



## CITY OF UMATILLA AGENDA ITEM STAFF REPORT

---

**DATE:** May 1, 2015

**MEETING DATE:** May 5, 2015

**SUBJECT:** Proposed Amendment to Lake County Code of Ordinances, Chapter 4 - Animals

**ISSUE:** Creation of Trap-Neuter-Return (TNR) Program for stray or feral cats

---

**BACKGROUND SUMMARY:** In November 2005 the City Council adopted Ordinance 2005-N which repealed Chapter 5 of the Code of Ordinances pertaining to animals and approved an Interlocal Agreement authorizing the county to perform animal services within the city limits.

County Manager David Heath contacted cities served by Lake County Animal Control regarding a proposed ordinance which, if adopted by the BCC, would allow a Trap, Neuter and Release/Return Program for stray or feral cats in Lake County.

The county ordinance would allow the capture, sterilization and release (in the original location or other location approved by the LCSO Animal Services Manager) of stray or feral cats. Some communities have adopted such ordinances as a means to reduce the euthanasia of cats going to animal shelters.

The ordinance includes buffers from parks, schools and conservation lands but allow these buffers to be waived if the property owner grants permission.

The program would be implemented through Lake County Animal Services and but may be delegated to local animal rescue organizations.

If the Council is interested in commenting on the proposed county ordinance, the County Manager's office would like to receive feedback no later than the morning of May 8<sup>th</sup>. The proposed ordinance is scheduled to be heard at BCC public hearings on May 19<sup>th</sup> and June 9<sup>th</sup>.

**STAFF RECOMMENDATIONS:** Council consensus needed for any comments to be forwarded to Lake County pertaining to the proposed Trap-Neuter-Return (TNR) Program amendment to Chapter 4 of the Lake County Code of Ordinances – Animals.

**FISCAL IMPACTS:** N/A

---

---

**COUNCIL ACTION:**

**Reviewed by City Attorney**    Yes            No            **vN/A**

**Reviewed by City Engineer**    Yes            No            **vN/A**

1 **ORDINANCE SUMMARY**

2  
3 The purpose of this Ordinance is to amend Chapter 4 of the Lake County Code, entitled  
4 “Animals”, to create a ‘Trap-Neuter-Return’ (TNR) Program for Lake County, which will permit  
5 the capture and release of stray or feral cats upon sterilization, rabies vaccination and ear-tipping,  
6 and to amend Sections 4-3 (“Definitions”), 4-9 (“Impoundment of animals”) 4-11 (“Surrender of  
7 animals”) and 4-36 (“Rabies certificate and county tag”) of Chapter 4 to make them consistent  
8 with the TNR Program.

9  
10 Changes are shown as follows: ~~Strikethrough~~ for deletions and Underline for additions to  
11 existing Code sections. The notation “\* \* \*” indicates that all preceding or subsequent text  
12 remains unchanged. Renumbering and/or relettering were added as needed.

13  
14  
15 **ORDINANCE 2015 –**

16  
17  
18 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF**  
19 **LAKE COUNTY, FLORIDA; AMENDING CHAPTER 4 OF THE LAKE**  
20 **COUNTY CODE, ENTITLED “ANIMALS”, SECTIONS 4-3, 4-9, 4-11 AND**  
21 **4-36 TO PROVIDE DEFINITIONS RELATING TO A TRAP-NEUTER-**  
22 **RETURN PROGRAM FOR LAKE COUNTY, AND TO AMEND**  
23 **REGULATIONS REGARDING IMPOUNDMENT, SURRENDER OF**  
24 **ANIMALS AND RABIES CERTIFICATES AND COUNTY TAGS FOR**  
25 **COMMUNITY CATS IN A TRAP-NEUTER-RETURN PROGRAM;**  
26 **AMENDING CHAPTER 4 OF THE LAKE COUNTY CODE, ENTITLED**  
27 **“ANIMALS”, TO CREATE A NEW ARTICLE IV, TO BE ENTITLED**  
28 **“TRAP-NEUTER-RETURN PROGRAM”; PROVIDING FOR**  
29 **SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE;**  
30 **PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND**  
31 **PROVIDING FOR AN EFFECTIVE DATE.**

