

07-O-72 ORDINANCE
MANAGED CARE OF FERAL CATS

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 10 Animals, Article IV Managed Care of Feral Cats, Section 10-95 through 10-99 is hereby enacted as follows:

ARTICLE IV. MANAGED CARE OF FERAL CATS

Sec. 10-95. Definitions.

For the purpose of this Ordinance, 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, words in the plural number include the singular, words in the singular number include the plural, and words in the male gender include the female gender.

Abandoned Cat means a domesticated cat that an owner has forsaken entirely or neglected or refused to provide care and support.

Animal Control Officer or *ACO* means any person employed or appointed by the County or a municipality who is authorized to investigate violations of laws and regulations concerning animals, and to issue citations in accordance with Illinois law and this Code.

Department means the Cook County Department of Animal and Rabies Control.

Domesticated cat means a cat that is socialized to humans and is appropriate as a companion for humans.

EAID means an electronic animal identification device.

Eartipping means straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized.

Feral Cat means a cat that (i) is born in the wild or is the offspring of an owned or feral cat and is not socialized, (ii) is a formerly owned cat that has been abandoned and is no longer socialized, or (iii) lives on a farm.

Feral Cat Caretaker means any person other than an owner who provides food, water or shelter to, or otherwise cares for, a feral cat.

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 nonferal cats that congregate with a colony shall be deemed to be a part of it.

Feral Cat Colony Caretaker means any Feral Cat Caretaker who is approved by a Sponsor to care for a Feral Cat Colony.

Micro-chip means, for the purpose of this Ordinance, to implant an EAID (electronic animal identification device) in an animal.

Nuisance, for purposes of this Ordinance, means conduct by stray or feral cats that disturb the peace. Stray or feral cats may create a nuisance by (a) habitually or continually howling, crying or screaming, or (b) habitually and significantly destroying, desecrating or soiling property against the wishes of the owner of the property.

Owner means any person having a right of property in an animal or who keeps or harbors an animal, or who has it in his care, or acts as its custodian, or who knowingly permits an animal to remain on any premises occupied by him or her. "Owner" does not include a Feral Cat Colony Caretaker.

Sponsor is any animal Humane Society that agrees to comply with the requirements of this Ordinance for Sponsors and provides written notice to the Department that it will serve as a Sponsor.

Stray Cat means a cat that is regularly off the property of the owner, is not under the physical control and restraint of the owner, and is not regularly provided with food by its owner.

TNR means Trap, Neuter and Return.

TNR Program means a program pursuant to which feral and stray cats are trapped, neutered or spayed, micro-chipped, vaccinated against rabies, and returned to the location where they congregate, in accordance with this ordinance.

Sec. 10-96. Responsibilities of owners of domesticated cats.

- (a) Owners of domesticated cats shall provide appropriate and adequate food, water and shelter for their cats.
- (b) The owner of a domesticated cat shall exercise reasonable care to guard against the cat creating a Nuisance.
- (c) Owners of domesticated cats shall not permit their cats to roam unsupervised off their property.
- (d) An owner shall not abandon a domesticated cat.

Sec. 10-97. Feral Cat Colonies.

(a) Feral Cat Colonies shall be permitted and Feral Cat Colony Caretakers shall be entitled to maintain and care for Feral Cats by providing food, water, shelter and other forms of sustenance, provided that the Feral Cat Colonies are registered with a Department approved Sponsor, as defined in Section 10-97(b), and that the Feral Cat Colony Caretaker takes all appropriate and available steps to meet the terms and conditions of this Ordinance.

(b) *Sponsorship of Colony TNR Programs.* Any animal Humane Society that agrees to comply with the requirements of this Ordinance for Sponsors shall be eligible to act as a Sponsor. Any Humane Society intending to undertake the responsibilities of Sponsor shall so advise the Department in writing and provide its address and telephone number, and electronic mail address if applicable.

