

BOARD OF COUNTY COMMISSIONERS

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Kate Pingolt Cotner, Assistant County Attorney



August 16, 2018

Dr. Sarah Matthews
President
Indian River Animal Advocates, Inc.
1624 14th Avenue
Vero Beach, FL 32960

Re: Cat Trapping and Redemption of Trapped Cats

Dear Dr. Matthews:

This letter will set forth the procedures that will be followed by the Animal Control Officers (Animal Control) and Vero Beach/Indian River County Humane Society (Humane Society) for redemption of cats trapped by Animal Control that are registered to the Indian River Animal Alliance (IRAA).

Indian River County Code § 302.02(A)5, tasks the Animal Control with the duty of seizing and impounding animals. From time to time Animal Control receives complaints from County citizens concerning stray cats. Animal Control will respond to the complaint and normally set traps to capture the stray cat(s). The captured animal is then taken to the Humane Society, the County's designated impound facility. The cat is then examined and inspected for a microchip identifying the cat's owner. The cat's owner is then notified by all methods available. The cat is then either redeemed by the owner or after the passage of 3 days, becomes the custody of the County or the Humane Society pursuant to County contract. At that time, the cat is eligible for adoption if the Humane Society deems the animal to be adoptable.

Effective immediately, when a cat is trapped or otherwise impounded at the Humane Society and the microchip reveals that the IRAA has registered the cat, the IRAA will be contacted in accordance with the information found on the chip and informed that the cat has been captured. Pursuant to Judge Wild's ruling of March 15, 2018, these trapped feral cats do not have an owner as defined by IRC Code §302.02(A)24. Since the IRAA is not the owner of the captured cat, pursuant to IRC Code §302.07(B)(1) the only option available to the IRAA in accordance with Code would be to adopt the animal pursuant to Section 302.071, if the Humane Society deems the animal to be adoptable. The Humane Society's Adoptability Requirements are attached to this letter. While the IRAA may be exempt from licensing the cat pursuant to IRC Code §302.04(K)(2), the IRAA is still required to follow all other Code provisions:

“...the foregoing exemption from the licensing provisions as set forth herein does not relieve any of the foregoing entities from compliance with all other applicable County Ordinances, including without limiting the generality of the foregoing, occupational licensing and zoning ordinances.”

So if the IRAA chooses to adopt the cat, the County will expect the IRAA to follow all code provisions including IRC §302.05(A)(1) to keep each such animal under restraint. If found in violation of code provisions, citations will be issued to the IRAA accordingly. In various meetings with County staff, you and other members of your organization have stated that it is your intention to return the trapped cat back to the area where it was trapped. This is in direct violation of IRC Code §302.05, entitled “Additional Animal Ownership Responsibilities”. If the IRAA refuses to comply with the applicable County Codes, Animal Control reserves its right to refuse future adoptions by the IRAA.

As stated earlier in this letter, it is the duty of Animal Control to follow its Animal Control Ordinances. It is our opinion that the above procedure complies with current County Ordinances concerning Animal Control and the capture of cats. Staff has met with you and representatives of IRAA on several occasions and has made clear staff's position on this issue. Should you wish to change the current code of ordinances, you may exercise your constitutional right to petition your elected officials and address the Board of County Commissioners.

Sincerely,



William K. DeBraal
Deputy County Attorney

WKD/cm

cc: Tad Stone, Emergency Services Director
Rose Gallo, Humane Society Vero Beach/Indian River County
Ilka Daniels, Humane Society



Adoptability Requirements- Feline

All incoming cats are monitored daily for behavioral adoptability qualities in order to determine their final outcome status once their due out date has been reached.

Candidate for Adoption:

- At the front of the cage and solicits handler for attention
- Comes to front of cage for attention after encouragement from handler
- Tall, social, confident, soft and/or relaxed body posture
- Rolling on back exposing underside for attention
- Meowing, purring and/or chirping at handler during interaction
- Sniffs, head butts, licks and/or rubs handler during interaction

Possible Candidate for Adoption (needs behavior modification plan) HSVB currently does not have a cat behavior team to properly work with questionable cats

- Tense and/or stiff body posture with twitching tail and/or dilated eyes who may hide from the handler with no other negative behaviors when being approached but is able to be handled cautiously to restrain for medical work-ups (i.e. vaccinations, dewormings, bloodwork, etc...)

Non-Candidate for Adoption:

- Hisses, growls or swats at handler consistently during holding time period- unable to safely handle
- Retreats away from handler not allowing to safely handle consistently during holding time period- unable to safely handle
- Charges at front of cage and/or feral box consistently during holding time period- unable to safely handle
- Attempts to bite assess-a-hand and/or handler consistently during holding time period- unable to handle safely
- Tests positive for FIV, FELV and/or FIP
- Intact adult male cats over 1 year of age that may be likely to spray
- History of house soiling and/or spraying behaviors in previous home or observed at HSVB during holding time
- History of aggression and/or biting behaviors in previous home
- History of ongoing medical issues/concerns
- The potential adopter cannot have a reasonable expectation of providing the animal with a level of adequate care without incurring physical harm from the animal