**ORDINANCE \_\_\_\_\_\_\_\_\_\_**

**AN ORDINANCE TO ADD SECTION 90.50 OF THE HENDERSON CITY CODE TO ADD A LIMITATION ON THE NUMBER OF CATS; TO ESTABLISH DEFINITIONS FOR THE PURPOSE OF THIS SECTION; TO ESTABLISH THE ENDORSEMENT OF THE TRAP, NEUTER, RELEASE PROGRAM; TO IMPOSE A PENALTY FOR THE VIOLATION OF THIS SECTION; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE FOR THIS ORDINANCE.**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HENDERSON, NEBRASKA AS FOLLOWS:**

**The following ordinance is enacted.**

Section 1. Section 90.50. Limitation of number of cats.

1. Maximum number of indoor/outdoor or outdoor cats for any person to own, keep, harbor, or maintain no more than four (4) cats over the age of three months within the City.
2. The maximum limitation imposed by this section shall not apply to any person who owns, keeps, harbors or maintains more than four (4) cats over three (3) months of age at the time of the adoption of this ordinance. In the event that one (1) of the cats that are owned, kept, harbored or maintained by such person shall die, become lost, be sold or given away, such animal may not be replaced if it would cause the number of cats owned, kept, harbored or maintained by such person to exceed four (4).

Section 2. Definitions. For purposes of this Section, the following terms shall have the following meanings:

* + 1. “Community Cat“ is a member of the domestic species Felis Catus and shall mean a free-roaming cat who may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat may or may not be feral. Community cats are not wildlife.
		2. “Feral Cat” shall mean a cat that is not socialized towards humans; is born in the wild, is the offspring of an owned cat or is a formerly owned cat that has been abandoned.
		3. “Community Cat Caregiver“ shall mean a person who, in accordance with and pursuant to a policy of Trap-Neuter-Return, provides care, including, food, shelter or medical care to a community cat, while not being considered the owner, harborer, controller, or keeper of a community cat.
		4. “Ear tipping“ shall mean the removal of the distal one-quarter of a community cat’s left ear, which is approximately 3/8-inch, or 1 cm, in an adult and proportionally smaller in a kitten. This procedure is performed under sterile conditions while the cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian. Ear tips are designed to identify a community cat as being sterilized and lawfully vaccinated for rabies.
		5. “Trap-Neuter-Return“ shall mean the process of humanely trapping, sterilizing, vaccinating for rabies, ear tipping, and returning community cats to their original location.

Section 3. Endorsement of the Trap-Neuter- Return Program.

To determine the preferred approach for managing the cat population by endorsing the Trap, Neuter and Return program consisting of trapping, sterilizing, vaccinating for rabies, ear tipping, and returning cats to their original location is an effective and humane way to manage the population of cats within Henderson; and

Section 4. Permitted Acts. The following actions shall be permitted in Henderson as part of Trap-Neuter-Return:

1. Trapping, for the sole purpose of sterilizing, vaccinating for rabies, and ear tipping community cats, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian, where applicable.
2. An ear tipped cat received by local shelters will be returned to the location where trapped unless veterinary care is required. A trapped ear tipped cat will be released on site unless veterinary care is required.
3. Community cat caregivers are empowered to reclaim impounded community cats without proof of ownership solely for the purpose of carrying out Trap-Neuter-Return and/or returning ear tipped community cats to their original locations.
4. A person who returns a community cat to its original location while conducting Trap-Neuter-Return is not deemed to have abandoned the cat.
5. Trap-Neuter-Return shall be the preferred disposition for impounded community cats. Animal control and the local shelter are authorized and encouraged to conduct Trap-Neuter-Return or to direct impounded community cats to a Trap-Neuter-Return program.

Section 5. Any person who violates any provision of this ordinance shall be subject to a penalty as provided in sections 90.99 and 10.99.

Section 6. All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 7. This ordinance shall be in full force and effect from and after the date of its passage.

PASSED AND APPROVED this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2024.

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 Mayor

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk