

CITY-COUNTY GENERAL ORDINANCE NO._____, 2005
PROPOSAL NO._____, 2005

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to allow for the registration, caretaking, vaccination and feeding of free-roaming cats through a managed program known as trap-neuter-return.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 531-101 of the "Revised Code of the Consolidated City and County," regarding definitions, hereby is amended by the addition of the language that is underscored, to read as follows:

Sec. 531-101. Definitions.

Colony means a group of one or more free-roaming cats, whether unmanaged or managed.

Colony caretaker means a person who provides food, water and shelter for free-roaming cats in a managed colony.

Free-roaming cat means any homeless, stray, wild or untamed cat.

Managed colony means a colony of free-roaming cats that is registered with the animal care and control division or its designee and is maintained by a colony caretaker using trap, neuter, return methodology.

Own means to keep, harbor or have custody, charge or control of an animal, and owner means and includes any person who owns an animal; however, veterinarians and operators of kennels, pet shops and stables, as those terms are defined in Chapter 836 of this Code, who temporarily keep animals owned by, or held for sale to, other persons shall not be deemed to own or be owners of such animals, but rather to be keepers of animals, and colony caretakers of managed colonies of free-roaming cats shall not be deemed to be owners or keepers of such animals.

SECTION 2. Section 531-204 of the "Revised Code of the Consolidated City and County," regarding animals causing nuisance prohibited, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 531-204. Animals causing nuisance prohibited.

- (a) It shall be unlawful for a person to own or keep any animal which by frequent or habitual howling, yelping, barking, screeching, other vocalization or otherwise shall cause serious annoyance or disturbance to persons in the vicinity.
- (b) It shall be unlawful to provide food, water or shelter to a colony of free-roaming cats
 - (1) that is not registered with the animal care and control division or its designee, or
 - (2) without implementing trap, neuter, return methodology as set forth in Sections 209 and 210 of this Chapter.
- ~~(b)~~ (c) A person who violates any provision of this section shall be punishable as provided in section 103-3 of this Code; provided, however, a fine imposed for the first such violation shall not be less than twenty-five dollars (\$25.00); subsequent or continued violations may also subject the owner to impoundment of the animal by a person having authority to impound such an animal.

SECTION 3. Chapter 531, Article II, of the "Revised Code of the Consolidated City and County," regarding dogs and cats, hereby is amended by the addition of a NEW Section 531-209 to read as follows:

Sec. 531-209. Managed free-roaming cats.

- (a) The animal care and control division or its designee, in order to encourage the stabilization of the free-roaming cat population in the Consolidated City of Indianapolis, may:
 - (1) Trap any free-roaming cat in a humane manner;

- (2) Have the cat surgically sterilized, ear-tipped, and vaccinated against rabies by a licensed veterinarian;
 - (3) Release the cat to animal care and control for adoption or other disposition in accordance with law, or to a colony caretaker who will maintain the cat as part of a managed colony of free-roaming cats.
- (b) The enforcement authority may impound free-roaming cats in violation of this Chapter and dispose of the cats in accordance with Section 531-731. Any free-roaming cat impounded by the enforcement authority that bears an appropriate ear-tipping indicating it belongs to a managed colony may, at the discretion of the animal care and control division, be returned to its managed colony unless illness or injury present an imminent danger to public health or safety.

SECTION 4. Chapter 531, Article II, of the "Revised Code of the Consolidated City and County," regarding dogs and cats, hereby is amended by the addition of a NEW Section 531-210 to read as follows:

Sec. 531-210. Colony caretaker responsibilities.

- (a) Colony caretakers shall abide by standard guidelines devised by the animal care and control division or its designee regarding the provision of food, water, shelter and veterinary care for cats within the managed colony.
- (b) Colony caretakers shall have a licensed veterinarian evaluate the health of all trapped free-roaming cats. Seriously ill or injured cats with no reasonable prognosis for humane rehabilitation for survival outdoors will be humanely euthanized.
- (c) A person who violates any provision of this section shall be punishable as provided in section 103-3 of this Code; provided, however, a fine imposed for the first such violation shall not be less than twenty-five dollars (\$25.00); subsequent or continued violations caretaker's removal from management of the managed colony, or the designee's removal from the program.

SECTION 5. Section 531-301 of the "Revised Code of the Consolidated City and County," regarding antirabies vaccination required for dogs and cats, hereby is amended by the addition of the language that is underscored, to read as follows:

Sec. 531-301. Antirabies vaccinations required for dogs and cats.

- (a) It shall be unlawful to keep a dog or cat or to provide food, water or shelter to a colony of free-roaming cats over the age of three (3) months in the city unless each cat or dog is immunized against rabies by a vaccination performed by a veterinarian and the period of immunization specified by the veterinarian performing the vaccination has not expired.
- (b) A violation of this section shall be punishable as provided in section 103-3 of this Code; provided, however, the fine for any such violation shall not be less than one hundred dollars (\$100.00).

SECTION 6. Section 531-302 of the "Revised Code of the Consolidated City and County," regarding antirabies vaccination required for dogs and cats, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 531-302. Record of antirabies vaccinations; tag required.

- (a) A veterinarian who administers an antirabies vaccination in the city shall, at the time a dog or cat is vaccinated, issue to the animal's owner a durable antirabies vaccination ~~identification~~ tag upon which is imprinted the name of the veterinarian's facility, telephone number and the year and ~~identification~~ serial number of the vaccination.
- (b) ~~For the purpose of identification, e~~Each owner of a dog or cat ~~which that~~ is kept in the city shall cause the antirabies vaccination ~~identification~~ tag to be affixed to the animal's collar, and to be worn by the animal at all times. A person who violates this subsection shall be punishable as provided in section 103-3 of this Code.

(c) A veterinarian who administers an antirabies vaccination in the city to a free-roaming cat shall provide to the colony caretaker written documentation of the administration of the vaccine, which shall include the name of the veterinarian's facility, telephone number and the year and serial number of the vaccination.

(d) A colony caretaker of a colony of free-roaming cats must maintain at all times, for inspection by the enforcement authority as defined in Section 531, Article VII of this Code, a record of antirabies vaccination for all free-roaming cats within a colony. A person who violates this subsection shall be punishable as provided in section 103-3 of this Code.

SECTION 7. Section 531-402 of the "Revised Code of the Consolidated City and County," regarding abandonment of animals, hereby is amended by the addition of the language that is underscored, to read as follows:

Sec. 531-402. Abandonment of animal.

It shall be unlawful for a person to abandon any animal on public or private property in the city, and a violation of this section shall be punishable as provided in section 103-3 of this Code; provided, however, a fine imposed for any such violation shall not be less than two hundred dollars (\$200.00). Actions taken by colony caretakers in accordance with this Chapter shall not be considered abandonment of an animal.

SECTION 8. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 9. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 10. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.