



## MEMORANDUM

June 10<sup>th</sup>, 2014

**To: Members of Common Council**

**From: Belinda Lewis, Director  
Animal Care and Control**

**Subject: Proposed Ordinance Repeal/ Replace: Chapter 91**

### **Why Now?**

- We've been reviewing areas of the ordinance for a little over a year. There were aspects that the courts wanted to see clarified, we needed language to be consistent throughout and it's important that our ordinance doesn't conflict with the new local zoning ordinance.

### **Ordinance High Points Include:**

- 91.105 (4) allows us to refuse a euthanasia directive from an owner for a healthy, behaviorally sound animal.
- Courts can order restitution for victims of dog bites.
- We define animal hoarding to allow specific interventions with the understanding mental health is involved.
- Allows for the creation of a court deferral program for minor violations.
- Overall, a clean-up of semantics and language consistency throughout the ordinance.
- This is a large repeal/replace package. Please refer to the "Summary of Substantive Changes" attached and to the actual ordinance sections for specifics.

Additionally, there's a new area to the ordinance that hasn't been possible in the past in Fort Wayne. But now, we are fortunate to have a strong partnership with two local non-profits – HOPE for Animals and the ACSPCA – which makes it possible to launch a Community Cats program, aimed at saving the lives of cats and bettering our neighborhoods.

**The Community Cats Program** is a win; win for neighborhoods and for cats.

- First of all it's a program that uses non-tax based money to enact;
- The overall goal is to diminish the volume of stray cats in our community.
- Once it's in place, fewer cats will be euthanized. And, quite honestly we have years of data that shows euthanizing cats is not solving the problems;
- The Community Cat approach of surgically sterilizing free roaming cats will reduce nuisance problems caused by stray cats, prevent reproduction and reduce the spread of illness.
- We have statewide examples that show a Community Cats Program is quite successful - especially when non-profits take the lead and partner with a municipality.

**Fort Wayne Animal Care and Control**  
**Summary of Substantive Changes**  
**2014 Chapter 91 Ordinance Amendments**  
*(this is a summary only, see the ordinance for exact language)*

**Definitions**

**Acceptable Identification:**

tags or microchips registered locally or nationally and containing sufficient information to contact the animal's current owner.

**Adequate Shelter:**

Defines the structure for Animals, defines the structure for Domestic Farm Animals, exempts a person providing for Community Cats.

**Animal Hoarder:**

New definition: eight (8) or more and....

- Fails to provide...adequate and sanitary food, water, shelter or
- Overcrowded environment or
- Exhibits material disregard for conditions and the harmful impact on the health and well-being of the animal(s).

**Animal Welfare Organization:**

A non-profit entity duly organized and existing under applicable state law whose mission is to prevent cruelty to Animals, rehome Animals, or otherwise promote the cause of Animal welfare through legitimate activities approved by the Department.

**Community Cat:**

See Community Cat proposal

**Community Cat Provider:**

See Community Cat proposal

**Domestic Farm Animal:**

Matches the new zoning laws and adds all varieties of porcine. (pigs)

**Ear Tipped:**

See Community Cat proposal

**Free Roaming Cat**

See Community Cat proposal

**Harboring:**

Any Person who, knowingly confines or provides food, water, care, or shelter for a domestic Animal.

**Owner:**

Added "or has harbored for more than 30 days"

**Public Nuisance:**

Added

(7) Attendance at a public event with an animal at which animals have been prohibited by the Department. *(festivals and events generally in conjunction with organizers of those events)*

(8) Repeatedly destroys, desecrates, or soils property.

**Restraint:**

Added "in accordance with 91.021 of the Chapter". Effectively incorporates legal tethering into the definition of legal Restraint. Prevents off-property reach.

**Service Animal:**

Replaced the term "Guide Dogs" throughout the ordinance and mirrored the Federal definition of a Service Animal.

## Substantial changes to individual sections

### 91.034: Dog Bite Injuries

Changed the term “Potentially Dangerous Animal” to “Dog Bite Injuries”; added a level in dog to dog bite cases so we no longer make the leap from minor bites to major bites without a moderate category.

### 91.037: Prohibited Training Methods

Added language to exempt electronic perimeter fences and training collars when properly fitted, installed, maintained, and activated.

### 91.040: Habitual Animal Offender

Provides the court with the opportunity to limit animal ownership for life (currently a determinant period of time)

### 91.041: Community Cats (*see full summary of this programming below*)

- Creates the opportunity for a Free Roaming cat with no Acceptable Identification to be processed as a Community Cat and returned to its area of known resources to minimize the stray population in the area and prevent euthanasia.
- Requires sterilization, ear-tipping, microchipping, 3 yr rabies vaccination, and documentation with the Department of all Community Cats.
- Requires pre-scanning to ensure it is not a privately owned cat
- Requires adherence to guidelines by Community Cat Providers to prevent nuisances and to address them if they occur. Requires Community Cat Providers to work with partnering non-profits to address nuisances.
- Allows for the mitigation of nuisances by the Department and the intervention with Community Cat Providers who exceed manageable levels or do not adhere to the guidelines.

