

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 90, “ANIMALS,” BY CREATING SECTION 90.22, “COMMUNITY CAT MANAGEMENT,” TO PROVIDE DEFINITIONS AND FOR REGULATION OF PRIVATELY OPERATED CAT MANAGEMENT PROGRAMS WITHIN THE CITY; BY AMENDING SECTION 90.27, “FEEDING OF FERAL CATS AND DOGS,” BY ADDING PROVISIONS FOR CONSISTENCY WITH COMMUNITY CAT MANAGEMENT REQUIREMENTS; BY DELETING SECTION 90.29, “TRAPPING,” IN ITS ENTIRETY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the city acknowledges there is a significant population of unowned free roaming cats that exist, affectionately referred to as Community Cats; and

WHEREAS, there are people who act on their sense of compassion toward these cats by providing some level of care; and

WHEREAS, many times the care is limited to the provision of a food source which in most cases only contributes to the perpetuation of the free roaming, breeding population of cats; and

WHEREAS, in other circumstances, individuals take their care to a higher level by capturing, evaluating, sterilizing, vaccinating, returning to the outdoors and monitoring a particular group of cats; and

WHEREAS, the city has a responsibility to maintain a balanced position and consider all factors regarding the continued presence of free roaming cats including public health, humane

treatment, safety and quality of life of cats, nuisance complaints and issues, wildlife, and contrary positions and laws; and

WHEREAS, the city recognizes that in many circumstances community cats may be tolerated by many residents; and

WHEREAS, privately operated management programs may provide a benefit by sterilizing a substantial portion of the free roaming cat population that may have otherwise been left intact, perpetuating a breeding cycle and ultimately contributing to domestic animal overpopulation; and

WHEREAS, the city desires to promote and encourage a level of care for community cats that affords the highest quality of life standards and serves to benefit and protect such for both people and all animals, and

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the city, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 90.22, "Community Cat Management," of Chapter 90, "Animals," of the City of Pompano Beach Code of Ordinances is hereby created to read as follows:

§ 90.22 COMMUNITY CAT MANAGEMENT.

Privately operated management programs shall be permitted in accordance with the following requirements:

(A) Definitions. For the purposes of this section, the following definitions shall apply.

BACKYARD SANCTUARY CAREGIVER A community cat caregiver who provides care, in accordance with this section, to three or less community cats on their private property at their permanent residence, not including communal areas, and at no other locations. Kittens under eight weeks of age are not included in this number.

CARE. The function of providing food, water, or shelter and/or protection from the elements. The daily provision of food, water and ongoing monitoring and includes required actions of capture, sterilization, vaccination, ear-tipping and microchipping of all cats present, with the option of returning to the outdoors of said captured cats.

CARE LOCATION. The physical location where food and care is provided by a community cat caregiver.

COMMUNAL AREA. The area of, relating to, or belonging to the residents of a community, or rental housing building or complex.

COMMUNITY CAT. An unowned, free roaming cat that may or may not be feral.

COMMUNITY CAT CAREGIVER. A person or organization that provides care to community cats.

RABIES VACCINATION. The up to date vaccination of a dog, cat or other domestic animal with an anti-rabies vaccine approved by the United States Department of Agriculture and administered by a veterinarian.

RETURN TO FIELD. The practice of returning an animal to the outdoors after it has been captured, sterilized, vaccinated, and ear-tipped.

(B) All community cats shall be provided care on the private property of the community cat caregiver or other care location with written permission of the property owner or manager which shall be filed with the city for each care location.

(C) A person or organization providing food, care or return to field, shall register as a community cat caregiver and provide a verifiable name, home address and phone number and shall update any changed information with 15 days of a change. A registered organization shall list all authorized caregivers and provide the verifiable name, home address and phone number of each affiliated caregiver and shall update such registration annually. A backyard sanctuary caregiver shall not be required to register as a community cat caregiver or file a care location. A

registered community cat caregiver and a backyard sanctuary caregiver shall not be held responsible for a violation of § 90.08, “Animals Running at Large,” or § 90.12, “Vaccination and License,” of any cats fed at a location where a written consent has been filed and remains in good standing or in the circumstance of a backyard sanctuary caregiver’s property..

