

CITY OF ROYAL OAK

OAKLAND COUNTY, MICHIGAN

ORDINANCE NO. _____

AN ORDINANCE TO AUTHORIZE AND REGULATE THE MANAGED CARE OF FERAL CATS BY VOLUNTEER CARETAKERS UNDER A TRAP-NEUTER-RETURN PROGRAM

THE CITY OF ROYAL OAK ORDAINS:

SECTION 1. Chapter 195-35 through 195-43 of the City Code shall be reserved.

SECTION 2. Article V shall be added to the City Code to read as follows:

ARTICLE V. MANAGED CARE OF FERAL CATS

195-35. PURPOSE.

To permit implementation of a Trap-Neuter-Return (TNR) program in the City for the purpose of reducing the population of feral cats, benefiting public health, improving the quality of life for residents, and ensuring the humane treatment of feral cats.

195-36. DEFINITIONS.

For the purpose of this Article, the following terms shall have the meaning set forth in this Section. When not inconsistent with the context, words used in the present tense include the future and the past, words in the plural number include the singular, and words in the singular number include the plural.

ANIMAL CONTROL means the City's animal control officer(s) and animal control division of the Royal Oak Police Department.

CARETAKER means any person who regularly provides food and water to a feral cat colony.

EARTIP means a mark identifying a feral or stray cat as having been sterilized, specifically, the removal of a quarter inch off the tip of the cat's left ear in a straight line cut while the cat is anesthetized.

FERAL CAT or **STRAY CAT** means a cat that is not socialized to humans or is 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 a cat or kitten is temporarily placed for the purpose of providing indoor 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 eight weeks.

NUISANCE means conduct by feral or stray cats that disturbs the peace, including (a) habitually or continually howling or making loud noises, and (b) habitually and significantly destroying property.

OWNED CAT means a cat that is a companion to a person, is regularly fed and sheltered in that same person's habitation, and carries visible indicia of ownership, including a collar or tag.

SHELTER means a structure that provides feral and stray cats with protection from cold, rain, and other weather-related elements.

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 in accordance with this Article.

195-37. MANAGEMENT OF FERAL CAT COLONIES.

(A) A TNR Program shall be permitted and Caretakers shall be entitled to maintain Feral Cat Colonies in accordance with the terms and conditions of this Article.

(B) **Caretaker Requirements.** It shall be the responsibility of a Caretaker to:

- (1) Submit all Feral Cat Colonies managed by the Caretaker for registration with the City Clerk pursuant to the requirements of Section 195-37;
- (2) 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;
- (3) Make reasonable efforts to recapture all cats to update rabies vaccinations as required by law;
- (4) Keep and maintain vaccination, sterilization, and medical records for all trapped cats and provide the City Clerk with copies of vaccination and sterilization records for all trapped cats;

- (5) 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;
- (6) Make reasonable efforts to trap, and obtain proper medical attention for, any Colony cat that appears to require it;
- (7) Make reasonable efforts to remove and find permanent adoptive homes or foster homes for kittens born to Colony cats;
- (8) Make reasonable efforts to work with the City to resolve any complaints over the conduct of the Caretaker or of Colony cats managed by the Caretaker;
- (9) Report annually in writing to Animal Control on the status of the Caretaker's Colony, including:
 - (i) total number of cats in the Colony and total number of cats in the Colony that are sterilized;
 - (ii) number of cats in the Colony sterilized and vaccinated pursuant to the TNR Program in the past year;
 - (iii) number of cats that have died or otherwise ceased to be a part of the Colony in the past year;
 - (iv) number of kittens born to Colony cats in the past year and their disposition; and
 - (v) number of cats and kittens removed from the Colony for purposes of foster or adoptive placement in the past year.

