

**PROPOSED
ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By Gordon and Goodman

Amending Title 4 of the Minneapolis Code of Ordinances relating to *Animals and Fowl*, adding a new Chapter 67 entitled "*Managed Care of Feral Cats*."

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 67 to read as follows:

CHAPTER 67. MANAGED CARE OF FERAL CATS.

67.10. Definitions.

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 or right ear of a cat while the cat is anesthetized.

Feral cat means a cat that is born in the wild or is the offspring of an owned or feral cat and is not socialized or is a formerly owned cat that has been abandoned and is no longer socialized.

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

Feral cat colony means a group of cats that congregate, more or less, together as a unit. Although not every cat in a feral cat colony may be feral, any non-feral 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 and who resides in the city. The caretaker must reside within six (6) blocks of the colony.

Microchip means, for the purpose of this chapter, to implant an EAID (electronic animal identification device) in an animal.

Nuisance means, for purposes of this chapter, conduct by stray or feral cats that includes, but is not limited to habitually or continually howling, crying or screaming or 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 humane animal-related organization, registered as a non-profit with the State of Minnesota, that satisfactorily meets the requirements of this chapter as determined by Minneapolis Animal Care and Control.

TNR means trap, neuter and return.

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

67.20. Responsibilities of owners of domesticated cats. (a) Owners of domesticated cats shall provide appropriate and adequate food, water, medical care, and shelter for their cats.

(b) The owner of a domesticated cat shall exercise reasonable and responsible care to guard against the cat creating a nuisance.

(c) An owner shall not abandon a domesticated cat.

67.30. Feral cat colonies. (a) *Feral cat colonies permitted.* 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, medical care, and other forms of sustenance, provided that the feral cat colonies are registered with and approved by a Minneapolis Animal Care and Control registered sponsor, as defined in subsection (b), and that the feral cat colony caretaker takes all appropriate and available steps to meet the terms and conditions of this chapter.

(b) *Sponsorship of colony TNR programs.* Any humane animal-related organization, registered as a non-profit with the State of Minnesota, that meets the requirements of this chapter imposed upon sponsors shall be eligible to act as a sponsor. Any humane animal-related organization

intending to undertake the responsibilities of sponsor shall so advise Minneapolis Animal Care and Control in writing and provide organizational information, including the organization's name, address, telephone number, board member's names, contact person, and electronic mail addresses, as appropriate and requested.

- (c) *Sponsor requirements.* In order to operate as an approved sponsor, the non-profit shall be registered with Minneapolis Animal Care and Control and shall reasonably complete the following requirements:
- (1) Review, and in its discretion, approve feral cat colony caretakers.
 - (2) Take reasonable steps necessary 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, microchip registration information, photographs of the cats, and spay and neuter records of cats in the sponsor's colonies. These records must be made available to Minneapolis Animal Care and Control or a researcher identified by Minneapolis Animal Care and Control upon request for the purpose of research.
 - (4) Provide, at a minimum, written educational training for all caretakers addressing uniform standards and procedures for colony maintenance.
 - (5) Report annually to MACC on the following:
 - a. Number and location by zip code or other identified and requested parameter of colonies for which it acts as a sponsor in the city;
 - b. Total number of cats in each of its colonies;
 - c. Number of cats from its colonies microchipped, vaccinated, spayed and neutered pursuant to the TNR program and number of cats and kittens from its colonies placed in permanent homes.
 - (6) A sponsor shall not permit feral cat colonies to be managed within one-half mile of the edge of any public lands encompassing a creek, river, or body of water of six (6) acres or more in size.

- (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 Minneapolis Animal Care and Control the location, by address, of feral cat colonies where feral cat colony caretakers have regularly failed to comply with this chapter 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 feral cat colony caretaker, said caretakers shall reasonably complete the following:
- (1) Register the colony with the sponsor.
 - (2) Take 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) Take all appropriate and available steps to have the colony population spayed or neutered by a licensed veterinarian.
 - (4) Eartip the ear of a colony cat that has been vaccinated and spayed or neutered, so that colony cats can be readily identified.
 - (5) Have an EAID inserted into each colony cat by a veterinarian in accordance with professional medical standards. The sponsor and/or the feral cat colony caretaker shall be the named contacts for purposes of registering the EAID.
 - (6) Provide the sponsor with descriptions and photographs of each cat in the colony and copies of documents demonstrating that the cats have been vaccinated, microchipped, and spayed or neutered.
 - (7) Provide food, water, and if feasible, shelter for colony cats. Food shall only be provided for a period not to exceed three (3) hours per day.
 - (8) Obtain proper medical attention for any colony cat that appears to require it.
 - (9) Observe the colony cats at least twice per week and keep a record of any illness or unusual behavior noticed in any colony cat.

- (10) Obtain 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) Take all reasonable steps to:
 - a. Remove kittens from the colony as early as appropriate.
 - b. Place the kittens in homes or foster homes for the purpose of subsequent permanent placement.
 - c. Capture and spay the mother cat.
 - (12) Report semiannually in writing to the sponsor on:
 - a. The location of the colony.
 - b. The number and gender of all cats in the colony.
 - c. The number of cats that died or otherwise ceased being a part of the colony.
 - d. The number of kittens born to colony cats and their disposition.
 - e. The number of cats placed in animal shelters or in permanent homes as companion cats.
 - f. The number of cats vaccinated.
 - g. The number of cats microchipped and ear tipped.
 - h. The number of cats spayed or neutered.
 - (13) Take reasonable steps necessary to resolve any complaints over the conduct of cats within a colony.
 - (14) Educate neighbors, within a four (4) block area, on the nature of TNR and resources, which shall minimally include the sponsor's contact information and any other information required by Minneapolis Animal Care and Control.
- (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 Minneapolis

Animal Care and Control. The Sponsor shall work with Minneapolis Animal Care and Control to obtain a replacement sponsor. If no new sponsor is found within thirty (30) days, the sponsor shall notify Minneapolis Animal Care and Control.

