

ARTICLE 5. REGULATIONS PERTAINING TO FERAL CATS

5-2-501: TRAP-NEUTER-RETURN PROGRAM PURPOSE AND APPLICABILITY:

A program is hereby adopted to control feral cat populations in certain areas of the city of Beverly Hills ("city"), and to address associated health and safety hazards, and other impacts in the city. The program was developed in a collaborative effort with community residents and feral cat trap-neuter-return (TNR) program professionals. The program shall be known as the city of Beverly Hills feral cat TNR program. (Ord. 09-O-2568, eff. 10-16-2009)

5-2-502: APPLICABILITY OF FERAL CAT TNR PROGRAM:

A. Permits may be issued under this article only for TNR activities in the Central Area of the city as depicted in the city's zoning map.

B. No feeding and/or trapping activity shall be permitted within one thousand feet (1,000') of the perimeter of any city park. (Ord. 09-O-2568, eff. 10-16-2009)

5-2-503: DEFINITIONS:

For the purposes of this article, the words and phrases set forth in this section shall be construed as defined herein.

CAT: A member of the species *Felis catus*.

DIRECTOR: The director of community development or his/her designee.

FERAL CAT: A cat that lives permanently outside of a domestic home and is not owned and cared for as a typical companion animal or pet, as a result of having been born feral, abandoned by an owner, or rendered homeless, wild or stray by any other means.

FERAL CAT CAREGIVER: Any person who:

A. Feeds feral cats, humanely traps feral cats, provides care, including shelter or medical care, to the feral cats, or any combination of the foregoing activities, and works in cooperation with a TNR partner permitted by the city; and

B. Is registered with a permitted TNR partner and has proof of such registration.

FERAL CAT COLONY OR COLONY: A group of cats and the geographic location where that group typically live or where they forage or hunt for food, or are fed and generally cared for by a TNR partner by associated feral cat caregivers or by TNR individuals.

FOOD/FEEDING: "Food" as well as "feeding" includes water.

TNR INDIVIDUAL: A person who is permitted by the city to engage in implementing the TNR program regulations and guidelines on the property of their primary residence without being affiliated with a TNR partner.

TNR PARTNER: An organization permitted by the city to engage in implementing TNR via education, training, funding spay-neuter, providing traps, holding spay-neuter clinics, providing long term colony care through volunteers or otherwise implementing TNR.

TRAP-NEUTER-RETURN (Also Referred To As "TNR"): The practice whereby feral cats are humanely trapped by feral cat caregivers or TNR individuals, taken to a veterinary hospital or spay-neuter facility where they are sterilized and vaccinated, ear tipped, de-fleaded, and adopted or returned to their colony to be cared for until the end of their natural life.

TRAP-NEUTER-RETURN PROGRAM REGULATIONS AND GUIDELINES OR TNR PROGRAM REGULATIONS AND GUIDELINES: The rules adopted by the city council allowing permitted organizations or individuals to undertake TNR activities, which rules include standards of care and guidelines for implementation activities. (Ord. 09-O-2568, eff. 10-16-2009)

5-2-504: FEEDING OF FERAL CATS PROHIBITED; EXCEPTIONS:

The feeding of feral cats is prohibited in the city of Beverly Hills unless otherwise permitted pursuant to this article and conducted in accordance with the TNR program regulations and guidelines. (Ord. 09-O-2568, eff. 10-16-2009)

5-2-505: TNR PERMIT AND APPLICATION REQUIREMENTS:

A. An annual permit shall be required for any organization or individual that wishes to operate as a TNR partner or TNR individual in the city.

B. A separate permit shall be required for each feral cat colony, even if multiple colonies are cared for by the same entity or person.

C. A permit application shall be submitted in the form and with the information required by the city, including the following:

1. TNR Partner Permit Requirements: A completed TNR partner permit application form shall be submitted, and accompanied with the following supplemental information:

a. Applicant contact and address information.

b. TNR partner contact and address information.

c. A map of the colony location and colony details to the extent known, including, but not limited to, an approximate number of:

(1) Cats in colony;

(2) Successful spayed-neutered, de-fleaded, and ear tipped cats; and

(3) Successful adoptions.

d. A map showing the location of each feeder and trapping location.

e. A list of all feral cat caregivers providing TNR support for the colony, and contact information for each caregiver.

f. Feral cat caregiver affidavit forms signed by each affiliated feral cat caregiver confirming their receipt of a copy of the city of Beverly Hills feral cat TNR program regulations and guidelines and stating that they have read, understand, and will comply with those regulations and guidelines.

g. If feeding or trapping is proposed on private property, a copy of both the property owner's and the resident's consent agreeing to allow TNR activities on the private property.

h. If feeding or trapping locations are proposed on public property, proof of comprehensive general liability insurance in a form acceptable to and in an amount determined by the city's risk management department, with the city named as an additional insured. The insurance shall be maintained in force through the life of the permit, including any renewals, and coverage shall not be modified without the consent of the city.

i. A statement accepting and agreeing to abide by all of the standard conditions of approval set forth in the TNR program regulations and guidelines signed by a duly authorized representative of the TNR partner.

j. Envelopes addressed to each owner of property within one hundred fifty feet (150') of each proposed feeding and trapping location, with first class postage attached.

k. Envelopes addressed to the occupant of each residential unit within one hundred fifty feet (150') of each proposed feeding and trapping location, with first class postage attached.

