

505.18 FEEDING OR HARBORING OF NUISANCE HEALTH RISK ANIMALS PROHIBITED; ESTABLISHING THE REQUIREMENTS FOR REGISTRATION OF FERAL CAT COLONIES.

(a) Prohibition. No person within the limits of the Village shall knowingly feed and/or harbor nuisance health risk animals

(b) Exceptions. The provisions of subsection (a) above shall not apply to the following situations:

(1) Any Qualified Caregiver sponsored by and under the supervision of an Animal Welfare Organization registered with the Village to promote a Trap Neuter-Return ("TNR") Program in which Feral or Stray Cats are trapped, sterilized, vaccinated against rabies, ear tipped and returned to the Qualified Caregiver.

(2) This section shall not apply to licensed trappers or permitted hunters actively baiting nuisance health risk animals in order to lawfully trap or harvest such animals.

(c) Affirmative Defense. It shall be an affirmative defense to the feeding of a Feral Cat or a Stray Cat that the cat previously was spayed or neutered. Evidence that the cat was eartipped shall constitute proof of this affirmative defense.

(d) Definitions. The following words and phrases, when used in Ordinances 505.18 and 505.18.1, shall have the meanings respectively ascribed to them in this Ordinance:

(1) "Abandoned Animal's" means a domesticated cat that an owner has forsaken entirely or neglected or refused to provide care and support.

(2) "Animal Welfare Organization" means any charitable corporation whose purpose includes promotion of animal welfare and that has been granted 501(c)(3) nonprofit status by the Internal Revenue Service and which has registered with the Village to operate within its boundaries.

(3) "Ear-tipping" means straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized when done to evidence that the cat has been sterilized and vaccinated.

(4) "Feral cat" shall mean a member of the felis catus genus species that does not reside in a human occupied dwelling and that has never been tamed and socialized to humans.

(5) "Feral Cat Colony" means a group of cats that congregates, more or less, together as a unit. Although not every cat in a Colony may be feral, any non-feral cats that congregate with a colony shall be deemed to be a part of it.

(6) "Nuisance Health Risk Animals" shall mean stray and/or feral cats.

(7) "Qualified Caregiver" or "Feral Cat Colony Caregiver" means any person who takes responsibility for the care and management of a Village registered stray feral cat colony.

(8) "Registration" means annual completion of a form by an Animal Welfare Organization that contains the information set forth in Ordinance 505.18.1.

(9) "Stray Cat" means a cat that is regularly off the property of the owner, is not under the physical control and restraint of the owner, and is not regularly provided with food by its owner.

(10) "TNR" means Trap, Neuter and Return.

(11) "TNR Program" means a program pursuant to which feral and stray cats are trapped, neutered or spayed, vaccinated against rabies, and returned to the location where they congregate, in accordance with this chapter.

(f) Penalty. Whoever violates this section is guilty of a minor misdemeanor for a first offense, a fourth degree misdemeanor for the second offense, and a third degree misdemeanor for a third or subsequent offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(Ord. 2017-0-75. Passed 9-17-17.)

505.18.1 ESTABLISHING THE REQUIREMENTS FOR REGISTERED FERAL CAT COLONIES, QUALIFIED CAREGIVERS AND ANIMAL WELFARE ORGANIZATIONS.

(a) Requirement to Register Cat Colony. When a Feral Cat Colony is found to exist, a person may via this ordinance, maintain and care for the feral cats by providing food, water, shelter and other forms of sustenance, provided that the person registers the Feral Cat Colony with an Animal Welfare Organization that has registered with the Village to operate within the boundaries of the Village.

(b) Requirements of Feral Cat Colony Caregiver. Feral Cat Colony Caregivers shall be responsible for the following:

(1) Registering the colony with an Animal Welfare Organization that is registered with the Village.

(2) Obtaining written approval of the owner of any property, or any authorized representative of the owner, to which the Feral Cat Colony Caregiver requires access to provide colony care.

(3) Providing food and/or shelter only in the rear of the property, feeding on a regular schedule, and limiting food availability to one hour up to twice daily.

(4) Obtaining proper medical attention for any colony that appears to require it.

(5) Taking all appropriate and available steps to have the colony population spayed or neutered by a licensed veterinarian.

(6) Taking all appropriate and available steps to vaccinate the colony population for rabies, preferably with a three-year vaccine, and to make a reasonable attempt to update the vaccinations as warranted and mandated by law.

(7) Ear-tipping the left ear of a colony cat that has been vaccinated and spayed or neutered so that colony cats can be readily identified.

(8) Taking all reasonable steps to

A. Remove kittens from the colony after they have been weaned;

B. Place kittens in homes, foster homes, or reputable adoption organizations for the purpose of subsequent permanent placement; and

C. Capture and spay the mother cat.

(9) Taking all reasonable measures to resolve nuisance complaints resulting from the Feral Cat Colony

(10) Taking all reasonable measures to remove non-feral cats from the colony to be placed in foster homes or otherwise adopted out.

(11) Reporting to the registered Animal Welfare Organization any new stray or feral cats that have been added to the colony.

(c) Requirements of Animal Welfare Organizations. Animal Welfare Organizations that sponsor a Feral Cat Colony shall be responsible for the following:

(1) Register with the Village.

(2) Report quarterly on:

- A. Location of Colony
- B. The number and gender of all cats within the colony
- C. A description of individual cats within the colony;
- D. The reproductive status of all cats within the colony;
- E. The number of cats that died or otherwise ceased being a part of the colony;
- F. The number of kittens born to the colony cats and their disposition;
- G. The number of cats placed in animal shelters or in permanent homes as companion cats.
- H. The number of cats vaccinated; and,
- I. The number of cats spayed or neutered under a TNR program.

(d) Withdrawal of Feral Cat Colony Caregiver. In the event that a Feral Cat Colony Caregiver is unable or unwilling to continue in that role, the Caregiver shall notify the Animal Welfare Organization immediately, which shall in turn immediately notify the Village. If no other Feral Cat Caregiver is providing for the colony and if no new Feral Cat Caregiver assumes responsibility for the colony within thirty (30) days, feeding of the colony shall cease by the caregiver(s).

(Ord. 2017-075. Passed 9-17-17.)

505.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)