

ORDINANCE NO. 1060

AN ORDINANCE TO AMEND CHAPTER 7.05 OF THE SPEEDWAY MUNICIPAL CODE REGARDING ANIMALS

WHEREAS, the presence and proliferation of free-roaming cats in the Town of Speedway, Indiana (the “Town”) poses a burden and nuisance to its citizens and the general public as well as a potential threat to the health and safety of individuals, household pets and other animals in the Town; and

WHEREAS, the Town Council of the Town of Speedway, Indiana (the “Town Council”), being the governing body of the Town has determined that a process to allow for the registration, caretaking, feeding, vaccination and trapping, neutering and return of free-roaming cats through a managed program is in the public interest of the Town; and

WHEREAS, the Town Council now desires to amend Section 7.05 of the Speedway Municipal Code to provide for such managed program.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Speedway, Indiana that Chapter 7.05 of the Speedway Municipal Code is amended to read as follows:

1. Section 7.05.010 of the Speedway Municipal Code is hereby deleted in its entirety and replaced with the following:

“7.05.010 Definitions. For the purposes of this Chapter, the following terms shall have the following meanings:

“Animal” means any living, nonhuman vertebrate creature.

“Authorized employee” means any employee of the Speedway Police Department or the Speedway Street Department.

“Colony” means one or more free-roaming cats, whether unmanaged or managed.

“Colony caretaker” means a person who provides food, water and/or shelter for free-roaming cats in a managed colony. Colony caretakers shall not be deemed to be owners or keepers of such animals.

“Designee” means an organization recognized by the Speedway Police Department/Animal Control that uses the trap-neuter-return method for stabilizing and reducing the free-roaming cat population.

“Ear tip” means a surgical procedure removing approximately four-tenths of one inch (0.4”) from the tip (pinna) of the left ear of an unowned, free-roaming cat at the time of spay/neuter and vaccination to identify that cat as having been spayed

or neutered and vaccinated as part of the trap-neuter-return method to stabilize and reduce the free-roaming cat population.

“Free-roaming cat” means any homeless, stray, feral or undomesticated cat.

“Managed colony” means a colony of free-roaming cats that is registered with the Speedway Police Department/Animal Control or its designee and is maintained by a colony caretaker using the trap, neuter, return method to stabilize and reduce the free-roaming cat population.

“Town” means the Town of Speedway, Indiana.

“Town Council” means the Town Council of the Town of Speedway, Indiana.

“Veterinarian” means a person licensed to practice veterinary medicine in the State of Indiana.

“Wild Animal” means an animal whose species usually lives in the wild or is not domesticated and includes the following:

- (a) Red and gray foxes;
- (b) Coyotes;
- (c) Wolves (all species); and
- (d) Bears”

2. Section 7.05.030 of the Speedway Municipal Code is hereby deleted in its entirety and replaced with the following:

“7.05.030 Confinement of cats and dogs.

It shall be unlawful for the owner or any other person having the possession, care, custody or control thereof, to permit any dog or cat to run at large upon public streets or walks or parks or upon private property of the Town, other than the dog or cat owner's property, unless such dog be attached to a leash of not more than twelve feet in length, of sufficient strength to restrain such dog and each dog or cat shall be kept under the control of the person accompanying it.

- (1) Duty of the Police Chief of the Speedway Police Department. It shall be the duty of the Police Chief or an authorized employee, to apprehend all dogs and cats running lose and place them in a kennel designated by the Town Council. It shall also be the duty of the Police Chief or an authorized employee, to notify the owners of all licensed dogs and cats having an identification tag attached to them when apprehended that the dog or cat is being held in the kennel.

The Police Chief or authorized employee, may, at his/her discretion release any apprehended cat found to be bearing identification in the form of an ear tip.

- (2) Dogs and cats to be held five days. All dogs and cats apprehended for running loose shall be kept in the kennel until claimed or for a period of five days, whichever occurs first. If the dog or cat is not claimed within five days, the animal shall be turned over to the Marion County animal control's office, or destroyed.

Cats in the kennel found to be bearing identification in the form of ear tip, may, at the discretion of the Police Chief or authorized employee, be released to its managed colony, or the Town's designee.