2. TNR Individual Permit Requirements: A completed TNR individual permit application form shall be submitted, and accompanied with the following supplemental information:

a. Applicant contact and address information.

b. TNR individual's contact and address information.

c. A map of the colony location and colony details to the extent known, including, but not limited to, an approximate number of:

(1) Cats in colony;

(2) Successful spayed-neutered, de-fleaed, and ear tipped cats; and

(3) Successful adoptions.

d. A map showing the location of each feeder and trapping location.

e. Feral cat caregiver affidavit forms signed by each TNR individual confirming their receipt of a copy of the city of Beverly Hills feral cat TNR program regulations and guidelines stating that they have read, understand, and will comply with those regulations and guidelines.

f. A statement accepting and agreeing to abide by all of the standard conditions of approval set forth in the TNR program regulations and guidelines signed by the TNR individual.

g. Envelopes addressed to each owner of property within one hundred fifty feet (150') of each proposed feeding and trapping location, with first class postage attached.

h. Envelopes addressed to the occupant of each residential unit within one hundred fifty feet (150') of each proposed feeding and trapping location, with first class postage attached.

i. If feeding or trapping is proposed on property that is not owned by the TNR individual, a copy of the property owner's consent agreeing to allow TNR activities on the private property. (Ord. 09-O-2568, eff. 10-16-2009)

5-2-506: NOTICE AND COMMENT PERIOD; FEEDING:

A. Upon determination that an application for a TNR permit is complete for processing, the director shall provide notice of the application and a ten (10) day comment period by first class mail to the owners of all property and residents within a one hundred fifty foot (150') radius of each proposed feeding location.

B. The notice shall include, but is not limited to, the following:

1. The locations of feeding devices;

2. The feeding hours; and

3. Contact information for the TNR partner and all affiliated feral cat caregivers, or the TNR individual.

C. Notice for feeding devices that are not separated by more than twenty five feet (25') from another feeding or trapping device may use a single notice, but which shall be mailed to all owners of properties and residents within the one hundred fifty foot (150') radius of any device.

D. During the ten (10) day comment period, interested parties may submit written comments to the director on whether the application meets the criteria of this article or may submit a written objection to the location of the feeder if it is proposed to be placed adjacent to their property. (Ord. 09-O-2568, eff. 10-16-2009)

5-2-507: NOTICE AND COMMENT PERIOD; TRAPPING:

A. Upon determination that an application for a TNR permit is complete for processing, the director shall provide notice of the application and a three (3) day comment period by first class mail to the owners of all property and residents within a one hundred fifty foot (150') radius of each proposed trapping location.

B. The notice shall include, but is not limited to, the following:

1. The locations of trapping devices;
2. The trapping hours; and
3. Contact information for the TNR partner and all affiliated feral cat caregivers, or the TNR individual.

C. Notice for trapping devices that are not separated by more than twenty five feet (25') from another feeding or trapping device may use a single notice, but which shall be mailed to all owners of properties and residents within the one hundred fifty foot (150') radius of any device.

D. During the three (3) day comment period, interested parties may submit written comments to the director on whether the application meets the criteria of this article or may submit a written objection to the location of the trap if it is proposed to be placed adjacent to their property. (Ord. 09-O-2568, eff. 10-16-2009)

5-2-508: DETERMINATION ON PERMIT:

A. The determination of whether to issue a permit is a ministerial action. The city shall review permit applications deemed to be in compliance with the TNR program and guidelines requirements. The director shall approve the application unless:

1. The permit application does not comply with the TNR program and guidelines requirements;
2. The permit application does not include all of the required information as set forth in this article;
3. A letter objecting to the location of feeder and/or trap has been submitted by a resident or property owner whose property is adjacent to the proposed location of the feeder and/or trap;
4. A permit has already been issued to another TNR partner for the same feral cat colony or a feral cat colony located in the same area or general vicinity;
5. The applicant has been previously issued a permit pursuant to this article and has violated the requirements of this article or the TNR program requirements and guidelines; or
6. The director of public works has reported that the proposed location of a feeder or trap will interfere with public works activities.

