

ORDINANCE NO. 766
CHAPTER 5, ANIMALS

ORDINANCE AMENDMENT – CHAPTER 5, ANIMALS

The proposed amendment would establish a Feral/Stray Cat Trap-Neuter-Return ordinance to help deal with the overabundance of feral/stray cats in the City.

City Manager Donald D. Crawford noted that the office that will register cat colony care takers will be the Code Enforcement Office. He also noted that should Council adopt the proposed ordinance they will be presented with a resolution naming a cat care organization that will undertake the activities listed in the ordinance. Lastly, he expressed his support for the ordinance amendment saying it will help with the stray cat issue.

A public hearing was conducted to receive citizen comment regarding the proposed addition of Chapter 5, Animals, Article III, *Feral Cat Trap-Neuter-Return Program*.

The following people commented regarding the proposed amendment:

Elmer Walworth, 1344 West King Street, said that while he appreciated what Council was trying to do he felt that returning spayed/neutered cats to the place they were found will not solve the problem because they would still be around to get into garbage and defecate in people's flower beds.

An anonymous phone comment supporting efforts to manage stray cats in town was received via the Code Enforcement Office prior to the meeting.

There were no further citizen comments.

Councilperson Bailey addressed Mr. Walworth's concerns saying that while it seems counterintuitive to put the cats back where you found them research has clearly shown that a TNR (trap-neuter-release) program is an effective way reduce the number of stray cats.

Councilperson Bandkau said he had a lot of questions about the proposed ordinance saying he found certain sections to be very vague and he felt the overall ordinance was unenforceable. He said he thought that adoption of the proposed ordinance would only create loopholes for those that hoard animals.

Councilperson Greenway noted that cats that are being cared for are not usually the cats that get into people garbage and create problems. She said she has noticed a distinct difference in the stray cats in her neighborhood since they've been neutered.

City Attorney William C. Brown noted that he had reviewed the language and agreed that it was not perfect, but could be amended if necessary.

Councilperson Bailey noted that you cannot legislate kindness. She said there is always someone that will feed a stray animal. This ordinance seeks to provide the resources that people need to take care of stray cats.

Councilperson Fox said he was concerned that a registered care taker could cease caring for a colony and there may be no one else interested in taking responsibility for them. He said the idea sounded good on paper but there was no guarantee it would work in Owosso. He also expressed concern for potential health issues presented by allowing people to have cat colonies.

Mayor Frederick noted that the City already has existing colonies that are not cared for and their numbers are not being managed, he said that even if the ordinance was not a complete success it would mark a distinct improvement over what is going on now.

Councilperson Bailey noted that 83 local cats were spayed or neutered in May alone. She hopes to one day work Community Cats right out of business!

Whereas, the Council, after due and legal notice, has met and having heard all interested persons, motion by Councilperson Teich that the following ordinance be adopted:

ORDINANCE NO. 766

**AN ORDINANCE TO ADD TO THE CODE OF ORDINANCES
CHAPTER 5 ANIMALS ARTICLE IV-FERAL/STRAY CAT TRAP-NEUTER-RETURN**

WHEREAS, communities across the country (urban, suburban, rural) are faced with growing feral/stray cat populations; and

WHEREAS, a local law addressing community cats will reduce the population of free-roaming cats, positively affect potential disease and nuisance concerns, and improve the quality of life for the citizens of Owosso; and

WHEREAS, approaches like trap-and-euthanize have failed to solve the problem; and

WHEREAS an increasing number of communities are enacting local laws to regulate and support the practice of Trap-Neuter-Return (TNR) programs as a solution; and

WHEREAS, an ordinance authorizing TNR is needed due to other existing ordinances such as feeding bans, a maximum number of animals per household, requirements against cats being at large, etc. which effectively impede TNR efforts; and

WHEREAS, these provisions can make it difficult/impossible for caretakers, the individuals who manage colonies of cats, to do their work legally, making an ordinance allowing TNR and exempting caretakers from these other laws a prerequisite for the establishment of a community-wide TNR program; and

WHEREAS, it is in the community's best interest to identify colonies and their caretakers, and offer resources to care responsibly for the cats through TNR; and

WHEREAS, the goal is to establish reasonable standards for performing TNR by providing protections to caretakers who adhere to the ordinance's terms and conditions and by clearly defining the duties of all involved parties, including caretakers, animal welfare organizations, animal control agencies and the city; and

WHEREAS, it is in the best interest of the city of Owosso to protect the health, safety and welfare of residents through managed care of community cats by setting the following standards.

NOW THEREFORE BE IT ORDAINED by the city council of the city of Owosso, Michigan, Shiawassee County, Michigan that the Code of Ordinances be amended as follows:

SECTION 1: ADDITION. Adding to Chapter 5 Animals an Article III, Feral/Stray Cat Trap-Neuter-Return Program

ARTICLE III. – FERAL/STRAY CAT TRAP-NEUTER-RETURN PROGRAM

Sec. 5-40 Purpose.