- (c) *Sponsor Requirements.* It shall be the duty of the Sponsor to:
 - 1. Review and, in its discretion, approve of Feral Cat Colony Caretakers.
 - 2. Help to resolve any complaints over the conduct of a Feral Cat Colony Caretaker or of cats within a colony.
 - 3. Maintain records provided by Feral Cat Colony Caretakers on the size and location of the colonies as well as the vaccination, micro-chipping, and spay and neuter records of cats in the Sponsor's colonies.
 - 4. Provide, at a minimum, written educational training for all Caretakers addressing uniform standards and procedures for colony maintenance.
 - 5. Report annually to the Department on the following:
 - a. number and location by zip code of colonies for which it acts as a Sponsor in the County;
 - b. total number of cats in each of its colonies;
 - c. number of cats from its colonies micro-chipped, vaccinated, and spayed and neutered pursuant to the TNR program and number of cats and kittens from its colonies placed in permanent homes.
 - 6. Use due consideration to prevent Feral Cat Colonies from being maintained on lands managed for wildlife or other natural resources, such as but not limited to Nature Preserves, where the presence of a Feral Cat Colony is a proven threat, and to avoid the taking of rare, threatened or endangered species under the Illinois Endangered Species Protection Act;
 - 7. Provide any forms or other documentation necessary to allow Feral Cat Colony Caretakers to receive any public or private subsidies, medical care or other forms of assistance for their Feral Cat Colonies which may be available to them;
 - 8. Provide to the Department the location, by address, of Feral Cat Colonies where Feral Cat Colony Caretakers have regularly failed to comply with this Ordinance or where the Sponsor has been unable to resolve a nuisance behavior situation.

(d) *Feral Cat Colony Caretaker Responsibilities.* In order to be an approved managed Feral Cat Colony Caretaker, said Caretakers shall be responsible for the following:

1. Registering the colony with the Sponsor.
2. Taking all appropriate and available steps to vaccinate the colony population for rabies, preferably with a three-year vaccine and to update the vaccinations as warranted and mandated by law.
3. Taking all appropriate and available steps to have the colony population spayed or neutered by a licensed veterinarian.
4. Eartipping the left ear of a colony cat that has been vaccinated and spayed or neutered so that colony cats can be readily identified.
5. Having an EAID inserted into each colony cat by a veterinarian in accordance with professional medical standards. The Sponsor and the Feral Cat Colony Caretaker shall be the named contacts for purposes of the EAID.
6. Providing the Sponsor with descriptions of each cat in the colony and copies of documents demonstrating that the cats have been vaccinated, micro-chipped, and spayed or neutered.
7. Providing food, water and, if feasible, shelter for colony cats.
8. Obtaining proper medical attention for any colony cat that appears to require it.
9. Observing the colony cats at least twice per week and keeping a record of any illness or unusual behavior noticed in any colony cat.
10. Obtaining the written approval of the owner of any property, or any authorized representative of the owner, to which the Caretaker requires access to provide colony care.
11. Taking all reasonable steps to (1) remove kittens from the colony after they have been weaned, (2) place the kittens in homes or foster homes for the purpose of subsequent permanent placement, and (3) capture and spay the mother cat.
12. Reporting semi-annually in writing to the Sponsor on (1) the location of the colony, (2) the number and gender of all cats in the colony, (3) the number of cats that died or otherwise ceased being a part of the colony; (4) the number of kittens born to colony cats and their disposition, (5) the number of cats placed in animal shelters or in permanent homes as companion cats, (6) the number of cats vaccinated, (7) the number of cats micro-chipped, and (8) the number of cats spayed or neutered.

(e) *Withdrawal of Feral Cat Colony Caretaker or Sponsor.* In the event that a Feral Cat Colony Caretaker is unable or unwilling to continue in that role, he or she shall notify his or her Sponsor. In the event a Sponsor is unable or unwilling to continue to perform its role, it shall so advise the Department. The Sponsor shall work with the Department to obtain a replacement Sponsor. If no new Sponsor is found within 30 days, the Sponsor shall notify the Department.

(f) *Disposition of Feral Cat Colony cats.*

1. An Animal Control Officer who has trapped a cat whose left ear has been tipped or which bears some other distinguishing mark, such as but not limited to a tattoo, indicating that it belongs to a Feral Cat Colony, shall scan the cat for an EAID. If an EAID is found, the Officer shall attempt to contact the Sponsor or Feral Cat Colony Caretaker. If an EAID is not found, the Officer shall take reasonable steps to notify a Sponsor of the description and sex of the cat, and if available, the address or location where the cat was trapped. The Sponsor shall then take all appropriate and available steps to identify the Feral Cat Colony Caretaker of this cat or a Feral Cat Colony Caretaker who will take responsibility for managing this cat.

