

REVISED ITEM
CONSENT CALENDAR
November 18, 2003

To: Honorable Mayor
Members of the City Council

From: Councilmember Miriam Hawley
Councilmember Betty Olds

Subject: **Ordinance Clarification: Time Limits for Spay/Neuter of Feral Cats**

RECOMMENDATION:

Refer to the Humane Commission a request that the City Attorney to revise the language of Section 10.04.088 of the BMC, by changing the term “harboring” to “sheltering”; and expand the same ordinance by adding language that would: 1) require that a person feeding or sheltering feral cats, and actively working to spay and neuter them, complete the sterilization of the animals within 3 months; 2) allow Animal Services bi-monthly visits to the site to check documentation of procedures; 3) and after three months, require citations for every remaining unsterilized cat, and allow cumulative fines levied in accordance with the spay-neuter ordinance. Ask the Humane Commission to return the item to the Council with their recommendations by January 24, 2004.

BACKGROUND:

For several years in one District 5 neighborhood, there was a homeowner who owned “several” cats while feeding many more, apparently feral cats. Over a period of years, the population of cats surrounding this property grew to approximately 38. During this period, both staff members from Berkeley Animal Services and volunteers from Fix our Ferals worked tirelessly with the owner to ensure that all cats he was feeding and sheltering were sterilized, as per the above ordinance. Despite verbal assurances from the owner, he did not attend to all the cats in a timely manner, and the cat population continued to increase.

The impacts on the surrounding neighbors were tremendous. But, as long as the cat owner said he was “working toward spaying or neutering” the cats, Animal Services could not cite the situation as a public nuisance. And, without timely and complete intervention, the animals that were not yet sterilized continued to multiply, exacerbating the situation.

Both Animal Services and Fix our Ferals agree that in situations such as this, an enforceable and realistic timeline coupled with oversight and incentives for action, would give them the tools to keep the cat population down to a manageable number for the owner, with minimal impact on the surrounding neighborhood.

The current ordinance relating to the spay/neuter of feral cats is:

Feeding or harboring feral cats is hereby declared to be a public nuisance and a violation of this section, unless the person doing so establishes to the City that he or she (a) is working with an animal agency or group registered with the animal shelter, or licensed veterinarian, to spay or neuter the cats in the colony, or (b) has had some of the cats in the colony spayed or neutered and is working toward spaying or neutering the other.

The clarification of the ordinance would provide a clear timeline for Animal Services and other community agencies working with feral cats, and incentives in the form of enforcement for those feeding or sheltering feral cats to complete the spay/neuter operations on a timely basis.

Some community members object to the term “harboring” in its connotation of “hiding” or “concealing.” “Sheltering” better describes the action without insinuating subversive activity.

FINANCIAL IMPLICATIONS:

Staff time to revise ordinance, and to reprint and distribute revisions.

CONTACT PERSONS:

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