32  
33 **WHEREAS**, the proliferation of stray and feral cats and feral cat colonies in Lake  
34 County results in recurring expenditures of public funds and resources to trap as many cats as  
35 possible, adopt out those that are capable of being socialized, and euthanize those that are not  
36 socialized or that are not adopted within a twenty four (24) hour period; and

37  
38 **WHEREAS**, the aforementioned, recurring expenditures of public funds and resources  
39 are generally not offset by the permanent removal of some stray or feral cats from a colony, as  
40 the remaining cats continue to reproduce and create the need for further action and expenditures  
41 on the part of Lake County Animal Services; and  
42

1           **WHEREAS**, the Board of County Commissioners of Lake County finds that programs  
2 known as ‘Trap-Neuter-Return’ (TNR) have the potential to control stray and feral cat  
3 population growth while preventing the euthanasia of the cats, and reducing, on a long-term  
4 basis, the expenditure of public funds toward the removal, sheltering and disposition of such  
5 cats; and  
6

7           **WHEREAS**, as currently written, Lake County Code would not permit the maintenance  
8 of stray and/or feral cat colonies by a caregiver, or would treat the caregiver as operating a  
9 kennel, and must be amended in order to implement a TNR program; and  
10

11           **WHEREAS**, the Board of County Commissioners hereby deems it in the best interest of  
12 the citizens of Lake County to amend Lake County Code, Chapter 4, entitled “Animals”, in order  
13 to create a TNR program in Lake County;  
14

15           **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of  
16 Lake County, Florida, as follows:  
17

18           **Section 1. Recitals.** The foregoing recitals are true and correct and incorporated  
19 herein by reference.  
20

21           **Section 2. Amendment.** Chapter 4, Lake County Code, entitled “Animals”, is  
22 amended to read as follows. Changes are shown utilizing ~~striethrough~~ for deletions and  
23 underline for additions to existing Code sections. The notation “\* \* \*” shall mean that all  
24 preceding or subsequent text remains unchanged.  
25

26 **ARTICLE I. - ADMINISTRATION**  
27

28 \* \* \*

29 **Sec. 4-3. - Definitions.**

30 [The following words, terms and phrases, when used in this chapter, will have the meanings  
31 ascribed to them in this section, except where the context clearly indicates a different meaning:]  
32

33 \* \* \*  
34

35 Community Cat means any free-roaming cat or kitten, whether abandoned, stray, lost, or feral,  
36 that may be cared for by one or more known or unknown residents of the immediate area, and  
37 that may live on its own or in a colony of other such felines. A Community Cat shall not be  
38 subject to the definition of “kennel” in Chapter II of the Lake County Land Development  
39 Regulations.  
40

41 Community Cat Caregiver means a person who, in accordance with a ‘Trap-Neuter-Return’  
42 (TNR) Program, provides care, including food, water, shelter or veterinary care to a Community

1 Cat. A Community Cat Caregiver shall not be considered the owner of a Community Cat and  
2 shall not be subject to the definition of "kennel" in Chapter II of the Lake County Land  
3 Development Regulations.

4  
5  
6 \* \* \*

7 Eartipping means the removal of the ¼ inch tip of a Community Cat's left ear, performed while  
8 the cat is under anesthesia, to identify the Community Cat as being sterilized and lawfully  
9 vaccinated for rabies.

10  
11 \* \* \*

12  
13 *Nuisance animal* means any animal that unreasonably annoys or disturbs other persons, threatens  
14 the safety of other animals or persons, or substantially interferes with the ordinary use and  
15 enjoyment of life or property. Community Cats shall not be considered nuisance animals merely  
16 for being at large.

17  
18 \* \* \*

19 Trap-Neuter-Return means, generally, the process of humanely trapping, sterilizing, vaccinating  
20 for rabies, Eartipping, and returning Community Cats to their original location.

21  
22 \* \* \*

23  
24  
25 **Sec. 4-9. - Impoundment of animals.**

26  
27 (a) The Board of County Commissioners may construct, operate and maintain a county  
28 animal shelter or subshelter for the purpose of impounding animals. The division is authorized to  
29 impound any animal found in violation of any provision of this chapter.

