

INTRODUCED: 09/19/2005

REFERRED TO: Public Safety and Criminal Justice Committee

SPONSOR: Councillors Moriarty Adams and Keller

DIGEST: amends the Code to allow for the registration, caretaking, vaccination and feeding of free-roaming cats through a managed program known as trap-neuter-return

SOURCE:

Initiated by: Animal Care and Control Division

Drafted by: Teri Kendrick, City Prosecutor

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: \_\_\_\_\_ Date: September 16, 2005

CITY-COUNTY GENERAL ORDINANCE 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.**

As used in this chapter, the following terms shall have the meanings ascribed to them in this section.

*Animal* means any living, nonhuman vertebrate creature.

*Animal care and control division* means the animal care and control division of the city department of public safety.

*At large* means not confined without means of escape in a pen, corral, yard, cage, house, vehicle or other secure enclosure, unless otherwise under the control of a competent human being.

*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.

*Dog* means and includes animals of the *Canis familiaris* species, and hybrids of a *Canis familiaris* and any other member of the *Canis* genus, including wolves.

*Domestic animals* means rabbits, cattle, horses, ponies, mules, donkeys, jackasses, llamas, swine, sheep, goats, dogs, cats and poultry.

*Exposed to rabies* means an animal has been exposed to rabies if it has been bitten by or been in contact with any animal known or reasonably suspected to have been infected with rabies.

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

*Kennel* means a facility operated commercially and principally for the purpose of boarding, housing, grooming, breeding or training dogs or cats, or both. For purposes of this chapter, *kennel* shall not include a facility in or adjoining a private residence where dogs or cats are kept for the hobby of the owner, lessee or other occupant of the property using the animals for hunting, practice tracking, exhibiting in shows or field or obedience trials or for the guarding or protecting of the property, and an occasional sale of pups or kittens by the owner, lessee or other occupant of the property shall not make such property a kennel for the purposes of this chapter.

*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.

*Nonbite exposure* means and includes scratches, abrasions, open wounds or mucous membranes contaminated with saliva or other potentially infectious material from a rabid animal.

*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.

*Person* means and includes any individual, corporation, partnership or other association or organization, but shall exclude the following:

- (1) Police officers, federal or state armed forces, park rangers, game wardens, conservation officers and other such governmental agencies, with respect to actions which constitute a discharge of their official duties; and
- (2) An individual, partnership, corporation or other association, organization, or institution of higher education, which is registered as a research facility with the United States Secretary of Agriculture under 7 USC § 2131 et seq., commonly known as the "Animal Welfare Act," while engaged in the course of their performance as such.

*Public safety board* means the board of public safety of the city department of public safety.

*Quarantining authority* means the city department of public safety, its contractors, agents, employees and designees, acting under directives and regulations of the Health and Hospital Corporation of Marion County or the state board of animal health.

*Shelter* means the animal care and control facility located at 2600 South Harding Street in the City of Indianapolis.

*Veterinarian* means a person licensed to practice veterinary medicine in the state.

SECTION 2. 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 531-205, to read as follows:

**Sec. 531-205. Care for unmanaged colonies prohibited.**

It shall be unlawful for a person to provide food, water or shelter to a colony of free-roaming cats, unless:

- (1) The colony is a managed colony, registered with the animal care and control division or its designee; or
- (2) The food, water or shelter is provided in conjunction with the implementation of trap, neuter, and return methodology as set forth in Section 531-209 of this chapter.

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 NEW Sections 531-209 and 531-210, 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 city, 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; and
- (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.

**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 4. Sections 531-301 and 531-302 of the "Revised Code of the Consolidated City and County," regarding antirabies vaccination required for dogs and cats and the record of antirabies vaccinations, hereby are 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. 531-301. 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).

**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 5. 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 6. 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 7. 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 8. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

The foregoing was passed by the City-County Council this \_\_\_\_ day of \_\_\_\_\_, 2005, at \_\_\_\_ p.m.

ATTEST:

\_\_\_\_\_  
Steve Talley  
President, City-County Council

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Jean Ann Milharcic  
Clerk, City-County Council

Presented by me to the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2005, at 10:00 a.m.

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Jean Ann Milharcic  
Clerk, City-County Council

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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Bart Peterson, Mayor