2. If the Feral Cat Colony Caretaker is not able to immediately take custody of the cat, the Officer shall transport the cat to the Sponsoring Humane Society's Animal Shelter or nearest Animal Shelter. The Feral Cat Colony Caretaker shall be responsible for retrieving the cat from the Shelter within three (3) business days or advising the Shelter if he or she does not intend to retrieve the cat.
3. The Department, its designee, or a licensed veterinarian, in accordance with Section 10-98, Ordinance Enforcement, shall be the only persons permitted to destroy a Feral Cat. No person may knowingly poison or cause to be poisoned, or cause the destruction by any other means, of a Feral Cat. In accordance with Section 10-8. Animal Care, Subsection (k), the only exception will be by written permit from the Illinois Department of Agriculture for the purpose of controlling diseases transmissible to humans or other animals and only when all other methods and means have been exhausted. Such a permit shall name a person or persons conducting the poisoning, specify the products to be used, give the boundaries of the area involved and specify the precautionary measures to be employed to insure the safety of humans and other animals. Any drugs used for the euthanasia shall be by or under the direction of a licensed veterinarian.

Sec. 10-98. Ordinance Enforcement.

(a) The Department or its designee, in order to encourage the stabilization of the Feral Cat population in Cook County, shall have the following rights:

1. The right to trap in a humane manner and remove any cats that (1) have not been vaccinated against rabies or which are demonstrating signs of the disease, (2) are not spayed or neutered, (3) are not identifiable through an EAID as belonging to a Feral Cat Colony that has a Sponsor and a Feral Cat Colony Caretaker, or (4) for public health or public safety concerns.
 - a. If no issue of public health or safety exists, or if any issues of public health and safety can be addressed by the removal and relocation of the cat to another area, a Sponsor can arrange to have the cat spayed or neutered, eartipped, and vaccinated against rabies by a licensed veterinarian, and have an EAID inserted. The Sponsor may then arrange for the cat to be adopted or placed in a Feral Cat Colony.
 - b. If a Feral Cat is demonstrating signs of having rabies, or has an illness or injury that presents an imminent danger to the public health or safety, or to its own person, that cat shall be humanely destroyed.
2. The right to direct that a Sponsor remove a Feral Cat that is creating a nuisance if the Sponsor has failed to adequately resolve the nuisance within 30 days after being given written notice thereof. In the event that the Department directs the Sponsor to remove the cat, the Sponsor shall have 30 days to do so. Failure of the Sponsor to remove the cat within said time period (or such longer time as the Department may specify) shall constitute grounds for the Department to remove the cat.

(b) Animal Control Officers ("ACO") or police officers shall investigate any nuisance complaint allegedly caused by a Feral Cat.

1. In the event that an ACO or police officer finds that a Feral Cat or Feral Cat Colony has created a nuisance, the ACO or police officer shall advise the Department and Sponsor in writing of the nuisance.
2. The Sponsor shall have the right to review the matter with the Administrator of the Department. If the Sponsor is not able to satisfy the Administrator that a nuisance is not occurring, the Sponsor shall have 30 days to comply with the Administrator's direction with respect to correcting the nuisance. If the Sponsor fails to correct the nuisance, the Department shall have the right to remove the cat.

(c) If a Sponsor fails to perform its responsibilities as defined in Section 10-97(c) of this Ordinance, the Department may notify the Sponsor that it must comply with the requirements of this Ordinance within 30 days. If the Sponsor fails to do so, the Department may remove this Sponsor from the list of Department approved Sponsors, and may reassign the Feral Cat Colonies from this Sponsor to another Sponsor.

(d) If a Feral Cat Colony Caretaker regularly fails to comply with this Ordinance, the Sponsor may notify the Feral Cat Colony Caretaker that he or she has 30 days to make all reasonable efforts to fulfill the responsibilities defined in Section 10-97(d) of this Ordinance. If the Feral Cat Colony Caretaker fails to comply within that time period, the Sponsor may identify and obtain replacement Feral Cat Colony Caretakers for the Feral Cat Colonies of the non-compliant Feral Cat Colony Caretaker. If no other Feral Cat Colony Caretaker can be found within 30 days, the Sponsor shall notify the Department, and the Department may humanely remove all, or parts of, the Feral Cat Colonies and dispose of them in accordance with Section 10-98 of this Ordinance.

(e) Feral Cats who were spayed or neutered and vaccinated for rabies prior to the date on which this Ordinance became effective, but did not have an EAID inserted or were marked as Feral by some indication other than a left eartip, such as but not limited to a tattoo, shall be deemed to be in compliance with this Ordinance, if all other requirements in Section 10-97(d) are being met by their Feral Cat Colony Caretaker. Feral Cat Colony Caretakers shall take all appropriate and available steps to bring these cats into compliance with the provisions of this ordinance within three years of its enactment, or upon revaccination of the cats for rabies, whichever comes first.

Sec. 10-99. Effective Date.

This Ordinance shall become effective thirty days after adoption.

Approved and adopted this 16th day of October 2007.