(D) A registration shall be accomplished by submitting the city provided registration form completed legibly in its entirety to the appropriate department as listed. Registrations shall be supplemented by submitting a care location permission form for each written permission from a property owner/manager.

(E) Food at each care location shall be provided in accordance with the following:

(1) Food shall only be provided while persons conducting the feeding remain present. Any uneaten food must be removed while persons feeding are not physically present to monitor feeding.

(2) Food shall not be placed or left unattended in a manner it can be accessed or obtained by wildlife, other than as provided below for traps.

(3) Food shall be positioned inside at the center of a raccoon or larger size live humane trap that has had both ends secured open.

(4) Automatic feeders are not permitted.

(5) Feeding of any free roaming animals is not permitted within 1,000 feet of a care location that has been noticed to cease feeding.

(6) Feeding is not permitted in or on city Parks, beaches, roads, rights-of-ways, or any other public property.

(F) Community cats shall be sterilized, ear-tipped, vaccinated for rabies, implanted with microchip registered to the community cat caregiver, FELV/FIV tested, provided with FVRCP, leukemia vaccine and any other vaccinations and/or treatments as recommended by the treating veterinarian, and provided with ongoing parasite preventative/treatment. Records of such shall be retained by the community cat caregiver under which the care location is registered for each cat that is being provided with care.

(G) Only healthy, feral or otherwise, unadoptable cats may be returned to the field. Cats with visible injuries, disease, requiring ongoing treatment, or that have attacked or bitten a person or animal, may not be returned to the field.

(H) The registered community cat caregiver shall be responsible for damages caused by any cat(s) being cared for while they are off the authorized care location.

(I) Public parks, beaches, roads, rights-of-way, or properties are not permitted for care of the community cats.

(J) If a nuisance complaint is filed with the city's Animal Control Division regarding a registered care location, the community cat caregiver shall be noticed in writing by the city and shall have 21 days to work with the complainant to provide a remedy to the complainant's satisfaction. If satisfaction is not achieved during this time period, feeding may not continue and the city shall intervene to trap and permanently remove any cats at the complainant's request, including those related to subsequent complaints. Any cats removed by the city shall be held for at least 36 hours. A registered Community Cat caregiver in good standing or other rescue desiring to provide a humane, legal disposition may request to take possession of the cats during this time period. Any cats removed may not be released within the city. A final disposition may be rendered at the conclusion of 36 hours.

(K) If any care location is observed to feed more than eight cats, then any property owner or resident within 200 feet or any adjoining property owner, manager or tenant may file an objection with the city's Animal Control Division to the feeding. If an objection is filed, the community cat caregiver shall be noticed by the city and shall have 21 days in which to continue feeding for the purpose of giving the feeder an opportunity to remove cats from that location, after which feeding may not continue. Any cats removed may not be released within the city. After 21 days, the city shall intervene to trap and permanently remove any remaining cats at the objector's request, including those related to subsequent complaints. Any cats removed by the city shall be held for at least 36 hours. A registered community cat caregiver in good standing or other rescue desiring to provide a humane, legal disposition may request to take possession of the cats during this time period. Any cats removed may not be released within the city. A final disposition may be rendered at the conclusion of 36 hours.

