

ORDINANCE NO. 2026-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA ADDING CHAPTER IV, TRAP-NEUTER-RETURN, TO TITLE 3 OF THE COSTA MESA MUNICIPAL CODE TO ESTABLISH A TRAP-NEUTER-RETURN PROGRAM FOR COMMUNITY CATS

THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA DOES HEREBY FIND AND DECLARE AS FOLLOWS:

WHEREAS, the City of Costa Mesa, pursuant to its police power, may enact ordinances to protect the public health, safety, and welfare; and

WHEREAS, the City of Costa Mesa has determined that a process of trapping, surgically sterilizing, vaccinating, ear-tipping, and returning cats to the location where they were initially trapped is an effective and humane method to manage the population of feral and community cats within the City of Costa Mesa; and

WHEREAS, Trap-Neuter-Return programs are a recognized animal management practice that reduces shelter intake, decreases euthanasia, and supports public health objectives; and

WHEREAS, maintaining records of all Trap-Neuter-Return program activities in the City will assist the City in determining extent of the community cat population, the Trap-Neuter-Return program effectiveness and potential need for any modification to the program; and

WHEREAS, the City Council desires to establish a Trap-Neuter-Return program for community cats within the City of Costa Mesa.

THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter IX. Trap-Neuter-Return, Sections 3-171 through 3-175 of the Costa Mesa Municipal Code is hereby added to read as follows:

3-171 Purpose and Intent

The city council finds that the humane management of free-roaming, unowned, or feral cats through Trap-Neuter-Return programs reduces animal shelter intake, decreases euthanasia, improves public health, and results in more effective and compassionate animal-control outcomes. The purpose of this ordinance is to authorize and regulate Trap-Neuter-Return programs for community cats within the City of Costa Mesa.

3-172 Definitions

Chief of police means the chief of the Costa Mesa Police Department or designee, including, but not limited to the Animal Services Unit.

Community cat colony or colony means two or more community cats living in one general outdoor location.

Community cat means a free-roaming cat that lives outdoors, is unowned, unsocialized, and not readily adoptable.

Ear-tipping means the removal of the distal tip of a cat's left ear while under anesthesia to indicate sterilization.

Feral cat means an unsocialized outdoor cat who has either never had any physical contact with humans, or human contact has diminished enough over time that the cat is no longer accustomed thereto.

Sponsor organization means a nonprofit rescue, veterinary clinic, or other organization that facilitates TNR services.

Stray cat shall mean any cat that has been lost or abandoned, and the pet guardian is no longer providing or attempting to provide care and lives outdoors and exhibits the characteristics of being able to be successfully domesticated.

Trap-neuter-return provider or provider means a person or sponsor organization authorized under this Chapter to engage in TNR activities.

Trap-neuter-return or TNR, is the practice whereby community cats are humanely trapped, taken to a licensed veterinary hospital or spay-neuter facility where they are sterilized, vaccinated, ear tipped, and adopted or returned to their colony to be cared for until the end of their natural life.

Trap-neuter-return activities means and includes trapping, sterilizing, vaccinating and/or ear tipping in in connection with returning a cat to their colony or location of capture.

Trap-neuter-return program or program means the TNR activities within the city authorized by and conducted in conformance with the requirements of this chapter.

3-173 Authorization Required for Trap-Neuter-Return Activities

- (a) No person shall engage in any trap-neuter-return activities within the city except as authorized by this chapter.
- (b) It shall be lawful for a person and/or sponsor organization, upon registration and authorization from the chief of police, to humanely trap, transport, sterilize, vaccinate, ear-tip, and return a healthy community cat or feral cat to the location where it was originally trapped, provided any sterilization, vaccination and/or ear-tipping is done pursuant to all applicable laws.
- (c) A cat returned as authorized by this chapter shall not be deemed to be "running at large" in a public place pursuant to subsection (a) of section 3-15, provided all requirements of this chapter are met.

3-174 Program Requirements

- (a) Prior to engaging in any TNR activities and/or participating in any TNR program within the city, a person or sponsor organization must first register with and receive a letter of authorization from the chief of police.
- (b) The chief of police is authorized to create and make available registration forms, logs, and other materials and to require information from applicants consistent with the requirements of this chapter, and to issue, deny, suspend and or place reasonable conditions on letters of authorization subject to the notification procedures of section 3-148.

- (c) A letter of authorization shall be valid for one calendar year from date of approval. A request for renewal of authorization must be submitted at least 30-days prior to expiration thereof.
- (d) Mandatory Sterilization, Vaccination and Ear-tipping. All cats returned under this Program must first:
 - (1) Be scanned for a microchip ID and contact made with the registered owner prior to any treatment.
 - (2) Be surgically sterilized.
 - (3) Receive all core feline vaccinations as designated under current veterinary vaccination guidelines.
 - (4) Receive permanent identification through ear-tipping.
 - (5) Exceptions. Cats that are seriously ill, injured, or determined by a veterinarian to be suitable for adoption shall not be returned and must instead be provided treatment and/or placement as appropriate.
- (e) Recordkeeping.
 - (1) TNR providers are required to submit TNR logs documenting each TNR cat originating from the city, including but not limited to location trapped, date trapped, clinic or veterinarian used, sterilization and vaccination information, ear-tipping confirmation, and release location. Logs should be submitted upon completion of work on individual colonies and minimally at the end of the calendar year, or prior to the annual expiration of a letter of authorization, whichever is sooner.
 - (2) The city shall maintain TNR records for a minimum of three (3) years, or as otherwise required by law.

3-175 Enforcement and Corrective Measures

- (a) A violation of this chapter is punishable pursuant to section 1-33.
- (b) TNR authorization may be modified, suspended and/or revoked based on a violation of this chapter, other applicable provision of this code or other law, and/or if reasonably necessary to protect against an immediate threat to the public health and safety, pursuant to the procedures of section 3-149.
- (c) Nothing in this chapter shall prevent the city from acting regarding cats that present a threat to public health or safety, display aggression, or are suspected of rabies or other disease.
- (d) It shall be unlawful for any person to feed any cat in or on any public area or property, unless specifically authorized to do so under this chapter. No person may feed a feral or community cat on private property in such a manner as to create a public nuisance pursuant to section 20-12 or other law.
- (d) Denial, suspension for more than 30 days, and/or revocation of TNR authorization by the chief of police may be appealed by the TNR provider pursuant to Chapter IX of Title 2.

Section 2: Inconsistencies. Any provision of this Ordinance which is inconsistent with state law shall be interpreted in a manner consistent with state law. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to affect the provisions of this Ordinance.

Section 3: Penalties. A violation of this Ordinance is a misdemeanor that may alternatively be enforced as an infraction and shall constitute a public nuisance. A violation of this Ordinance may be enforced pursuant to the provisions of Section 1-33, Chapter II of Title 1, and/or Chapter III of Title 20 of the Costa Mesa Municipal Code.

Section 4: Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

Section 5: Effective Date. This Ordinance shall take effect on the 31st day after adoption.

Section 6: Certification. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

PASSED AND ADOPTED this ___ day of _____, 2026.

John Stephens, Mayor

ATTEST:

APPROVED AS TO FORM:

Brenda Green, City Clerk

Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) **ss**
CITY OF COSTA MESA)

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing Ordinance No. 2026-XX was duly introduced for first reading at a regular meeting of the City Council held on the XX day of XX 2026, and that thereafter, said Ordinance was duly passed and adopted at a regular meeting of the City Council held on the XX day of XX 2026, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa on this XX day of XX 2026.

Brenda Green, City Clerk