

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF KIRKSVILLE, MISSOURI REGULATING ANIMALS, TO SUPPORT THE IMPLEMENTATION OF A TRAP, NEUTER, RETURN PROGRAM FOR CATS.

WHEREAS, Feral cats are a problem in most communities, including Kirksville; and

WHEREAS, Conventional/historical methods of addressing the problem have met with various degrees of success; and

WHEREAS, The City would like to at least try another tactic to address the feral cat population within the City Limits.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF KIRKSVILLE, MISSOURI AS FOLLOWS:

Section I. Chapter 5 - Animals, to be amended as follows: [Additions to the Chapter are underlined; deletions are noted by strikethrough; and replacements in bold type.]

Sec. 5-1. - Definitions.

As used in this chapter, the following terms shall have the meanings indicated, unless the context requires otherwise:

Animal. Every nonhuman species of animal, both domestic and wild.

Animal shelter. Any facility **so licensed by the State** ~~operated by a humane society, or municipal agency, or its authorized agents,~~ for the purpose of impounding animals under the authority of this chapter or state law for care, confinement, return to owner, adoption or euthanasia.

At large. Off the premises of the owner, and not under the restraint of the owner, his agent or member of his immediate family.

Authorized/designated volunteer organization. A local animal rescue group(s) designated, by City Council, to manage and administer the TNR program. A list of groups (and their contacts/board members) so designated will be kept in the office of the City Clerk.

Continuing public safety hazard. The prohibited behavior of any adjudicated vicious animal that is likely to continue.

Ear tip. A mark identifying a feral cat as being in the TNR program, specifically, the removal (by the designated volunteer organization or their veterinarian) of approximately 3/8 of an inch off the tip of the cat's left ear in a straight line.

Feral cat. A cat that is unsocialized to people and typically avoids contact with humans.

Feral cat caregiver. Any person, in association with the duly authorized /designated volunteer TNR organization, who in accordance with good faith effort to trap, neuter, vaccinate and return the feral cat, provides volunteer care to a feral cat.

Owner. Any person, partnership or corporation owning, keeping, or harboring one (1) or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days. Owner does not include a person caring for a feral cat, as a feral cat caregiver, as approved in this Chapter.

Public nuisance animal. Any animal that unreasonably annoys humans, endangers the life or health of other animals or persons, or substantially interferes with the rights of persons, other than its owner, to enjoyment of life or property. The term "public nuisance animal" shall include, but not be limited to, an animal that:

- (1)
Is repeatedly found at large, and is not a feral cat in the registered TNR Program;
- (2)
Damages the property of anyone other than its owners;
- (3)
Molests or intimidates pedestrians or passersby;
- (4)
Chases vehicles;
- (5)
Excessively makes disturbing noises, including but not limited to, continued barking, howling or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (6)
Attacks other domestic animals.

Restraint. When any animal is secured by a leash or lead under the control of its owner, agent or immediate member of the owner's family, and obedient to that person's commands.

Trap-Neuter-Return/TNR. A nonlethal approach to the management of the feral cat population where feral cats are humanely trapped, sterilized, vaccinated, ear tipped, and then returned to the location where they were originally trapped. TNR is managed/administered by a private rescue group(s), as authorized by City Council, and does not involve active involvement/participation by the City or its employees.

Vicious animal. Any animal that attacks, bites, or injures human beings or other domestic animals without adequate provocation; or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or

other domestic animals without adequate provocation; or which threatens to attack, bite or injure a human being or other domestic animal without adequate provocation.

Sec. 5-3. - Licensing.

(a)

Every resident person who owns, controls, manages, possesses or has part interest in any animal four (4) months of age or older, kept any time during the year, or every resident person who permits an animal four (4) months of age or older, to come upon, on or in, and to remain in or about his home, place of business or other premises in the area affected by this chapter (which does not include ear tipped feral cats in the approved TNR program), shall obtain from the police department, at no cost, a one-year license for such animal. An applicant for an animal license for any such animal shall present to the issuing officer a certification of inoculation against rabies signed by a licensed veterinarian, which certificate shall have been executed some time during the previous thirty-six-month period if a three-year type of vaccine is used or twelve-month period if a one-year type vaccine is used. In lieu thereof, if the holder of a kennel permit who owns such animal has personally administered a rabies inoculation to this animal, then prior to the issuance of a license, an affidavit shall be completed, signed and notarized at the police department attesting to the date of inoculation, the type of inoculation, and the length of inoculation. Such license shall be valid for the period of January first through December thirty-first each year.

(b)

The provisions of this section do not apply to owners who are nonresidents temporarily within the city for a period not to exceed fifteen (15) consecutive days, or who bring animals into the city for the purpose of participating in an animal show. Nor do the provisions of this section apply to owners of an animal properly and currently licensed by another municipality, except that this provision shall become void after the owner of the animal has lived in the city for a period of thirty (30) calendar days. Nor do the provisions of this section apply to authorized/designated participants in the TNR program.

(d)

As authorized/designated by City Council, animal control, and the local animal rescue group(s) so designated, along with their volunteers, are allowed to carry out TNR.