(L) When the city's Animal Control Division receives a community cat related complaint at locations where there is not any current care being provided or where there is unregistered care, and with the permission of the complainant, the city may provide notice to registered community cat caregivers in good standing, in an effort to give opportunity for the resolution of such by private humane efforts. The community cat caregivers shall have 21 days in which to bring a resolution to the satisfaction of the complainant. If satisfaction is not achieved during this time period, the city shall intervene to trap and permanently remove any cats at the complainant's request, including those related to subsequent complaints. Any cats removed by the city shall be held for at least 36 hours. A registered community cat caregiver or other rescue in good standing, desiring to provide a humane, legal

disposition, may request to take possession of the cats during this time period. Any cats removed may not be released within the city. A final disposition may be rendered at the conclusion of 36 hours.

(M) When a community cat caregiver or other rescue takes possession of an unaltered cat under Section (J), (K) or (L), that person must provide proof of sterilization, vaccination and microchipping of the animal within 15 days of receiving the cat.

(N) Any person or organization that has within the preceding year, interfered with city efforts or actions to resolve complaints or has been found in violation of city ordinance shall not be considered to be in good standing.

(O) Any person or organization that has been found in violation of city ordinances related to feeding or care of community cats on three or more occasions shall not be permitted to feed or care for community cats within the city.

(P) Noncompliance shall be deemed a violation of this section and penalties shall be in accordance with § 90.99.

SECTION 2. That Section 90.27, "Feeding of Feral Cat(s) and Dog(s) Prohibited", of Chapter 90, "Animals," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 90.27 FEEDING OF FERAL CAT(S) AND DOG(S) PROHIBITED FREE ROAMING DOMESTIC ANIMALS.

(A) It shall be deemed a violation of this section for any person to feed or cause to be fed or leave foodstuffs for ~~feral cat(s) or dog(s) without approval of the Animal Control Division~~ any at large or free roaming domestic animal. Any person or organization in compliance with §90.22, "Community Cat Management," shall not be deemed in violation of this section.

~~(B) The Division may issue approval for feeding cats by means of a feeding program permit. The permit shall be issued in the name of the permit holder and shall name all persons who will take part in the feeding program. A permit is contingent on the following conditions:~~

~~(1) Written authorization from the property owner of the feeding location must be provided prior to issuance of a permit. Feeding may only take place at this location.~~

~~(2) — Notice signed by all adjoining private property owners acknowledging they are aware of the intended activity and have no objections must be provided prior to issuance of a permit.~~

~~(3) — The permit holder shall be responsible for any damage caused by the animals which are caused to be fed.~~

~~(4) — The area must serve to contain the cat population on the property for which the feeding program permit has been issued, and for purposes of this subsection said cats shall be known as the "colony." Any cats roaming off the property shall be cause for violation of § 90.08, "Animals Running At Large." The colony must meet the containment requirement within 30 days of issuance of the permit. For purposes of this section, "containment" is defined as an approved fence or similar structure that prevents animals from going under, over, or through the enclosure, and which is designed to maintain the animals on the permitted property.~~

~~(5) — Within the first year, all cats in the colony must be sterilized, micro-chipped, ear tipped, vaccinated with all applicable vaccines and a three-year rabies vaccination. No unhealthy cats may be allowed to remain in the colony.~~

~~(6) — The permit holder must submit an annual report to the city's Animal Control Division listing the cats in the colony and show proof of the current vaccinations.~~

~~(7) — The number of cats in the colony must be shown to be in decline. An increase in the number of cats may result in Division intervention to reduce numbers or revocation of permit.~~

~~(8) — No person may remove any cat from the colony at the permitted feeding location without authorization from the permit holder or from the city's Animal Control Division.~~

~~(C) — The permit holder shall be fined for failure to comply with the conditions set forth in section (B). First offense, \$250.00 penalty, second offense, \$500.00 penalty. A third offense shall result in the revocation of the permit.~~

SECTION 3. That Section 90.29, "Trapping," of Chapter 90, "Animals," of the City of Pompano Beach Code of Ordinances is hereby deleted in its entirety.

SECTION 4. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of

this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 5. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2020.

PASSED SECOND READING this _____ day of _____, 2020.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/ds:TAL:jmz:jrm
2/13/2020
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