The purpose of this article is to set the following standards for management of feral and community cats.

Sec. 5-41 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the content clearly indicates a different meaning.

Caretaker means any person who regularly provides food /water/shelter to a feral cat colony.

Cat care organization means the organization recognized by the city to oversee a trap-neuter-return (TNR) program to reduce the feral cat population, benefitting public health, improving the quality of life for residents, and ensuring the humane treatment of feral/stray cats.

Eartip means a mark identifying a feral or stray cat as having been sterilized, specifically, the removal of the tip of the cat's left ear while the cat is anesthetized.

Feral cat means a cat that is free roaming, not socialized to people and not an owned cat.

Feral cat colony and **colony** mean a group of feral or stray cats that congregate, more or less, together as a unit and share a common food source.

Foster home means a household in which cat(s)/kitten(s) are temporarily placed for providing shelter, care and, if necessary, socialization before permanent placement in an adoptive home.

Kitten means a member of the species *felis catus* under the age of 10 weeks.

Nuisance means conduct by feral or stray cat that disturbs the peace, including (a) habitually or continually howling or making loud noises and (b) destroying property and as defined in Section 18-1 of this Code.

Owned cat means a cat that is a companion to a person, is regularly fed and is sheltered in that same person's habitation.

Shelter means a structure that provides feral/stray cats with protection from weather-related elements and natural enemies.

Sterilize means to spay or neuter.

Stray cat means a cat that is socialized to humans and is not an owned cat.

TNR means the method of managing feral and stray cats known as trap-neuter-return.

TNR program means a program pursuant to which feral and stray cats are trapped, sterilized, vaccinated against rabies, eartipped, and returned to the location where they were captured and provided with long-term care by a caretaker.

Sec. 5-42 Management of feral cat colonies.

A TNR program shall be permitted and caretakers shall be entitled to maintain feral cat colonies according to the terms and conditions of this Article.

Sec. 5-43 Caretaker requirements.

It shall be the responsibility of a caretaker to:

- (a) register all feral cat colonies managed by the caretaker with the cat care organization pursuant to the requirements of Sec. 5-44;
- (b) make reasonable efforts to trap all cats in a registered colony and have all trapped cats sterilized, vaccinated against rabies and eartipped by a licensed veterinarian;
- (c) provide or arrange for the provision of adequate food and water on a regular basis to colony cats and make reasonable efforts to ensure adequate shelter for colony cats;
- (d) make reasonable efforts to trap and obtain proper medical attention for any colony cat that appears to require it;
- (e) make reasonable efforts to remove, socialize, and find permanent adoptive homes or foster homes for kittens born to colony cats; and
- (f) make reasonable efforts to work with the city and the cat care organization to resolve any complaints concerning the colony of cats managed by the caretaker.

Sec. 5-44 Feral cat colony registration.

Upon registration of a feral cat colony, the caretaker shall provide the cat care organization with:

- (a) address, telephone number and, if applicable, email address of the caretaker;
- (b) location of the colony; and
- (c) approximate number of cats in the colony and the number currently sterilized/vaccinated.
- (d) the cat care organization shall provide the Clerk of the City of Owosso with current listings of all registered feral cat colonies.

Sec. 5-45 Change of caretaker.

If a caretaker is unable or unwilling to continue in that role, the caretaker shall notify the cat care organization and shall make reasonable efforts to secure a replacement caretaker. The cat care organization shall advise the Clerk of the City of Owosso whenever a caretaker ceases to function as such.

Sec. 5-46 Ordinance enforcement.

Nothing in this Article shall interfere with the right of the city to:

- (a) investigate nuisance complaints allegedly caused by a feral or stray cat or feral cat colony. If a cat/cats belonging to a registered feral cat colony is causing a nuisance, the city shall give the caretaker written notice delineating the nuisance and location of the cat or cats with specificity, including the person making the complaint. The caretaker shall have thirty (30) days from the date that written notice was provided to alleviate the nuisance. If the caretaker fails to effectively address the nuisance after thirty (30) days, the city shall have the right to remove the offending cat or cats;
- (b) seize and remove a registered feral cat colony if the caretaker regularly fails to comply with the requirements of Sec. 5-43 and the caretaker does not correct the situation within thirty (30) days of being given written notice by the city delineating the failures with specificity;
- (c) a caretaker in compliance with this Article shall be exempt from all provisions of this code that impose requirements on cats that are owned, kept, harbored, or in the custody of a person.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this amendment for any reason is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect June 22, 2015.

SECTION 4. AVAILABILITY. This ordinance may be purchased or inspected in the city clerk's office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.


Motion supported by Councilperson Greenway.

Roll Call Vote.

AYES: Councilperson Greenway, Mayor Pro-Tem Eveleth, Councilpersons Teich, Bailey, and Mayor Frederick.

NAYS: Councilpersons Bandkau and Fox.

I hereby certify that the foregoing document is a true and complete copy of action taken by the Owosso City Council at the regular meeting of June 1, 2015.



Amy K. Kirkland, City Clerk