195-38. FERAL CAT COLONY REGISTRATION. Upon registration of a Feral Cat Colony, the Caretaker shall provide the City Clerk with:

- (A) Address, telephone number and, if applicable, electronic mailing address of the Caretaker;
- (B) Location of the Colony;
- (C) Total number of cats in the Colony;
- (D) Total number of cats in the Colony that are sterilized, total number of cats in the Colony that are vaccinated against rabies, and records of such vaccinations and sterilizations.

195-39. WITHDRAWAL OF CARETAKER. In the event that a Caretaker is unable or unwilling to continue in that role, he or she shall notify the City Clerk in writing and shall make reasonable efforts to secure a replacement Caretaker.

195-40. DISPOSITION OF COLONY CATS. If an Animal Control Officer has trapped or received an eartipped cat from within the City, the Animal Control Officer shall make reasonable efforts to locate and notify the Caretaker of the Feral Cat Colony from which the cat was removed. The Caretaker shall have up to five (5) business days after notification to arrange for the cat to be retrieved. The Caretaker shall be responsible for any impound and storage costs.

195-41. ENFORCEMENT. Nothing in this Article shall interfere with the right of the City or Animal Control personnel to:

- (A) Investigate any nuisance complaint allegedly caused by a feral or stray cat or Feral Cat Colony. If a cat or cats belonging to a registered Feral Cat Colony is causing a nuisance, Animal Control shall provide the Caretaker with written notice delineating the nuisance and location of the cat or cats with specificity. The Caretaker shall have ten (10) days from the date that written notice was provided to cure the nuisance. If the Caretaker fails to cure the nuisance after ten (10) days, Animal Control 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 Section 195-37 and the Caretaker does not correct the situation within ten (10) days of being given written notice by the Animal Control Officer delineating the failures with specificity.

195-42. EXEMPTION. A Caretaker in compliance with this Article shall be exempt from all other ordinances of the City that impose requirements on cats that are owned, kept, harbored, fed or in the custody of a person, except that no Feral Cats shall be owned, harbored, or kept within an inhabited residence.

195-43. GRACE PERIOD.

- (A) Upon learning of an unregistered Feral Cat Colony, reasonable efforts shall be made by Animal Control to provide written notice to the Caretaker of the colony of the registration requirements of Sections 195-37(B)(1) and 195-38 of this Article.
- (B) Upon receipt of written notice as set forth in subsection (A), a Caretaker of an unregistered Feral Cat Colony shall have thirty (30) days to comply with Sections 195-37(B)(1) and 195-38 of this Article. During the thirty (30) day period, no cat from the Colony shall be removed for reason of causing a nuisance.
- (C) Upon registration within the thirty (30) day period, a Caretaker in receipt of written notice as set forth in subsection (A) shall be entitled to the protections of Sections 195-40, 195-41(A), and 195-42. However, if the Caretaker fails to register the Colony within the thirty (30) day period, the Caretaker shall not be entitled to any protections under this Article until registration is complete.

SECTION 3. All other provisions of the Code of Ordinances not specifically amended shall remain in full force and effect.

SECTION 4. This ordinance shall become effective immediately upon publication of a notice of adoption.

This ordinance was introduced at a _____ meeting of the City Council of the City of **Royal Oak** on the _____ day of _____, 2013, and was duly adopted at a _____ meeting of the City Council of the City of **Royal Oak** on the _____ day of _____, 2013.

JIM ELLISON, Mayor

MELANIE HALAS, City Clerk

INTRODUCED: _____
ADOPTED: _____
PUBLISHED: _____
EFFECTIVE: _____

CITY OF ROYAL OAK

Ordinance No: _____

NOTICE OF ADOPTION OF ORDINANCE

The City of Royal Oak has adopted an ordinance that amends Chapter 195 of the City Code by adding Article V to address the trapping, sterilization, and returning of feral cats in the community. The ordinance shall be effective upon publication of this Notice of Adoption. A copy of the ordinance can be inspected or obtained from the City Clerk's office in City Hall, 211 S Williams St, Royal Oak, Michigan 48067, during normal business hours.