

...Title

AN ORDINANCE AMENDING TITLE 8 (POLICE) CHAPTER 4 (ANIMALS) SECTIONS 8-4-21 (FERAL CAT COLONY MANAGEMENT) AND ADDING TITLE 8 (POLICE) CHAPTER 4 (ANIMALS) SECTIONS 8-4-22 (PENALTIES).

...Body

**WHEREAS**, the Village of Orland Park is a home rule unit by virtue of the provisions of the Constitution of the State of Illinois of 1970; and

**WHEREAS**, the Village, as a home rule unit, may exercise such powers and perform any function pertaining to its government and affairs, including, but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

**WHEREAS**, the Village recognizes that unmanaged feral cat populations create public health concerns, property nuisances, and animal welfare issues;

**WHEREAS**, the Village finds the Trap-Neuter-Return (TNR) method of managing feral and community cat colonies has proven to reduce population growth, mitigate nuisance behavior, and improve the health and safety of both animals and residents;

**WHEREAS**, Section 35 of the Illinois Animal Control Act (510 ILCS 5/35) authorizes municipalities to adopt programming for the humane management of feral cats, including the registration of feral cat colony caretakers and sponsors;

**WHEREAS**, the Village desires to adopt a humane, structured, and enforceable program for the care and management of feral cats within its corporate limits, consistent with the authority granted under Illinois law and in full compliance and conjunction of Cook County Ordinance 07-O-72 for the managed care of feral cats;

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

**SECTION 1:** Title 8 (Police), Chapter 4 (Animals) Section 8-4-21(FERAL CAT COLONY MANAGEMENT) shall hereby be amended in part (additional language marked by underlining and deletions marked with strikethrough) and Title 8 (Police), Chapter 4 (Animals) Section 8-4-22 (Penalty for Violation) as reflected and attached hereto as EXHIBIT "A".

**SECTION 2:** This Ordinance shall be in full force and effect from and after its passage and approval as required by law.

**SECTION 3:** The Village Clerk be and herby is authorized and directed to publish this Ordinance in pamphlet form.

## EXHIBIT A

### 8-4-21: PENALTY FOR VIOLATION FERAL CAT COLONY MANAGEMENT:

Whoever violates any provisions of this Chapter shall be fined according to the fine schedule located in Appendix B for each offense of which such person shall be convicted and every day the violation continues, except as provided in Section 11 hereof, shall constitute a separate offense.

#### A. Definitions.

- (1) "Animal Control" means the Orland Park Police Department Animal Control Division.
- (2) "EAID" means an electronic animal identification device.
- (3) "Eartipping" means the removal of approximately one-quarter inch off the tip of the cat's left ear while the cat is anesthetized.
- (4) "Feral Cat" means a cat that is born or in the wild or is the offspring of an owned or feral cat, included in the meaning provided in Section 2.11b of the Animal Control Act (510 ILCS 5/2.11b) including cats not suitable for indoor ownership.
- (5) "Feral Cat Colony" includes a group of cats that congregate regularly at a location for shelter, food, or care and are managed as a unit.
- (6) "Feral Cat Colony Caretaker" means one approved by a sponsor to care for a feral cat colony and who resides in the Village.
- (7) "Nuisance", for this section only, includes the conduct and behavior by stray or feral cats that includes, but is not limited to continuous crying, screaming, howling, or other noise that causes substantial interference with the reasonable enjoyment of property made by the cat and/or the destruction, desecration, or soiling of property against the wishes of the owner of the property.
- (8) "Sponsor" is designated as 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.
- (9) "TNR" means trap, neuter, and return.
- (10) "TNR Program" means the process of humanely trapping, sterilizing, vaccinating for rabies, ear-tipping, and returning feral cats to their colony location, in accordance with Cook County Ordinance 07-O-72.

B. Authorization of Feral Cat Colonies. Feral cat colonies shall be permitted and feral cat caretakers shall be entitled to maintain and care for feral cats by providing shelter, medical care, food, water, and other forms of sustenance, provided 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 this Section 8-4-21. 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 below.

C. Residential Districts and Feral Cat Colonies. Permitted on residential property within residential districts as follows:

- (1) Colony shall not be located within a dwelling unit used for residential use and occupancy.
- (2) During 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 kitchens.
- (3) Residential feral cat colonies shall be limited to no more than six cats at one time.