- (3) Owner claiming licensed dog or cat. The owner of a licensed dog or cat apprehended for running loose may obtain the cat or dog by paying to the Clerk-Treasurer of the Town a boarding fee of Two Dollars (\$2.00) for each day or fraction of a day thereof the cat or dog is in the kennel plus a fine of Thirty Dollars (\$30.00). A "day" as used in this section shall be defined as twenty-four hours from the time the dog or cat is actually placed in the kennel.
- (4) Owner claiming unlicensed dog or cat. The owner of any unlicensed dog or cat apprehended for running loose may obtain the unlicensed dog or cat by paying to the Clerk-Treasurer of the Town a boarding fee of Two Dollars (\$2.00) for each day or fraction thereof the dog or cat is in the kennel plus a fine of Forty Dollars (\$40.00). A "day" as used in this section shall be defined as twenty-four hours from the time the dog or cat is actually placed in the kennel."

3. Section 7.05.070 of the Speedway Municipal Code is hereby deleted in its entirety and replaced with the following:

"7.05.070 Vaccination required.

- (a) Each owned dog and cat over the age of three months which is kept in the Town shall have been vaccinated against rabies by a veterinarian within the preceding three hundred sixty-five days. It shall be unlawful for a person to own a dog or cat not in compliance with this section.
- (b) Upon the vaccination of an animal a certificate of rabies vaccination shall be issued at least in triplicate with one copy given to the animal owner. Such certificate shall be presented upon request by any police officer of the Town. A metal vaccination tag shall be worn by the animal at all times."

4. Section 7.05.071 of the Speedway Municipal Code is hereby added to include the following:

“7.05.071 Unauthorized Caretaking Prohibited.

- (a) It shall be unlawful to provide food, water or shelter to a colony of free-roaming cats (1) that is not registered with the Speedway Police Department/Animal Control or its designee, and (2) without implementing the trap, neuter, return method as set forth in this Chapter.
- (b) A person who violates any provision of this section shall be punished as provided in section 7.05.190 of this Chapter; provided, however, a fine imposed for the first such violation shall not be less than Thirty-Five Dollars (\$35.00); subsequent or continued violations may also result in the animals’ impoundment by the enforcement authority.”

5. Section 7.05.072 of the Speedway Municipal Code is hereby added to include the following:

“7.05.072 Managed Free-Roaming Cats.

- (a) The Speedway Police Department/Animal Control or its designee, in order to encourage the stabilization and reduction of the free-roaming cat population in the Town, may:
 - (1) Trap any free-roaming cat in a humane manner;
 - (2) Have the cat surgically sterilized, ear-tipped, and vaccinated against rabies by a licensed veterinarian;
 - (3) Release the cat for adoption or other disposition in accordance with law or to a colony caretaker who will maintain the cat as part of a managed colony of free-roaming cats.
- (b) The enforcement authority may impound free-roaming cats in violation of this Chapter and dispose of the cats in accordance with applicable law. Any free-roaming cat impounded by the enforcement authority that bears an appropriate ear-tipping indicating it belongs to a managed colony may, at the discretion of the Speedway Police Department/Animal Control or its designee, be returned to its managed colony unless illness or injury present an imminent danger to public health or safety. Seriously ill or injured cats with no reasonable prognosis for humane rehabilitation for survival outdoors may be humanely euthanized.”

6. Section 7.05.073 of the Speedway Municipal Code is hereby added to include the following:

“7.05.073 Colony Caretaker Responsibilities.

- (a) Colony caretakers shall abide by colony management guidelines devised by the Speedway Police Department/Animal Control or its designee regarding the provision of food, water, shelter and veterinary care for cats within the managed colony.
- (b) A person who violates this section shall be punished as provided in Section 7.05.190 of this Chapter; provided, however, a fine imposed for the first such violation shall not be less than Twenty-Five Dollars (\$35.00); subsequent or continued violations may result in the caretaker’s removal from management of the managed colony.”

PASSED AND ADOPTED on the ___ day of May, 2006.

TOWN COUNCIL OF THE TOWN OF
SPEEDWAY, INDIANA

Lu Hillmer, President

Jeff S. Hartman, Vice President

William T. Golay, Member

Edward L. Frazier, Member

Dean Farmer, Member

ATTEST:

Sharon L. Zishka, Clerk-Treasurer

INDS01 KWB 848234v2