B. Upon approval of a permit application, the department of community development shall issue a permit card(s) to the TNR partners, feral cat caregivers, and TNR individuals as applicable. The permit card shall be worn by the permittee and any person conducting TNR activity so that it is clearly visible to another person at all times while conducting TNR activity. Residents and/or property owners personally conducting TNR activity on their own property are not required to wear the permit card. (Ord. 09-O-2568, eff. 10-16-2009)

5-2-509: TNR PERMIT CONDITIONS:

A. As a prerequisite to receiving approval of a permit for a TNR partner or a TNR individual, the TNR partner or individual shall agree to comply with the standard conditions of approval set forth in the adopted TNR program requirements and guidelines. (Ord. 09-O-2568, eff. 10-16-2009)

5-2-510: STANDARDS OF CARE AND RESPONSIBILITIES OF TNR PARTNERS, FERAL CAT CAREGIVERS, AND TNR INDIVIDUALS:

TNR partners, feral cat caregivers, and TNR individuals shall comply with and fulfill the responsibilities and minimum standards of care as set forth in the TNR program regulations and guidelines. (Ord. 09-O-2568, eff. 10-16-2009)

5-2-511: RETURN OF FERAL CATS:

The return of feral cats as part of a TNR program is exempt from any abandonment laws because the feral cat is trapped solely for the purpose of neutering or adopting. (Ord. 09-O-2568, eff. 10-16-2009)

5-2-512: FEEDING AND TRAPPING TIMES:

Food may be placed in authorized feeding stations and traps may be placed in permitted locations during the hours set forth in the TNR program regulations and guidelines. (Ord. 09-O-2568, eff. 10-16-2009)

5-2-513: TNR PROGRAMS ON PUBLIC PROPERTY; RESTRICTIONS:

- A. Feeding locations shall be maintained in accordance with the adopted TNR program regulations and guidelines.
- B. Recipients of a TNR individual permit shall not be allowed to feed feral cats on public property.
- C. Feeding and trapping of feral cats in public parks shall not be permitted. (Ord. 09-O-2568, eff. 10-16-2009)

5-2-514: REQUEST TO REMOVE FEEDERS OR TRAPS LOCATED ON PUBLIC OR PRIVATE PROPERTY:

A. After the issuance of a TNR partner permit, a property owner or resident may submit a request to the director to request removal of a feeder or trap that is located adjacent to their property or on their private property.

B. Upon receipt of the request, the director shall notify the permittee. The permittee shall remove the feeder and/or trap within seventy two (72) hours of such notice. If the feeder and/or trap is not removed, the city shall cause the feeder and/or trap to be removed without any further notice to the permittee.

C. The department of public works shall receive copies of all applications involving placement of feeders or traps in the public right of way. The city at any time may request removal of a feeder or trap located on the public right of way by providing notice to the permittee. The permittee shall remove the feeder and/or trap within seventy two (72) hours of such notice. If such feeder and/or trap is not removed, the city shall cause the feeder and/or trap to be removed without any further notice to the permittee. (Ord. 09-O-2568, eff. 10-16-2009)

5-2-515: ANNUAL PERMIT RENEWALS:

A. Permits may be renewed annually, and requests for renewal shall be submitted at least thirty (30) days prior to expiration of the existing permit on forms approved by the city. The permittee shall have no property interest in the renewal and the permit shall not be renewed if the director makes any of the determinations set forth in subsection 5-2-508A of this article.

B. Notice pursuant to sections 5-2-506 and 5-2-507 of this article is not required unless changes in feeder or trap locations or new feeders or traps, or a combination thereof, are requested in conjunction with a renewal. (Ord. 09-O-2568, eff. 10-16-2009)

5-2-516: PERMIT MODIFICATIONS:

A. A permittee may request modifications to an existing permit to add or otherwise change the approved locations for feeding, trapping or combination thereof. Modification applications shall be submitted on a form approved by the city.

B. Removal of feeding or trapping locations shall not require permit modification but the permittee shall inform the city of the removal of the location. The permit shall not be modified if the director makes any of the determinations set forth in subsection 5-2-508A of this article.

C. Permit modifications shall be accompanied with the same documentation required for an initial permit application.

D. Noticing shall be required if a new location is requested for a feeder, trap, or combination thereof. Relocation of any feeder, trap, or combination thereof shall require a new notice to be sent as required by sections 5-2-506 and 5-2-507 of this article. (Ord. 09-O-2568, eff. 10-16-2009)

5-2-517: ENFORCEMENT:

A. Standards Of Care: The city may enforce the standards of care applicable to TNR partners, feral cat caregivers and TNR individuals in accordance with the city's administrative penalty process or may refer violations of the standards of care to the appropriate TNR partner or TNR individual for assistance in correcting the violations. Nothing in this subsection is intended to restrict the remedies available to the city for a violation of the requirements of this article or the TNR programs regulations and guidelines.

B. Revocation Of Permit: In addition to any other remedy available to the city, the city may revoke the permit of a TNR partner or TNR individual if the director determines that the TNR partner, TNR individual or a feral cat caregiver have violated the provisions of this article or the TNR program regulations and guidelines.

C. Complaints: Any person may file a written complaint with the department of community development regarding any permit issued under this article. Upon receipt of such a complaint, an investigation will be initiated by the city regarding the allegations in the complaint. (Ord. 09-O-2568, eff. 10-16-2009)

5-2-518: PROHIBITION AGAINST RELEASE:

A cat not trapped through the city's TNR program is prohibited from being released into the city or otherwise allowed to roam free in the city, whether or not the release occurs on private or public property. Any person violating this section shall be guilty of a misdemeanor punishable in accordance with section 1-3-106 of this code. (Ord. 09-O-2568, eff. 10-16-2009)