

**VILLAGE OF RICHTON PARK
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 1595

**AN ORDINANCE AMENDING CHAPTER 608, ANIMALS, OF THE
VILLAGE OF RICHTON PARK CODIFIED ORDINANCES BY ADDING
NEW SUBCHAPTER 608.22, A MANAGED CARE OF FERAL CATS@,
THERETO**

WHEREAS, the Cook County Board of Commissioners adopted Ordinance No. 07-O-72, "Managed Care of Feral Cats?", to prevent the spread of rabies by reducing and controlling the feral cat population; and

WHEREAS, the County's Ordinance permits individuals living in Cook County to maintain feral cat colonies provided they participate in trap, neuter and release (TNR) programs sponsored by County approved humane societies; and

WHEREAS, in *County of Cook v. Village of Bridgeview*, 2014 IL.App. (1st) 122164, 8 N.E.3d 1275, the Illinois Appellate Court held that a municipality cannot make it unlawful to operate feral cat colonies within its corporate limits; and

WHEREAS, the Appellate Court further ruled that under the Animal Control Act, 510 ILCS 5/24, a municipality does have the authority to adopt provisions prohibiting feral cats from running at large and to impose further, stricter requirements than those imposed under the Cook County Ordinance; and

WHEREAS, the corporate authorities of the Village of Richton Park find and declare that the population of stray and feral cats may pose a danger to the health, safety and welfare of the public; and

WHEREAS, the corporate authorities further find that it is in the best interests of the residents of the Village to impose additional requirements on the management of feral cat colonies to address the health, safety and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF RICHTON PARK, COOK COUNTY, ILLINOIS, as follows:

SECTION 1: Chapter 608, "Animals", of the Village of Richton Park Code of Ordinances, as amended, is hereby further amended by adding new subchapter 608.22, "Managed Care of Feral Cats", thereto, to read as follows:

608.22 MANAGED CARE OF FERAL CATS.

(a) Definitions. As used in this subchapter:

- (1) "Domesticated cat" means a cat that is socialized to humans and is appropriate as a companion for humans.
- (2) "EAID" means an electronic animal identification device.
- (3) "Eartipping" means straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized.
- (4) "Feral cat" means a cat that is born in the wild or is the offspring of an owned or feral cat and is not socialized or is a formerly owned cat that has been abandoned and is no longer socialized.
- (5) "Feral cat caretaker" means any person other than an owner who provides food, water or shelter to, or otherwise cares for a feral cat or multiple feral cats.
- (6) "Feral cat colony" means a group of cats that congregate, more or less, together as a unit. Although not every cat in a feral cat colony may be feral, any non-feral cat that congregates with a colony shall be deemed to be part of it.
- (7) "Feral cat colony caretaker" means any feral cat caretaker who is approved by a Sponsor to care for a feral cat colony and who resides in the Village.

(8) "Micro-chip? means, for the purpose of this subchapter, to implant an EAID in an animal.

(9) "Nuisance? means, for the purposes of this subchapter, conduct by stray or feral cats that includes, but is not limited to habitually or continually howling, crying or screaming or habitually and significantly destroying, desecrating or soiling property against the wishes of the owner of the property.

(10) "Owner? means any person having a right of property in an animal or who keeps or harbors an animal, or who has it in his/her care, or acts as its custodian, or who knowingly permits an animal to remain on any premises occupied by the owner. "Owner? does not include a feral cat colony caretaker.

(11) "Sponsor? is any animal Humane Society that complies with the requirements of Cook County Ordinance No. 07-O-72, including written notice to the Cook County Department of Animal and Rabies Control, that it will serve as a Sponsor.

(12) "TNR? means trap, neuter and return.

(13) "TNR Program? means a program pursuant to which feral and stray cats are trapped, neutered or spayed, micro-chipped, vaccinated against rabies, and returned to the location where they congregate, in accordance with Cook County Ordinance 07-O-72.