30 (b) When an animal is impounded, it shall be held for a period of at least one hundred twenty  
31 (120) hours, during which period the division shall make a reasonable effort to ascertain or notify  
32 the owner. If the principles of humane treatment would be violated by the continued existence of  
33 an injured or sick animal, it may be humanely destroyed by a licensed veterinarian or an  
34 authorized division employee after an attempt has been made to notify the owner. This section  
35 shall not apply to Community Cats diverted to a Trap-Neuter-Return program.

36  
37 (c) When an animal appearing to be feral is impounded, it shall be held for a period of at  
38 least twenty-four (24) hours, after which period the division shall make a determination of  
39 whether the animal is a feral animal. If the division determines the animal is feral, the animal  
40 may be diverted to a Trap-Neuter-Return program, or shall be humanely destroyed unless the  
41 owner requests a hearing pursuant to section 4-60, below.

1 (d) The director or designee may transfer ownership or custody to a humane agency, place  
2 for adoption, divert to a Trap-Neuter-Return program, or destroy in a humane manner, any  
3 animal impounded pursuant to this chapter where:  
4

5 (1) No owner exists;

6 (2) An owner cannot be identified;

7 (3) An owner is identified but cannot be notified;

8 (4) An owner is notified but, by his or her statements, actions, or failure to act,  
9 indicates an intent to abandon the animal;

10  
11 (5) An owner does not claim the animal within the applicable period of time specified  
12 by the division; or

13  
14 (6) The animal is determined by the division to be a feral animal or Community Cat.  
15

16 (e) Upon compliance with the provisions herein, the division shall be deemed to have  
17 complied fully with due process of law and the owner shall not be entitled to compensation for  
18 loss of the animal.  
19

20 \* \* \*

21  
22 **Sec. 4-11. Surrender of animals.**  
23

24 (a) Any owner or owner's agent surrendering an animal to the division or animal control  
25 officer shall sign an ownership release statement. The division may permit the adoption of the  
26 animal to a new owner, or may destroy the animal in a humane manner and dispose of its  
27 remains. In either event, the owner shall not be entitled to compensation.  
28

29 (b) Any person, other than an animal control officer, surrendering an animal not his or her  
30 own, shall disclose the identity of the owner, if known, or must sign a statement that he or she  
31 does not know the identity of the owner of the animal. The animal shall be diverted to a Trap-  
32 Neuter-Return program if determined to be a feral cat, or confined by the division for one  
33 hundred twenty (120) hours. At the expiration of the one hundred twenty (120) hours, the animal  
34 shall be deemed abandoned and the division may permit the adoption of the animal to a new  
35 owner, or may destroy the animal in a humane manner and dispose of its remains. In either event,  
36 the owner shall not be entitled to compensation.  
37

38 (c) It is a violation of this section for any person to falsely identify himself or herself as an  
39 owner or owner's agent. The recommended penalty for a violation of this section is a fine of  
40 seven hundred and fifty dollars (\$750.00) for the first offense and a fine of one thousand five  
41 hundred dollars (\$1,500.00) for any repeat violation within five (5) years of any previous  
42 violation.  
43

44 \* \* \*

1  
2 **Sec. 4-36. Rabies certificate and county tag.**  
3

4 (a) The owner of a dog, cat or ferret that is four (4) months of age or older shall obtain a  
5 county license for the animal within thirty (30) days of the initial rabies vaccination and within  
6 thirty (30) days of each subsequent vaccination. Community Cat Caregivers are not subject to  
7 this section. It is a violation of this section for any owner of a dog, cat that is not a Community  
8 Cat, or ferret four (4) months of age or older to fail to have and/or display in an appropriate  
9 manner the animal's rabies certificate and county tag.

10  
11 (b) A county license shall consist of a rabies vaccination, a license certificate, and a tag for  
12 the animal's collar. The division shall design and issue license certificates and tags. Only license  
13 certificates and tags approved by the director shall be valid in the county.  
14

15 (c) Each license certificate and tag shall be valid for the period of time corresponding to the  
16 type of rabies vaccination administered, and shall only be valid for the animal for which it was  
17 issued. No license certificate or tag shall be valid for a period in excess of three (3) years, and no  
18 license certificate or tag shall be valid after the expiration of the rabies vaccination regardless of  
19 the date of issuance. The county shall provide notice to owners of animals licensed under this  
20 section at least forty five (45) days prior to the licensure renewal deadline. The county-issued  
21 notice shall describe the licensing requirements and any associated penalties.  
22

23 (d) The owner of an animal that is vaccinated against rabies shall obtain a tag for the animal  
24 upon each vaccination, unless the animal that has been vaccinated is a Community Cat. The tag  
25 shall be attached to the collar of the animal and shall be worn at all times except:

26  
27 (1) When the animal is participating in a sanctioned animal show;

28  
29 (2) When the animal is confined inside the owner's home, an animal establishment, or  
30 is being bathed or groomed, in which case the tag number shall be recorded and readily  
31 identifiable with the animal to which it belongs, or, if the animal does not have a tag, the absence  
32 of a tag shall be clearly indicated on the records of the animal establishment; or  
33

34 (3) When a licensed veterinarian orders in writing that the collar and tag be removed  
35 from the animal for health reasons, in which case the animal shall be confined in an enclosed  
36 building or a kennel at all times until a licensed veterinarian permits the collar and tag to be  
37 placed on the animal.  
38

39 (e) The board of county commissioners shall establish by resolution the fees to be charged  
40 for licenses to be issued.  
41

42  
43 \* \* \*  
44  
45

46 **Secs. 4-62—4-80. - Reserved.**

**ARTICLE IV. TRAP-NEUTER-RETURN (TNR) PROGRAM**

**Sec. 4-81. – Purpose.**

The purpose of this Article is to permit a TNR program, in order to reduce the population of Community Cats as a means to reduce the euthanasia of such cats. Such programs may be administered by any animal welfare organization authorized by Animal Services.

**Sec. 4-82. – TNR Program.**

(a) A Community Cat impounded by Animal Services shall be evaluated by a veterinarian - or appropriate shelter staff for disease, health condition, and temperament and behavior for adoptability purposes.

(b) A Community Cat may be diverted to the TNR program, adopted, or humanely destroyed.

(c) If a healthy Community Cat is diverted to the TNR program, it shall be sterilized so that it can no longer reproduce, eartipped, vaccinated against rabies and returned to the location where the Community Cat was found or trapped, unless an alternative location is approved through the Animal Services Manager in writing.

(e) Community Cat Colony location. Properties with Community cats shall maintain the following minimum buffers:

<u>Use</u>	<u>Buffer distance required</u>
<u>Schools</u>	<u>250 feet</u>
<u>Public playgrounds</u>	<u>250 feet</u>
<u>Public parks</u>	<u>250 feet</u>
<u>Conservation Land</u>	<u>750 feet</u>

This requirement may be waived, if specific written authorization is provided by the property owner containing the use.

(d) Animal Services shall formulate procedures to implement the provisions of this Section.

**Sec. 4-83. – Community Cats and Public Health and Safety.**

Animal Services has the right to immediately seize and humanely destroy without diversion to the TNR program any Community Cat that poses a public health or safety concern by virtue of disease (rabies or other epizootic events), aggressive temperament resulting in unprovoked attacks on humans, or any other reason concerning public health and safety.

**Secs. 4-84—4-95. - Reserved.**



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44

**Section 3. Severability.** If any section, sentence, clause or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**Section 4. Inclusion in the Code.** It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intentions.

**Section 5. Filing with the Department of State.** The clerk shall be and is hereby directed forthwith to send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66, Florida Statutes.

**Section 6. Effective Date.** This Ordinance shall become effective as provided for by law.

Enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Filed with the Secretary of State \_\_\_\_\_, 2015.

**BOARD OF COUNTY COMMISSIONERS  
OF LAKE COUNTY, FLORIDA**

\_\_\_\_\_  
Jimmy Conner, Chairman

This \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**ATTEST:**

\_\_\_\_\_  
Neil Kelly, Clerk of the  
Board of County Commissioners  
of Lake County, Florida

**Approved as to form and legality:**

1  
2  
3  
4  
5  
6

---

Sanford A. Minkoff  
County Attorney

DRAFT