### 91.051: Registration and Permits

- Adds a late fee to pet registration (\$5.00) and business permits (\$50)
- Adds the requirement for pre-approval of the use by the Department of Planning Services prior to issuance of animal related business permits. (zoning)

### 91.054: Kennel/Cattery Permits

Adds the requirement for pre-approval of the use by the Department of Planning Services. (zoning)

### 91.105: Directors of Public Safety and Department

- Clarification: removes all old “Shelter Manager” titles and clarifies the Director of Public Safety and the Director of the Department.
- (E) allows the Commission to cancel a meeting for cause.
- (F) allows the Commission to cancel a meeting due to lack of a quorum.
  - *Both points above were voted on by the Commission.*
- (4) gives the Department the right to refuse to accept a euthanasia directive from an owner if the animal appears to be physically healthy and behaviorally sound.

### 91.107: Impoundment and Redemption

- Added impoundment rights for the Department for convicted Habitual Animal Offenders and convicted Animal Hoarders.
- Exempts a Free Roaming Cat from the 3 day legal hold if it is going to be adopted, transferred for adoption, or processed as a Community Cat.

### 91.109: Disposition of Funds

Fund 437 and 438 verbiage and intent.

Moves verbiage for “directed donations” to Fund 438

*This point voted affirmative by the Commission*

### 91.123: Rental Horse; Regulations

Mirrors the state slow moving vehicle laws and requirements into this chapter.

91.999: Penalties

- (E) Makes convicted violators responsible for care fees of animals held.
- (H) Provides the opportunity for judges to order restitution for victims.
- (I) Creation of a court deferral program for minor offenses.

**Proposed Community Cat Program  
Community Partnership Programming  
Ordinance Language  
New Section: 91.041**

**Definitions:**

**Acceptable Identification:** tags or microchip registered locally or nationally and containing sufficient information to contact the animals' current owner

**Community Cat:** any outdoor Free Roaming cat (*see definition below*) that has been evaluated and sterilized by a licensed veterinarian, ear tipped, vaccinated for rabies, microchipped, documented with the Department and released back into the area from which it was captured.

**Community Cat Provider (CCP):** a person who provides food, water, shelter or otherwise cares for Community Cats and satisfies the Department's Community Cat Provider requirements. A person so identified by the Department shall not be considered the Owner or Harbinger of a Community Cat.

**Ear Tipped:** the straight-line cutting of the tip of the left ear of a cat while it is anesthetized.

**Free Roaming Cat:** any cat not Restrained and without Acceptable Identification.

**Community Cat Provider Requirements:**

Provides water, food, or shelter for Community Cat(s) and adheres to other guidelines as set forth by the Department.

- Confines a Free Roaming Cat and arranges for surgical sterilization, ear tipping, and vaccination for rabies by a licensed veterinarian, microchipping, and documentation of the foregoing with the Department. (*may be grant funded*)
- Seeks veterinary care for or obtains assistance from an Animal Welfare Organization or the Department for a Community Cat which appears to require medical attention for serious illness or injury.
- Makes reasonable efforts to work with the Department or designated Animal Welfare Organization to resolve nuisance complaints using humane deterrents and or removal of Community Cat(s) identified as a Public Nuisance

## *Community Cats Continued*

### **Department Administration:**

- Free Roaming Cat(s) without identification which have been impounded or trapped in the community may be deemed a potential Community Cat by the Department based on age, health, and behavior. Such cats may be transferred to partnering Animal Welfare Organizations for reintegration of Community Cats back into the community or placement in a barn cat program.
- A cat identified as an existing Community Cat may be immediately returned to the community and exempted from the legal hold period as provided in section 91.107 of this Chapter.
- The Department shall coordinate with partnering Animal Welfare Organizations and/or Veterinarians to offer resource information for establishing opportunities for Community Cats, Community Cat Providers, citizens seeking advice regarding Community Cat nuisances, and humane deterrents.
- The Department may impound Community Cats creating Public Nuisances and cats diseased or not thriving due to loss of resources; and disposition those cats in accordance with this Chapter.
- Community Cat Provider(s) found to be in violation of this Chapter or managing an excess number of Community Cats as determined by the Department may have their Community Cat Provider designation revoked at the discretion of the Department.
- It shall be unlawful to provide food, water, or shelter to Free Roaming cats in excess of 30 days unless the provider presents acceptable documentation showing implementation of the requirements of a Community Cat Provider.

### **Additional Amendments to Chapter 91.107(K):**

- Any Free Roaming Cat is eligible for immediate transfer to
  - (a) the Departments adoption program or partnering Animal Welfare Organization or
  - (b) processing as a Community Cat, andshall be exempt from the three (3) business day impoundment period.
- *Note: a grace or amnesty period will be provided for citizens to microchip their privately owned, sterilized cats. Low cost microchipping will be available during that time for all citizens.*