AMENDED
BILL NO. 3944 ORDINANCE NO. _____
SPONSOR: _____

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF PACIFIC, TITLE II, CHAPTER 205, ANIMALS AND FOWL, SECTIONS 205.140, 205.310, 205.320, 205.360, and 205.040 and ADDING A NEW ARTICLE TO "CHAPTER 205—ANIMALS AND FOWL", PROVIDING FOR FERAL CAT TRAP/NEUTER AND RETURN REGULATIONS TO THE CITY CODE.

WHEREAS, The City of Pacific has adopted in its Municipal Code, provisions for the regulation of animals of all types including cats under TITLE II, ANIMALS AND FOWL; and,

WHEREAS, The Board of Aldermen now desires to amend the City of Pacific's Municipal Code so that feral cats will be exempt from the provisions of the code regulating the restraint, licensing, collaring, and impoundment of such free roaming cats; and,

WHEREAS, A new Article shall be added to the Municipal Code which will provide for the humane capture, neutering, marking and release of any feral cats found in the city.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PACIFIC, THAT THE MUNICIPAL CODE TITLE II, SECTIONS: 205.140, 205.310, 205.320, 205.360 ARE HEREBY AMENDED AS FOLLOWS:

SECTION A: Section 205.140 shall be amended as follows:

Section 205.140. Restraint

[Ord. No. 630 §1, 5-1-1951; CC 1976 §6-34]

All owners of domestic pets or persons having custody of any domestic pet within the City shall securely confine the same or restrain the same on a leash in the hands of a competent person. *This Section shall not apply to authorized feral cat caretakers as defined in this code.*

SECTION B: Section 205.310 shall be amended as follows:

Section 205.310. License Required.

[CC 1976 §6-73; Ord. No. 1430 §2, 2-19-1985]

It shall be unlawful for any person to own, keep, harbor or have custody of any dog or cat within the City unless the same shall have been licensed as is hereinafter set forth. *This Section shall not apply to authorized feral cat caretakers as defined in this code.*

SECTION C: **Section 205.320** shall be amended as follows:

Section 205.320. License Tag—Evidence.

[CC 1976 §6-74; Ord. No. 1430 §4, 2-19-1985]

The presence of any dog or cat which does not have a collar with a current license tag attached thereto shall be prima facie evidence of violation of this Section. *This Section shall not apply to authorized feral cat caretakers as defined in this code.*

SECTION D: **Section 205.360** shall be amended as follows:

Section 205.360. Impoundment, Licensing as Condition of Redemption

[CC 1976 §6-78; Ord. No. 1430 §8, 2-19-1985]

Any dog or cat not bearing a Pacific City license tag shall be impounded and seized and one of the conditions of said animal's redemption shall be to obtain a license for said dog or cat by the owner or custodian thereof. *This Section shall not apply to authorized feral cat caretakers as defined in this code.*

SECTION E: **Section 205.040** shall be amended as follows:

Section 205.040. Animal Abuse [RSMo. §578.012]

A. A person is guilty of animal abuse when a person:

1. Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of Sections 578.005 to 578.023, RSMo.;
2. Purposely, intentionally or recklessly causes injury, suffering, or pain to an animal;
3. Abandons an animal in any place without making provisions for its adequate care;
4. Overworks or overloads an animal, or drives or works an animal unfit to work; or
5. Having ownership or custody of an animal willfully fails to provide adequate care or adequate control.
6. *This Section shall not apply to authorized feral cat caretakers as defined in this code.*

B. Animal abuse is misdemeanor.

SECTION F: The Municipal Code of the City of Pacific, TITLE II—CHAPTER 205 -- ANIMALS AND FOWL, shall be amended so that the following ARTICLE is added:

ARTICLE VII---FERAL CAT COLONIES SPONSORSHIP

SECTION 205.380 DEFINITIONS

Definitions of terms used in this ARTICLE include the following:

Ear-tipping means straight-line cutting off the tip of the left ear of a feral cat while the cat is anesthetized.

Feral cat means a cat that exists in a wild or untamed state, either due to birth or reversion to a wild state from domestication. The usual and consistent temperament ranges from extreme fear to resistance to physical contact with humans.

Feral cat caretaker means any person who provides food, water or shelter to or otherwise cares for a colony of cats in a managed colony.

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 are considered part of it.

Feral cat colony Sponsor means any organization who assumes responsibility for administering the managed care of feral cats and who is *meets the criteria outlined in Section 205.381 below, and as* approved by the *City Code Enforcement and Animal Control Officer.*

{NEW}

SECTION 205.281. SPONSOR REQUIREMENTS

The City's Code Enforcement/Animal Control Officer (City) shall approve any Feral cat colony Sponsors (Sponsor) allowed under this Code. The City shall at a minimum require any Sponsor to meet the requirements found under SECTION 205.420 of this Code.