(f) *Disposition of feral cat colony cats.*

- (1) An animal control officer who has a trapped cat whose right or 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 the cat or a feral cat colony caretaker who will take responsibility for managing the 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 Minneapolis Animal Care and Control. 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, and assuming the normal impound fees, if applicable.
- (3) Minneapolis Animal Care and Control, its designee, or a licensed veterinarian, in accordance with section 67.40 shall be the only persons permitted to destroy a feral cat. No person may knowingly cause physical harm to and/ or cause the destruction by any means of a feral cat. The only exception will be by written permit from the Minnesota Department of Agriculture and/or the Minnesota Department of Health 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 activities, specify the items and products to be used, give the boundaries of the area involved and specify the precautionary measures to be employed to ensure the safety of humans and other animals. Any drugs used for

the euthanasia shall be by or under the direction of a licensed veterinarian.

67.40. Enforcement. (a) Minneapolis Animal Care and Control or its designee, in order to encourage the stabilization of the feral cat population in the City of Minneapolis, shall have, in addition to any other rights and powers provided pursuant to this Code or state statute, the following rights:

- (1) The right to trap in a humane manner and remove any feral cats that:
 - a. Have not been vaccinated against rabies or which are demonstrating signs of the disease.
 - b. Are not spayed or neutered.
 - c. Have bitten or injured a person or domestic pet.
 - d. Are not identifiable through an EAID as belonging to a feral cat colony that has a sponsor and a feral cat colony caretaker; or
 - e. Pose any other public health or public safety concerns.
 1. 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 may 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.
 2. 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, the cat shall be humanely destroyed.
- (2) The right to direct that a sponsor remove a feral cat that is creating a nuisance or harm if the sponsor has failed to adequately resolve the issue within thirty (30) days (or such shorter time period as Minneapolis Animal Care and Control may specify) after being given written notice thereof. In the event that Minneapolis Animal Care and Control directs the sponsor to remove the cat, the sponsor shall have thirty (30) days (or a shorter period as Minneapolis Animal Care and Control may specify) to do so. Failure of the sponsor to remove the cat within said time period as specified shall

constitute grounds for Minneapolis Animal Care and Control to remove the cat and/or remove the sponsor as a registered sponsor.

- (b) Animal control officers or police officers shall investigate any nuisance or harm complaint allegedly caused by a feral cat.
 - (1) In the event that an animal control officer or police officer finds that a feral cat or feral cat colony has created a nuisance or harm, the animal control officer or police officer shall advise the sponsor in writing of the issue.
 - (2) The sponsor shall have the right to review the matter with the manager of Minneapolis Animal Care and Control or the manager's designee. If the sponsor is not able to satisfy the manager or the manager's designee that the nuisance or other violation has not or is not occurring, the sponsor shall have thirty (30) days (or shorter time period as Minneapolis Animal Care and Control may specify) to comply with the direction with respect to correcting the issue. If the sponsor fails to correct the issue, Minneapolis Animal Care and Control shall have the right to remove the cat and/or remove the sponsor as a registered sponsor.
- (c) If a sponsor fails to perform its responsibilities under this chapter, Minneapolis Animal Care and Control may notify the sponsor that it must comply with the requirements of this chapter within thirty (30) days. If the sponsor fails to do so or repeatedly fails to comply with the requirements of this chapter, Minneapolis Animal Care and Control may remove the sponsor from being a registered sponsor, and may reassign the feral cat colonies from the sponsor to another approved sponsor.
- (d) If a feral cat colony caretaker regularly fails to comply with the requirements of this chapter, the sponsor may notify the feral cat colony caretaker that he or she has thirty (30) days to make all reasonable efforts to fulfill the responsibilities of this chapter. If the feral cat colony caretaker fails to comply within that time period or has received more than one notification, the sponsor shall remove approval for the person from being a feral cat colony caretaker and 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 thirty (30) days, the sponsor shall notify Minneapolis Animal Care and Control, and Minneapolis Animal Care and Control may humanely remove all, or portions of, the feral cat colonies and dispose of them in accordance with section 67.40.
- (e) Any sponsor or feral cat colony caretaker that has been removed from being a registered sponsor or removed as an approved feral cat colony caretaker due to

non-compliance issues shall not be allowed to be a sponsor or a feral cat colony caretaker for one year from the date of their removal.

- (f) Feral cats that were spayed or neutered and vaccinated for rabies prior to the effective date of this chapter, but did not have an EAID inserted or were marked as feral by some indication other than an ear-tip, such as but not limited to a tattoo, shall be deemed to be in compliance with this article, if all other requirements in section 67.30 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 article within three (3) years of its enactment, or upon revaccination of the cats for rabies, whichever comes first.

67.50. Abandonment of feral cats prohibited. No person having the care, custody and control of any feral cats shall abandon said animals anywhere in the city, or introduce said animals from outside the city into an existing Feral Cat Colony inside the city.

67.60. Effective date. This chapter shall take effect on _____, 201__.