

ORDINANCE NUMBER 2652

AN ORDINANCE ESTABLISHING POLICY AND PROTOCOLS FOR THE MANAGEMENT, HARBORING AND/OR FEEDING OF STRAY, FERAL, OR ABANDONED CATS AND FELINES AND TO PRESCRIBE PENALTIES FOR VIOLATION THEREOF

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA AS FOLLOWS:

Section 1. Purpose.

The purpose of this Ordinance is to establish policies and protocols to manage stray, feral or abandoned cats in the City of Vestavia Hills, to authorize the humane trapping, collection, adoption and sterilization and/or disposal of said cats and to provide for penalties for violation thereof.

Section 2. Definitions.

The following definitions shall apply in the interpretation of this Ordinance:

1. *Cat*: The terms “stray cat,” “feral cat” or “abandoned cat” shall mean any domestic cat that is reasonably believed not to be owned or under the entrusted care of any person. This shall include any animal that appears to be homeless, abandoned, non-socialized, undomesticated or uncared for based upon the behavior or physical condition of the cat and the absence of any collar, tag, microchip, or other means of identifying the name, address, or telephone number of the owner.
2. *Superannuated*: Incapacitated or disqualified for active duty by advanced age.
3. *Infirm*: Not physically or mentally strong, especially through age or illness.
4. *Glandered*: Affected by a contagious disease caused by bacteria and characterized by swellings beneath the jaw and a profuse mucous discharge from the nostrils.

Section 3. Specific Violations.

- a. *Keeping or harboring*: It shall be unlawful for any person to keep or harbor at any place within the City any feral cat, regardless of the age or size of any such animal, and regardless of whether or not such animal was born and/or raised in captivity.
- b. *Feeding*: Except as otherwise provided by this subsection, it shall be unlawful for any person to knowingly feed, offer food, or in any manner provide food to any feral cat on private or public property within the City limits for the purpose of attracting or harboring such animals.

Section 4. Exceptions.

The provisions of this Ordinance do not apply to any of the following:

- a. Employees or agents of the City, county, state, and federal government or veterinarians who, in the course of their official duties, have feral cats in their custody or under their management;
- b. The provision of food to domesticated cats that are household pets and that are owned by or whose care and feeding have been entrusted to the person providing the food;
- c. The provision of food that is incidental to other lawful activities and that is not intended to attract feral cats as defined herein; and
- d. The provision of food in connection with the humane trapping of feral cats for the purposes of relocating said animals to nonresidential areas.

Section 5. Impoundment of stray, feral, or abandoned cats and felines.

1. *Purpose*. The purpose of this subsection is to authorize the humane trapping, collection, release, adoption and sterilization and/or disposal of feral cats that are reasonably believed not to be owned or under the care of any person and which, by virtue of such status, are deemed to represent an actual or potential threat to the health, safety, and welfare of the public. Nothing herein shall be deemed to prevent the City and its employees or agents from using reasonable discretion in discharging the functions and activities hereby authorized. Nothing herein shall be interpreted or deemed to create or to impose on the City, its agents, employees, persons, or entities

- acting on behalf thereof any duty, standard of care, or liability to the public generally or to any member thereof with respect to the collection, care, or disposition of cats impounded under authority hereof.
2. The City or its representatives, including the code enforcement official, animal control officer, or person serving in like capacity, or such persons or firms as may be designated or employed by the City or with whom the City may contract for such purposes, shall have the authority to trap or collect by humane means and impound any cat or member of the feline family that appears to be stray, abandoned, feral, or non-socialized, or uncared for based upon the behavior or physical condition of the cat, and the absence of any collar, tag, microchip, or other means of identifying the name, address, or telephone number of the owner of the cat.
 3. A cat that is trapped and impounded pursuant to Section 2 above, will be held for a minimum period of seven (7) days pursuant to the provisions of Code of Alabama, 1975 §3-7A-8 in which notice may be given to the owner, if known and/or to allow the owner to redeem said cat. If the owner redeems the cat, in such instance, the owner shall pay the City or the City's representative all costs associated with the impoundment including, but not limited to, boarding and required medical treatment.
 4. If the impounded cat is not redeemed by its owner within the required seven (7) day detention period or, following the seven (7) day detention period, the City or its representative may offer the cat for adoption if the cat is deemed adoptable by reasonable means.
 5. Following the required seven (7) day detention period, the City or its representative may allow the cat to be released into the general area from which it was trapped subject to the following requirements:
 - a. The cat is determined by reasonable means to be feral or undomesticated, but not suitable for adoption; and
 - b. The cat is determined by reasonable means to be healthy and without disease or infection of any kind and sociable so as not to pose a danger to itself, a pet or a human; and

- c. The cat is sterilized pursuant to the sterilization requirements set forth in the Code of Alabama 1975 §3-9-2 and other state law governing such practices; and
 - d. The cat is vaccinated for rabies; and
 - e. The cat is marked with ear tags, a clipped ear, or other means to identify that said cat has been sterilized.
6. The collection, care, and disposition of any impounded cat shall be subject to state law governing such practices, including but not limited to sterilization requirements set forth in the Code of Alabama 1975, §3-9-2.
 7. Any agent, officer or member of a duly incorporated society for the prevention of cruelty to animals may lawfully destroy or cause to be destroyed any animal found abandoned and not properly cared for which may appear, in the judgment of two reputable citizens called by him to view the same in his presence, to be superannuated, infirm, glandered, injured or diseased past recovery for any useful propose pursuant to provisions of Code of Alabama, 1975, § 3-1-8.

Section 6. Fines and Punishment.

Any person violating the provisions of this section shall, upon conviction, be punished pursuant to Alabama law.

Section 7. Severability.

If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

Section 8. Effective Date.

This Ordinance Number 2652 shall become effective immediately following adoption and publishing/posting pursuant to Alabama law.

DONE, ORDERED, APPROVED and ADOPTED this 25th day of April, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance Number 2652 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 25th day of April, 2016, as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, and Vestavia Hills Recreational Center this the ___ day of _____, 2016.

Rebecca Leavings
City Clerk