SECTION 205.390 Impoundment

Any feral cat impounded by Animal Control that bears an appropriate ear-tipping indicating it belongs to a managed colony may be, at the discretion of the animal control officer, returned to the colony unless the animal is a known nuisance or shows visible signs of illness or injury and presents an imminent danger to public health or safety.

SECTION 205.400 Immunization of feral cats

Feral cat colony Caretakers shall make every reasonable effort to provide for booster rabies vaccines to be given to all applicable cats in the colony beginning one year after the initial vaccine has been administered.

SECTION 205.410 Limit on number feral cats—feral cat caretaker responsibilities

(a) The limitation on the number of cats owned, kept, held, or harbored shall not apply to caretakers of feral cat colonies that have registered such colony with an appropriate Sponsor. Registration shall include name and address of the caretaker(s), and the location of the colony. A feral cat colony may be registered when the volunteer caretaker can assure that:

(1) Regular feeding of the colony will be maintained throughout the year.

(2) Adult cats and kittens that can be captured will be neutered or spayed and vaccinated against rabies.

(3) Every attempt will be made to remove kittens from the colony before they reach the age of 8 weeks for domestication and placement.

(4) Sick or injured cats will be removed from the colony for immediate veterinarian care or humane euthanasia.

(b) Feral Cat Colonies shall be permitted and Feral Cat Caretakers shall be allowed to maintain and care for Feral Cats by providing food, water, shelter, and other forms of sustenance provided that the Feral Colonies are registered with an appropriate Sponsor.

(c) *Feral Cat Caretaker Responsibilities*: In order to be approved and operate as a managed Feral Cat Caretaker, said Caretakers shall be responsible for the following:

(1) Registering the colony with an appropriate Sponsor.

(2) Taking all appropriate and available steps to vaccinate the colony population for rabies and making a reasonable effort to update the vaccinations on cats that can be recaptured.

(3) Taking all appropriate and available steps to have the colony population spayed or neutered by a licensed veterinarian with a goal of at least 80% of the colony population altered.

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

(5) Keeping records of all cats in colony including, physical descriptions and providing the sponsor with evidence of cats that have been vaccinated and

spayed/neutered. These records must be provided to an appropriate Sponsor at least quarterly.

(6) Providing on a consistent basis food, water and if feasible, sufficient shelter for the colony.

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

(8) Regularly monitoring the colony to identify new arrivals and record illnesses or behavior changes of any cat in the colony.

SECTION 205.420 Feral cat colonies sponsorship.

Sponsorship of a feral cat colony is authorized by the City of Pacific. Sponsors may apply to the City to serve as feral cat colony sponsors so long as said persons agree to perform the responsibilities stated in this Chapter.

(a) *Sponsors of feral cat colonies must register with the City's Code Enforcement/Animal Control Officer, and meet the following criteria.*
(b) *Sponsors shall hold any required licenses of the City of Pacific, or the State of Missouri unless it is a bona fide charitable organization recognized by the state or federal government.*
(c) *Sponsors shall provide proof to City in the form of a Certificate of Insurance, of its Public General Liability and Workers Compensation insurance as required.*
(d) It shall be the duty of the Sponsor to:
    1) Review and approve colony Caretakers;
    2) Properly train Caretakers in responsibilities for caring for a feral cat or colony;
    3) Help to resolve any complaints over the conduct of a colony Caretaker or of cats within a colony;
    4) Maintain records provided by colony Caretakers on the size and location of the colonies as well as the vaccination and spay/neuter records of cats in the Sponsor's colonies; and
    5) Report annually to the City on the following:
        i. Number of colonies in the City;
        ii. Total number of cats in colonies;
        iii. Number of cats and kittens spayed and neutered pursuant to the program;
        iv. Overall effectiveness of the feral cat program;
(e) Number of cats and kittens placed in permanent homes

SECTION 205.430 Feral cat enforcement.

The City of Pacific shall have, in addition to any other rights currently available or that may exist in the future, the following specific rights.

(a) The right to seize or remove cats from a colony that have not been vaccinated against rabies and which are demonstrating signs of the disease.
(b) The right to seize/remove a cat from a colony that is creating a nuisance and the Caretaker and Sponsor have been given fifteen days to remove and relocate the cat and have failed to do so.
(c) The right to seize/remove a colony of cats when the Caretaker regularly fails to comply with the requirements of this Chapter and the Sponsor has not been able to obtain a replacement or substitute Caretaker within 15 days of the City's notice to the Sponsor of the Caretaker's failure to comply with this Chapter.

SECTION 205.440 Animal Abuse ordinance does not apply to feral cat caretakers or sponsors

The return of an altered feral cat to a managed colony where food, shelter, and monitoring are provided on a regular basis does not constitute abandonment within the meaning of this ordinance.

SECTION G:

1. The final version of the revised Sections listed above shall include the amended language, but not in italics.
2. This ordinance shall take effect and be in force from and after its passage and approval.

Adopted by the Board of Aldermen and approved by the Mayor this ____ day of May, 2015.

_____
Jeffrey M. Palmore, Mayor

ATTEST:_____
City Clerk