Sec. 5-4. - Kennel permits.

(b)

The permit period shall run from ~~July~~ **January** first to **December thirty-first** ~~June thirtieth~~ of every year. Renewal applications for permits may be made within sixty (60) days prior to the expiration date. Application for a permit to establish a new breeding animal establishment under the provisions of this chapter may be made at any time.

Sec. 5-8. - Animals running at large.

It shall be unlawful for the owner, or person in control, of any animal to let such animal run at large, whether licensed or not, at any time within the city. The provisions of this section do not apply to volunteers participating in the authorized/designated TNR program.

Sec. 5-11. - Disposition of attacking, biting, injuring animals.

(d)

If the animal does not develop symptoms of rabies at the end of such ten-day period, then it may be returned to the owner upon payment of boarding fees. The animal may be returned earlier if certified by a licensed veterinarian to be free of rabies. The provisions of this section do not apply to cats in the TNR program.

(1)

Feral cats, covered by the TNR program, which attack, bite or injure a human being or other domestic animal without adequate provocation will not be returned to the program. These animals may be adopted by someone who will care for them in a non-urban environment, or they will be killed humanely.

Sec. 5-12. - Rabies control—Generally.

(c)

If such animal does not develop symptoms of rabies at the end of such ten-day period, then it may be returned to the owner upon payment of boarding fees. Such animal may be returned earlier if certified by a licensed veterinarian to be free of rabies. The provisions of this section do not apply to cats in the TNR program.

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Feral cats, covered by a TNR program, which attack, bite or injure a human being or other domestic animal without adequate provocation will not be returned to the program. These animals may be adopted by someone who will care for them in a non-urban environment, or they will be killed humanely.

Sec. 5-14. - Impoundment.

(a)

Animals not licensed pursuant to this chapter or found not under restraint or abandoned, may be picked up and impounded by any police officer or animal control officer. Impoundment shall be in the ~~Adair County Humane Society~~ animal shelter, or in any animal shelter designated by the city; provided that, such shelter is built and equipped to care for the animals in a humane manner.

(1) An ear tipped feral cat received by animal control, police officer, or local shelter (if they so approve) will be returned to a representative of the TNR program, if immediate veterinary care is required unless they are in violation of some other provision of these ordinances. Otherwise an ear tipped cat trapped, or caught by animal control or a police officer, shall be released on site.

(c)

If the animal is not redeemed by the owner within seven (7) days after impoundment, the animal may be disposed of in one (1) of the following ways, but no other way:

(1)

Euthanasia, using a method **acceptable** ~~approved by the Humane Society of the United States to the American Veterinary Medical Association;~~

(d)

~~The Adair County Humane Society~~ **City designated animal shelter** may establish an impoundment or adoption fee, and may also charge a boarding fee for any animal impounded, to be paid upon redeeming or adopting an animal. The city shall make available at the animal shelter, an information sheet outlining this chapter and any other information regarding the licensing of animals. A copy of such sheet shall be made available to every person redeeming or adopting such an animal.

(e)

The intent of this chapter is to require animal owners to comply with the law, not merely to operate an impoundment program. Police officers and the animal control officers shall, therefore, place primary emphasis upon ~~the~~ **education/compliance**, apprehending and initiating prosecution of violators.

(f)

Volunteer participants, in the designated TNR Program, are empowered to reclaim impounded feral cats without proof of ownership.

Sec. 5-15. - Limitations on number of animals.

No person shall at any time, keep, harbor, or own, at one (1) location within the city, more than five (5) animals over the age of six (6) months. This provision shall not apply to a lawfully licensed commercial kennel, ~~or a~~ kennel maintained in conjunction with a small animal hospital, **or to cats in an approved TNR program.**

Sec. 5-16. - Animal care.

(a)

No owner, or person in control of any animal, shall fail to provide his or her animals with sufficient wholesome and nutritious food, water in sufficient quantities, proper air, shelter space and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment. Provision of this section does not apply to humane participation in the TNR program.

(d)

No owner, or person in control of any animal, ~~of an animal~~ shall abandon such animal. Provision of this section does not apply to humane participation in the TNR program.

Sec. 5-17. - Animal waste.

The owner, or person in control, of every animal shall be responsible for the removal of any excreta deposited by his or her animal on public walks, recreation areas, the public right-of-way, or private property. Provision of this section does not apply to

humane participation in the TNR program.

Sec. 5-18. - Enforcement.

(a)

It shall be unlawful for any person to fail to comply with the terms of this chapter, or to interfere with an animal control officer **or police officer** in the performance of his/her duties.

Section II. Effective Date

The modifications to this ordinance shall be effective from and after its date of passage.

Section III. Incorporation into the City of Kirksville Code of Ordinances

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Kirksville, Missouri as an addition or amendment thereto.

Passed by the City Council of the City of Kirksville, Missouri, and signed by the Mayor on this _____ day of _____, 2015.

Richard Detweiler, Mayor

ATTEST:

Vickie Brumbaugh, City Clerk