(b) Feral cat colonies permitted. Feral cat colonies shall be permitted and feral cat caretakers shall be entitled to maintain and care for feral cats by providing food, water, shelter, medical care, and other forms of sustenance, provided that the feral cat colonies are registered with and approved by a Sponsor who is registered and approved by the Cook County Department of Animal and Rabies Control, who is in complete compliance with Cook County Ordinance No. 07-O-72, and who is registered with the Village as provided in subsection 608.22(d). The feral cat colonies may be located anywhere within the corporate limits of the Village; except, however, feral cat colonies located in residential districts shall be subject to the provisions set forth in subsection (c) below.

(c) Feral cat colonies in residential districts. Feral cat colonies located on residential property within residential districts shall be permitted as follows:

(1) The colony shall not be located within a dwelling unit used for residential use and occupancy.

(2) During inclement or extreme weather conditions, the feral cat colony may be sheltered in the garage, shed or basement of the premises, where there are no bedrooms or a kitchen.

(3) Residential feral cat colonies shall be limited to no more than six (6) cats at one time.

(d) Registration requirements.

(1) Sponsors. Any Humane Society that agrees to comply with the requirements of Cook County Ordinance No. 07-O-72 for Sponsors shall be eligible to act as a Sponsor. Any Humane Society intending to undertake the responsibilities of Sponsor in the Village shall register with the Village. Registration shall be on a form provided by the Village Clerk, and registration shall be free of charge. The registration form shall include the name and address of the Humane Society, telephone number, and e-mail address if applicable. The registration form shall also include the name and contact information of the designated representative who will be assigned to the Village to handle all questions and complaints concerning feral cat caretakers within the Village. The designated representative shall respond to any complaints or inquiries by the Village within forty-eight (48) hours.

(2) Feral cat caretakers. Feral cat caretakers located in the Village do not have to register with the Village. However, the caretaker shall be required to provide the Village with the following documentation upon request.

a. Proof of registration of the feral cat colony with a Cook County Department of Animal and Rabies Control approved Sponsor who is registered with the Village.

b. Proof of participation in and written educational training provided by the Sponsor.

c. Documentation showing that the cats in the colony have been vaccinated for rabies, micro-chipped, ear-tipping of the left ear, spayed or neutered.

d. If the colony is not located on property owned by the caretaker, written approval of the owner of any property, or any authorized representative of the owner, to which the caretaker requires access to provide colony care.

(e) Responsibilities of Sponsor. The Sponsor shall, at all times, be in full compliance with Cook County Ordinance 07-O-72. Specifically, as it pertains to the Village, the Sponsor shall:

(1) Review, and in its discretion, approve of feral cat colony caretakers.

(2) Help resolve any complaints over the conduct of a feral cat colony caretaker or cats within the colony located within the Village.

(3) Maintain records provided by feral cat colony caretakers on the size and location of the colonies located within the Village, as well as the vaccination, micro-chipping, and spay and neuter records of cats in the Sponsor's colonies located within the Village.

(4) Provide, at a minimum, written educational training for all caretakers registered with the Sponsor, addressing uniform standards and procedures for colony maintenance.

(5) Report annually to the Village on the following:

a. number and location by cross-streets (if requested by the Village) of colonies for which it acts as a Sponsor in the Village;

b. total number of cats in each of its colonies located within the Village;

c. number of cats from its colonies located within the Village micro-chipped, vaccinated, spayed and neutered pursuant to the TNR program; and

d. number of cats and kittens from its colonies located within the Village placed in permanent homes.

(6) Provide to the Village, the location, by address of feral cat colonies located within the Village where feral cat colony caretakers have regularly failed to comply with Cook County Ordinance 07-O-72 or where the Sponsor has been unable to resolve a nuisance behavior problem.

(f) Responsibilities of Caretaker. The caretaker shall, at all times, be in full compliance with Cook County Ordinance 07-O-72. In order to maintain a feral cat colony within the Village the caretaker must:

(1) Register the colony with the Sponsor.

(2) Take all appropriate and available steps to vaccinate the colony population for rabies, preferably with a three-year vaccine and update the vaccinations as warranted and mandated by law.

(3) Take all appropriate and available steps to have the colony population spayed or neutered by a licensed veterinarian.

- (4) Eartipping the left ear of a colony cat that has been vaccinated and spayed or neutered so that the colony cats can be readily identified.
 - (5) Have an EAID inserted into each colony cat by a veterinarian in accordance with professional medical standards. The Sponsor and the caretaker shall be the named contacts for purposes of the EAID.
 - (6) Provide the Sponsor with descriptions of each cat in the colony and copies of documents demonstrating that the cats have been vaccinated, micro-chipped, and spayed or neutered. Copies of the documents shall be given to the Village upon request.
 - (7) Provide food, water and, if feasible, shelter for colony cats.
 - (8) Obtain proper medical attention for any colony cat that appears to require it.
 - (9) Take all reasonable steps to: (a) remove kittens from the colony after they have been weaned; (b) place the kittens in homes or foster homes for the purpose of subsequent permanent placement; and (c) capture and spay the mother cat.
 - (10) Report semi-annually in writing to the Sponsor on (a) the location of the colony; (b) the number and gender of all cats in the colony; (c) the number of cats that died or otherwise ceased being part of the colony; (d) the number of kittens born to colony cats and their disposition; (e) the number of cats placed in animal shelters or in permanent homes as companion cats; (f) the number of cats vaccinated; (g) the number of cats micro-chipped; and (h) the number of cats spayed or neutered.
- (g) Withdrawal of Feral Cat Colony Caretaker or Sponsor. In the event that a caretaker is unable or unwilling to continue in that role, he/she shall notify his/her Sponsor. In the event a Sponsor is unable or unwilling to continue to perform its role, it shall notify the Village.
- (h) Abandonment of feral cats prohibited. No person having the care, custody and control of any feral cats shall abandon said animals anywhere in the Village, or introduce said animals from outside the Village into an existing feral cat colony inside the Village.
- (I) Feeding or shelter of feral cats prohibited. It shall be unlawful for any person or owner to knowingly or intentionally feed or provide shelter for feral cats unless that person is a registered feral cat colony caretaker.
- (j) Exemption from certain Village Code provisions. A caretaker who is in full compliance with Cook County Ordinance 07-O-72 and the provisions of this subchapter shall be exempt from sections 608.15, 608.16, except as limited by subsection 608.22(c)(3), 608.17 and 608.18 of the Village Code, and as amended from time to time.

(k) Enforcement. If the Village locates or otherwise becomes aware of a feral cat colony not registered with a Sponsor who is registered with the Village, the Village shall make a reasonable effort to provide written notice to the caretaker of such colony of the requirements to be registered with a Sponsor registered with the Village as set forth in subsection 608.22 (b) and the caretaker responsibilities set forth in subsections 608.22(d)(2) & (f) of this subchapter.

(1) Upon receipt of the written notice, a caretaker of an unregistered feral cat colony shall have forty-five (45) days to comply with subsections 608.22(b), (d)(2) & (f) as set forth above. During that time period, the Village will not take any action against the caretaker or remove any cat from the colony, unless such cat is creating a nuisance. However, during this forty-five (45) day time period, the Village may find the caretaker in violation of subsection 608.22(c).

(2) If the caretaker fails to obtain sponsorship for the colony within the thirty (30) day time period, the Village may take action against the caretaker for being in violation of this subchapter.

(l) Penalty. Whoever violates or fails to comply with the provisions of this subchapter shall be subject to the penalty provided in Section 202.99 of the Administrative Code, for each offense, except when such violation or noncompliance may be settled or compromised in accordance with Section 214.03 of the Administrative Code. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

SECTION 2: Effective Date. This Ordinance shall be in full force and effect upon its passage, approval, and publication as required by law.

PASSED AND APPROVED this 14th day of September, 2015

RICHARD REINBOLD, President

ATTEST:

JOE CANADY, Clerk

Ayes: _____

Nays: _____

Absent: _____

Abstain: _____

FIRST READING _____

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**PASSED AND APPROVED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF RICHTON PARK,
COOK COUNTY, ILLINOIS, THIS
14th DAY OF September, 2015.**

**Published in pamphlet form
by authority of the President
and Board of Trustees of the
Village of Richton Park, Cook
County, Illinois, this 14th
day of September, 2015.**