

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO ANIMAL CONTROL – DEFINITIONS – REQUIREMENTS FOR CARE OF FERAL CAT COLONIES; AND FOR OTHER PURPOSES.

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. Section 4-1-1, entitled “Definitions,” of the Code of Athens-Clarke County is hereby amended by adding the following definitions alphabetically thereto:

“Feral cat” means a cat, regardless of sex or age, that is unowned, free-roaming, and not interactive with humans.

“Feral cat colony” means an identified group of feral cats capable of being trapped, neutered or spayed, vaccinated, and released back into the area from which they were taken.

“Feral cat colony caretaker” means a person who is associated with an organization that meets the qualifications for an animal rescue group under standards set by Animal Control Policies and Procedures, who has registered the feral cat colony with Animal Control and who provides sustenance, water and care for a feral cat colony.

"Ear tipping" means straight-line cutting of the tip of the left or right ear of a cat while the cat is anesthetized by a licensed veterinarian during sterilization and vaccination procedures. A feral cat that has been ear tipped is presumed to be sterile and to have been vaccinated at least once against rabies.

“Owner” means any person who owns, keeps, harbors, possesses or otherwise keeps any domestic, nontraditional livestock or livestock animal for a period of 14 days, or any person who knowingly permits any domestic, nontraditional livestock or livestock animal to be kept, harbored, possessed, or otherwise kept upon his premises for a period of 14 days, or who has any animal under his or her care or responsibility, either temporarily or permanently, at any time, within Athens-Clarke County. “Owner” does not include a feral cat colony caretaker or the owner of the premises where a registered feral cat colony is located."

“Zoonotic disease” means those diseases transmittable to humans from animals, including parasitic, bacterial, fungal and viral diseases.

SECTION 2. Section 4-1-2, entitled “Keeping domestic animals under control,” of the Code of Athens-Clarke County, is hereby amended by adding a new paragraph (c) thereto as follows:

“(c) Exemptions. Feral cat colony caretakers are exempt from the requirements of this section.”

SECTION 3. Section 4-1-3, entitled “Specific requirements for confinement,” of the Code of Athens-Clarke County is hereby amended by adding a new paragraph (f) thereto as follows:

“(f) Exemptions. Feral cat colony caretakers are exempt from the requirements of this section.”

SECTION 4. Section 4-1-4, entitled “Prohibitions for domestic animals,” is hereby amended by adding a new paragraph (f) thereto as follows:

“(f) Exemptions. Feral cat colony caretakers are exempt from the requirements of this section.”

SECTION 5. Section 4-1-6, entitled “Control and removal of animal wastes,” of the Code of Athens-Clarke County is hereby amended by adding a new paragraph (c) thereto as follows:

“(c) Exemptions. Feral cat colony caretakers are exempt from the requirements of this section.”

SECTION 6. Section 4-1-8, entitled “Identification and inoculation,” of the Code of Athens-Clarke County is hereby amended by deleting said section in its entirety and substituting the following in lieu thereof:

“Sec. 4-1-8. Identification and inoculation.

It shall be unlawful for any person to own, possess or maintain any dog or cat that does not have a current rabies inoculation and any such dog or cat shall wear at all times a securely attached collar about its neck displaying such current rabies tag. A feral cat that has been ear tipped is exempt from displaying collar and rabies tag.”

SECTION 7. Section 4-1-21, entitled “Redemption of impounded animals,” of the Code of Athens-Clarke County is hereby amended by deleting said section in its entirety and substituting the following in lieu thereof:

“Sec. 4-1-21. Redemption of impounded animals.

“It shall be the responsibility of the Athens-Clarke County Animal Control Division to attempt to notify the owner or feral cat colony caretaker, if known, or can be reasonably ascertained, of every animal impounded, by telephone if possible, or by mail or by written notice at the residence of the owner within two working days of the impoundment. The owner or feral cat colony caretaker of the animal may claim and take custody of the animal within five days of such impoundment by the payment of required fees and the cost of inoculations and veterinary services.”

SECTION 8. Chapter 4-1, entitled “Animal Control,” of the Code of Athens-Clarke County is hereby amended by adding four new sections thereto as follows:

“Sec. 4-1-26. Requirements for Care of Feral Cat Colonies.

It is unlawful for any person to provide food, water, or shelter to a feral cat unless the feral cat is part of a registered feral cat colony. Caretakers of feral cat colonies shall register such colony with Animal Control. The registration shall be renewed annually. Registration shall include the name and address of the caretakers, the animal rescue group with which they are affiliated, and the location of the colony. The Manager shall develop Policies and Procedures to govern the Feral Cat Colony Program to be approved by the Mayor and Commission. A feral cat colony may be registered when the volunteer caretaker and animal rescue group can show all of the following:

- (1) Regular feeding of the colony will be maintained throughout the year;
- (2) Adult cats and kittens over twelve weeks of age that can be captured will be neutered or spayed and vaccinated against rabies. A three-year rabies vaccine will be administered whenever feasible;
- (3) Every attempt will be made to have kittens removed from the colony and fostered before they reach the age of twelve weeks for domestication and placement;
- (4) Sick or injured cats will be removed from the colony for either immediate veterinarian care or humane euthanasia as determined by the veterinarian. The decision either to treat or euthanize shall be at the entire discretion of the veterinarian;
- (5) Cats will be ear tipped for recognition as members of a registered feral cat colony;
- (6) Records of sterilizations, vaccination and animal identification will be provided to animal control upon request;
- (7) Written permission has been given to the animal rescue group from the owner of the premises upon which the feral cat colony is located for the registered feral cat colony to be located on the owner's property; and
- (8) Compliance with the Policies and Procedures governing the Feral Cat Program.

Section 4-1-27. Removal of Feral Cats from Colony.

Animal Control has the right immediately to seize and remove all or parts of any feral cat colony for public health and public safety concerns including rabies, other zoonotic disease epidemics, and certain animal-to-animal diseases as identified by the Superintendent of Animal Control.

Section 4-1-28. Unlawful Interference with Registered Feral Cat Colony.

Except as provided in Section 4-1-27, it is unlawful for any person knowingly to prevent, interfere with, or obstruct the management of a registered feral cat colony. However, nothing herein shall prohibit a property owner from taking lawful steps to control or restrict feral cats within the limits of the owner's property.

Section 4-1-29. Disposition of Feral Cats - generally. Animal Control may impound feral cats in violation of this chapter and dispose of the cats by adoption or other disposition in accordance with this chapter, or release the cat to a feral cat colony caretaker who will maintain the cat as part of a registered feral cat colony. Any feral cat impounded by Animal Control that bears appropriate ear tipping that indicates it belongs to a registered feral cat colony may, at the discretion of Animal Control, be returned to its registered feral cat colony unless illness or injury require disposition as provided for in Section 4-1-16.”

SECTION 9. The effective date of this ordinance and of the Policies and Procedures shall be April 1, 2010.

SECTION 10. Three years from the effective date of this ordinance, its effectiveness and its continued necessity will be reviewed by the Commission of Athens-Clarke County.

SECTION 11. All ordinances or parts of ordinances in conflict herewith are hereby repealed.