

ORDINANCE NO. 669

AN ORDINANCE AUTHORIZING CARING HANDS HUMANE SOCIETY TO CONDUCT A FERAL CAT TRAP-NEUTER-RETURN PROGRAM IN THE CITY OF BURRTON, KANSAS.

WHEREAS, the Governing Body of the City of Burrton, Kansas, has determined it advisable to permit the Caring Hands Humane Society to conduct a feral cat trap-neuter-return program in the City, in the manner hereinafter described, as a more effective and humane manner in which to control the population of feral cats within the City limits;

Now, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BURRTON, KANSAS:

SECTION 1. The Caring Hands Humane Society of Newton, Kansas ("CHHS"), is hereby authorized to conduct a trap-neuter-return program ("TNR Program") in the City in the following manner:

(a) Definitions. For the purposes of this ordinance, the following terms are hereby defined as follows:

1. "Caregiver" means a person who is registered with the Caring Hands Humane Society to provide assistance with the TNR Program through the provision of food and shelter for feral cats while at large in the City, and through providing accommodations and assistance in the trapping and return of such feral cats.
2. "City law enforcement officer" shall include any member of the Burrton Police Department as well as the designated animal control officer for the City of Burrton, Kansas.
3. "Ear-tip" means a mark identifying a feral cat as having been trapped, sterilized, vaccinated and returned through the TNR Program, specifically by the removal of approximately three-eighths of an inch off the tip of the cat's left ear in a straight line while the cat is anesthetized.
4. "Feral cat" means a cat that has no apparent owner and is free-roaming.

(b) The TNR Program shall be carried out in the following manner:

1. CHHS shall recruit Caregivers in selected portions of the City who are willing to provide assistance on the Caregiver's property to provide food and care for feral cats, to assist CHHS in humanely trapping cats on the Caregivers property for the purposes of the TNR Program, and to permit CHHS to release such cats back onto the Caregivers property.

2. The Caregivers must agree in writing, as a condition of participation in the TNR Program, to abide by all of the requirements and regulations of the TNR Program as approved by this ordinance, and to follow the direction of CHHS as to best practices so as to minimize as much as reasonably possible the creation or maintenance of any nuisance or unsanitary conditions, and to minimize impacts upon nearby property owners and residents. CHHS shall have the complete right and discretion in the selection of Caregivers into the TNR Program and in the discharge or discontinuance of any Caregiver from the TNR Program; provided, however, that the CHHS shall not utilize any Caregiver who is or has become disqualified from participation by virtue of the provisions of subsections 8(iii) and (iv) below.

3. Before being released, captured feral cats shall be medically evaluated and treated, sterilized, vaccinated and ear-tipped. Previously captured and released feral cats which have been re-captured may be immediately released unless they need medical care or need to be revaccinated. CHHS shall have complete discretion to make the following decisions as an alternative to the release of a captured feral cat:

- i. To euthanize or otherwise humanely dispose of a feral cat deemed too ill or injured, or deemed to be too dangerous to be released; or
- ii. To retain for adoption a feral cat deemed appropriately domesticated or capable of domestication.

4. If a City law enforcement officer in the exercise of his or her lawful authority determines that a cat in the possession of a Caregiver or the CHHS should be impounded as provided under the Burrton City Code or otherwise by law, then the further handling of such cat shall be subject to the lawful orders and directions issued pursuant to impoundment authority.

5. Should it be determined by CHHS that a captured cat is a domesticated cat owned by an identifiable person, CHHS may return such cat to such owner; provided, however:

- i. CHHS shall report the same, including the name and address of the owner(s), to the City's animal control officer; and
- ii. CHHS shall be entitled to charge the owner a reasonable fee for the care and boarding of the cat as a condition or precondition to its return to the owner.

6. CHHS shall create and maintain a registry of all feral cats which have been captured and then released, which registry shall include a photograph of the feral cat and other identifying information, the date and place of capture, the date of sterilization and vaccination, the date and place of release, and such other information as CHHS deems appropriate and useful for the program. Such registry shall be available at all reasonable times for inspection by or on behalf of the City.

7. The CHHS shall maintain a registry of the name, current address and other contact information of each Caregiver participating in the TNR Program, which registry shall be available at all reasonable times for inspection by or on behalf of the City. The CHHS shall give prompt notification to the Burrton Police Department of each person who is added to the Caregiver registry and shall likewise give prompt notification of the removal of any person from such registry.

8. The CHHS shall promptly remove from the Caregiver registry and discontinue participation by any person who:

- i. Voluntarily withdraws from the TNR Program;
- ii. Is removed by CHHS from the TNR Program for such reasons as the CHHS deems appropriate;
- iii. Is removed by CHHS from the TNR Program at the request and direction of the Chief of Police of the City for failure to abide by requirements and regulations of the TNR Program as approved by this ordinance; or
- iv. Is disqualified from participation in the TNR Program due to the conviction of such person in the Burrton Municipal Court for any violation of the City's control ordinances.

9. The CHHS shall prepare such reports to the City governing body as may be requested from time to time to enable the governing body to evaluate the effectiveness of the TNR Program.

SECTION 2. To the extent that any actions taken by the CHHS, its officers, employees, agents and Caregivers, which are authorized under this ordinance, and which would otherwise constitute a violation of any provisions of Chapter II of the Burrton City Code, such persons are hereby granted an exemption from such provisions as to such authorized actions.

SECTION 3. Nothing in this ordinance shall limit or restrict the authority, duties or discretion of City law enforcement officers as conferred upon them by the Burrton City Code or otherwise by law.

SECTION 4. This Ordinance shall take effect and be in force from and after its summary publication in HARVEY COUNTY INDEPENDENT, the official newspaper of said City.

PASSED AND ADOPTED by the Governing Body of the City of BURRTON,
Kansas, on the 1st day of December, 2025


Missy Ducimetiere, Mayor

ATTEST:


Kim Ryan, City Clerk