- D. Sponsor Procedures. At all times, shall be in full compliance with Cook County Ordinance 07-O-72. Specifically, within the Village, the sponsor shall:
- (1) Review, and in its discretion, approve or deny feral cat colony caretakers.
  - (2) Help resolve any complaints over the conduct of a feral cat colony caretaker or cat within the colony located within the village.
  - (3) Maintain records provided by caretakers on the size and location of the colonies, ] including the vaccination, TNR, and spay and neuter records of colony cats within the village.
  - (4) Provide, at a minimum, written educational training materials for all caretakers, including uniform standard procedures for colony maintenance.
  - (5) File an annual written report to Animal Control by December 31 of every year, for each cat colony, including the following:
    - i. Location and cross street designation of all cat colonies for which they sponsor;
    - ii. Number of cats in each of its separate colonies within the village;
    - iii. Records of the cats in the colonies that are micro-chipped, vaccinated, spayed, and neutered pursuant to TNR programming;
    - iv. Number of cats from the colonies that were placed in permanent homes;
    - v. A report of the locations of cat colonies that have failed to regularly comply with Cook County Ordinance 07-O-72 or where the sponsor has been unable to resolve any nuisance conduct or behavior problems.
- E. Feral Cat Colony Caretaker Registration Procedures. All feral cat colonies shall be registered with the Animal Control, including the following information:
- (1) Name, address, and contact information;
  - (2) Description and location of the colony;
  - (3) Estimated number of cats;
  - (4) Proof of TNR;
  - (5) Maintenance plan for feeding and sheltering of the colony;
  - (6) Proof of registration with the Cook County Department of Animal and Rabies Control approved sponsor who is registered with the Animal Control.
- F. Feral Cat Colony Caretaker Duties. At all times, shall be in full compliance with Cook County Ordinance 07-O-72. Specifically, within the Village, to maintain a feral cat colony, the caretaker shall:
- (1) Register the colony with Animal Control.
  - (2) Follow registration requirements and laws on vaccinations and rabies.
  - (3) Follow the appropriate steps for TNR by a licensed veterinarian.
  - (4) Complete eartipping on the left ear of a colony cat that has been vaccinated and spayed or neutered so the cats can be easily identified.
  - (5) Have an EAID inserted in each colony cat by a veterinarian and include the sponsor and caretaker as the named contacts.
  - (6) Provide all forms of sustenance as needed for survival, including food, water, and if feasible, shelter for the colony cats.
  - (7) Seek medical attention for colony cats in need.
  - (8) Observing the colony at least twice per week and keeping a record of any illness or unusual behavior noticed.
  - (9) Obtain 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.
  - (10) Taking all reasonable steps to (1) remove kittens from the colony after they have been weaned, (2) place the kittens in homes or foster homes for the purpose of subsequent permanent placement, and (3) capture and spay the mother cat.

- (11) File an annual written report to Animal Control by December 31 of every year, including the following:
- i. Location and cross street designation of all cat colonies for which they sponsor.
  - ii. Number and gender of cats in the colony.
  - iii. Number of cats that died or ceased remaining part of the colony.
  - iv. Number of kittens born to the colony cats and their disposition.
  - v. Number of cats placed in permanent homes or shelters.
  - vi. Documentation of the cats vaccinated, micro-chipped, spayed or neutered.
- G. Removal or Withdrawal of Cat Colony Caretaker or Sponsor. In the event a caretaker is unable or unwilling to continue in their role, they shall immediately notify their sponsor. In the event a sponsor is unable or unwilling to continue to perform their role, they shall notify Animal Control. The Sponsor shall work with Animal Control to obtain a replacement caretaker and/or sponsor. If no new sponsor is found within thirty (30) days, the sponsor shall notify the Cook County Department of Animal and Rabies Control.
- H. Abandonment of Feral Cats Prohibited. No feral cat colony shall be abandoned by its caretaker or sponsor. No person shall introduce said animals from outside the Village into an existing feral cat colony inside the Village either.
- I. Feeding or Sheltering Feral Cats. No person, other than a registered sponsor or caretaker shall knowingly or intentionally feed or shelter feral cats.
- J. Exemption from Certain Village Code provisions. Registered caretakers or sponsors shall be exempt from certain Village provisions that are in conflict with the rules and regulations of animal ownership and caretaking, upon approval of the Village.
- K. Enforcement.
- (1) Pre-existing feral cat colony: any colonies existing prior to the effective date of this Chapter shall be granted forty-five (45) days to register with Animal Control to come into compliance with its requirements. During the forty-five days, the Village will not take action to remove any cat or shut down the feral cat colony, unless a nuisance has been found.
  - (2) Village Citations. The Village shall exercise all powers vested under this Code to investigate, cite, and abate any violation or nuisance condition involving feral cat colonies within the Village's jurisdiction. Any person, caretaker, or property owner found in violation shall be subject to issuance of municipal citations, monetary fines, and/or mandatory appearance before the Village's administrative adjudication or municipal court, as applicable.
  - (3) Unregistered feral cat colony: Animal Control shall make reasonable efforts to provide written notice to the sponsor and/or caretaker of such colony requirements as laid out in these provisions. The sponsor and/or caretaker shall have forty-five (45) days to remedy the violations from the date of the Village's written notice. During the forty-five days, the Village will not take action to remove any cat or shut down the feral cat colony, unless a nuisance has been found.
  - (4) Nuisance: Animal Control shall make reasonable efforts to provide written notice to the sponsor and/or caretaker of violation. The sponsor and/or caretaker shall have seven (7) days to remedy the violations from the date of the written notice. If not remedied, the Village will issue a must appear citation and the sponsor and/or caretaker shall appear in administrative proceedings for civil penalties.

L. Immunity. Nothing in this section shall be construed to limit the Village's authority to enforce nuisance, health, or zoning regulations. The Village, pursuant to the Animal Control Act, 510/ILCS 5/35, allowing feral cat colonies and trap, sterilize, vaccinate for rabies, and return programs to help control cat overpopulation shall be immune from criminal liability and shall not be civilly liable, except for willful and wanton misconduct, for damages that may result from a feral cat.

M. ~~Penalty. Whoever violates or fails to comply with the provisions of this section shall be subject to the penalty provided in Title 1 (Administration), Chapter 4 (General Penalty), §1-4-1 through §1-4-2.~~

8-4-22: PENALTY FOR VIOLATION:

Whoever violates any provisions of this Chapter shall be fined according to the fine schedule located in Appendix B for each offense of which such person shall be convicted and every day the violation continues, except as provided in Section 11 hereof, shall constitute a separate offense.

(Ord. 4595, 11-1-10; Amd. Ord. 5224, 10-2-17)