AND TO PRESCRIBE PENALTIES FOR VIOLATION THEREOF

WHEREAS, the City Council of the City of Cordova, Alabama (“City Council”) finds that:

1. The population of Stray, Feral, and Abandoned Cats within the City of Cordova, Alabama (“City”) has increased substantially;
2. The ownership and care of substantial numbers of cats that roam freely out of doors contributes to the population of Stray, Feral, and Abandoned Cats within the City;
3. Said cats may lack appropriate veterinary care and consequently carry diseases and otherwise represent a threat to the health, safety, and welfare of the community;
4. Measures designed to prevent said cats from roaming at large and to control the population of said cats are in the public interest;

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORDOVA,
ALABAMA AS FOLLOWS:**

Section 1. Purpose.

The purpose of this Ordinance is to establish policies and protocols to manage Stray, Feral, and Abandoned Cat populations in the City, and to provide penalties for violation thereof. It is hereby found that any and all cats, kept, harbored, fed, owned, or taken care of in violation of Section 3 of this Ordinance are dangerous, offensive, and unwholesome to the extent that they are nuisances to the public.

Section 2. Definitions.

The following definitions shall apply in the interpretation of this Ordinance:

(a) *Nuisance Cat*: The term “Nuisance Cat” shall mean any cat which appears to be homeless, abandoned, non-socialized, undomesticated or uncared for based upon the behavior or physical condition of the cat or the absence of any collar, tag, microchip, or other means of identifying the name, address, or telephone number of the owner. Nuisance Cats shall include, but are not limited to:

(1) *Stray Cat*: A cat socialized to humans which no longer lives in a home and freely wanders out of doors.

(2) *Feral Cat*: A cat of eight (8) weeks of age or older which is unsocialized to humans by virtue of being born into wildness or because it has had no human interaction for a significant period of time.

(3) *Abandoned Cat*: A cat socialized to humans which was inadvertently or intentionally cast away by its owner.

(b) *Superannuated*: Incapacitated by advanced age.

(c) *Infirm*: Not physically or mentally strong, especially through age or illness.

(d) *Glandered*: Affected by a contagious disease caused by bacteria and characterized by swellings beneath the jaw and a profuse mucous discharge from the nostrils.

(e) *Harbor or Harboring*: Allowing or causing a cat or cats to reside in or access an “Unoccupied Structure” under one’s ownership or control.

(f) *Unoccupied Structure*: A dwelling, building, structure, house, or abode wherein no person primarily resides.

(g) *Keep or Keeping*: Allowing or causing a cat or cats to reside in or access your residence or place of work.

Section 3. Specific Violations.

(a) *Keeping or Harboring*. It shall be unlawful for any person to Keep or Harbor at any place within the City any Nuisance Cat, regardless of the age or size of any such animal, and regardless of whether or not such animal was born and/or raised in captivity.

(b) *Feeding*. It shall be unlawful for any person to knowingly feed, offer food, or in any manner provide food to any Nuisance Cat within the City limits.

(c) *Limitation on ownership or care of outdoor cats*. It shall be unlawful for any person to own, keep, harbor, or take care of more than five (5) cats, six months or older, which are allowed outside the residence and on the premises, and/or are allowed to roam freely out of doors.

(d) *Swearing a false affidavit in relation to Section 4(c)*. It shall be unlawful for any person to swear out an affidavit said person knows is false, fraudulent, or inaccurate in applying for an exemption under Section 4(c) of this Ordinance.

Section 4. Exceptions.

The provisions of this Ordinance do not apply to any of the following:

(a) Employees or agents of the City, county, state, and federal government or veterinarians who, in the course of their official duties, have in their custody or under their management Nuisance Cats or cats owned, kept, harbored or cared for in violation of Section 3(c) of this Ordinance;

(b) To effectuate the provisions of this Ordinance, the provision of food in connection with the humane trapping of Nuisance Cats or cats owned, kept, harbored or cared for in violation of Section 3(c) of this Ordinance.

(c) This ordinance does not apply to violations of Section 3(c) if, from the date of the adoption of this Ordinance by the City Council until the effective date of this Ordinance on November 1, 2016, an owner of cats that would be in violation of Section 3(c) but for this provision files a fully completed and signed, sworn and notarized affidavit in the form identified as Exhibit A to this Ordinance with the City Clerk certifying ownership of said cats, that said cats live at the owner's primary residence, and that said cats are under the care of a veterinarian who will verify the ownership of said cats.

Section 5. Fines and Punishment.

A violation of this Ordinance shall be punishable by a fine not to exceed the sum of five hundred dollars (\$500) for each offense, and if a willful violation, by imprisonment, not to exceed six months, or both, at the discretion of the court trying the same. Each Nuisance Cat that a person is Harboring, Keeping, and/or Feeding in violation of Sections 3(a) and/or 3(b) shall constitute a separate offense. Each individual cat that is owned, kept, harbored or cared for in violation of Section 3(c) of this Ordinance (i.e., above the five (5) cat limitation) shall constitute a separate offense.

Section 6. Trapping of Nuisance Cats; Humane Societies.

(a) The City or its representatives, including the code enforcement official, animal control officer, or person serving in like capacity, or such persons or firms as may be designated or employed by the City or with whom the City may contract for such purposes, shall have the authority to trap or collect by humane means any Nuisance Cat or cats owned, kept, harbored or cared for in violation of Section 3(c) of this Ordinance.

(b) The City or its representatives shall also have the authority to deliver trapped or collected Nuisance Cats or cats owned, kept, harbored or cared for in violation of Section 3(c) of this Ordinance to the Walker County Humane and Adoption Center (or any successor or related entity operated by Walker County, Alabama, or designated by Walker County, Alabama, to perform like services on behalf of the County), any duly incorporated society for the prevention of cruelty to animals, or any animal shelter licensed to do business in Walker County, Alabama.

Section 7. Severability.

If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

Section 8. Ordinance Cumulative.

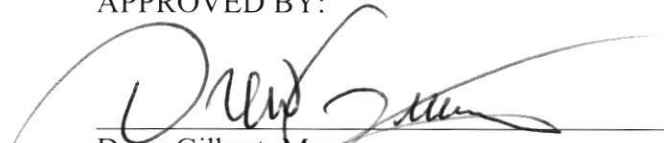
This Ordinance is cumulative in nature and is in addition to any power and authority which the City may have under any other law.

Section 9. Effective Date.


This Ordinance shall become effective November 1st, 2016.

DONE, ORDERED, ADOPTED and APPROVED this the 26th day of August, 2016.

APPROVED BY:


Drew Gilbert, Mayor

ATTESTED BY:


Leanne Dawkins, Clerk

CERTIFICATION

I, Leanne Dawkins, as Clerk of the City of Cordova, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance No. 005-2016 is a true and correct copy of such Ordinance that was duly adopted by the City Council of Cordova, Alabama, on the 26th day of August, 2016, as same appears in the official records of said City.

Posted at Cordova City Hall, Piggly Wiggly Grocery Store, Cordova Post Office, and Sheri's One Stop this the 26th day of August, 2016.


Leanne Dawkins, Clerk