



WASHOE COUNTY

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Finance ___

DA ___

Risk Mgt. N/A

HR NA

Grant NA

STAFF REPORT

BOARD MEETING DATE: April 28, 2015

DATE: April 15, 2015
TO: Board of County Commissioners
FROM: Robert Smith, Animal Services Manager
(775) 353-8945; rasmith@washoecounty.us

THROUGH: Shyanne Schull, Director of Animal Services

SUBJECT: Second reading and adoption of an ordinance amending Washoe County Code Chapter 55 by adding provisions related to the managed care of feral cats and related definitions; and making changes to the definitions of "nuisance" and "owner". (Bill No. 1737) (All Commission Districts)

SUMMARY

A presentation on Feral Cat Management was given by Washoe County Regional Animal Services (WCRAS), the Nevada Humane Society (NHS) and the State of Nevada, Department of Wildlife regarding Trap, Neuter, and Release Initiatives in the October 14, 2014 BCC meeting. Direction was given to staff to monitor the 2015 Legislative session and move forward with the Nevada Humane Society and other non-profit rescue groups to become the caretakers of managed feral cat colonies.

Washoe County Strategic Objective: Safe, secure and healthy communities.

PREVIOUS ACTION

On October 14, 2014, presentations were given on Feral Cat Management, by WCRAS, the NHS and the State of Nevada, Department of Wildlife to include Trap, Neuter, and Release Initiatives. Direction was given to staff to monitor the 2015 Legislative session and move forward with the NHS and other rescues to become the caretakers of managed feral cat colonies.

On April 14, 2015, the Board introduced and held a first reading of an ordinance amending Washoe County Code Chapter 55 to add provisions related to the managed care of feral cats and related definitions; and making changes to the definitions of "nuisance" and "owner".

BACKGROUND

Management of the feral cat population has been present within Washoe County over the past 15 years. The following is a brief chronology and history specific to feral cat management within Washoe County to the present.

In 1999, the Society for the Prevention of Cruelty to Animals (SPCA) of Northern Nevada started the first Trap-Neuter-Return-Monitor program in Washoe County in response to more than 1,800 feral cats euthanized every year at the Reno city shelter. In recognition of this programming, the City of Reno and Washoe County issued Proclamations to the SPCA of Northern Nevada recognizing the value of Trap, Neuter, and Release as a humane method of population control.

In 2002, voters approved a property tax increase to fund a regional animal facility and consolidated animal services. Washoe County consolidated with City of Sparks effective July 1, 2003, and with City of Reno on July 1, 2005. In late 2005, a service agreement with NHS was approved. On March 1, 2006 adoptions were transferred to NHS.

In 2003, Community Cats, an organization created for the spay/neuter of feral cats was founded and received non-profit status, leading to the organization utilizing the spay/neuter vehicle owned by WCRAS and the NHS to spay/neuter feral cats in 2006. In addition, the Board approved an agreement for Community Cats to utilize the surgical suite at WCRAS to provide free spay/neuter services to feral cats in Washoe County. This provided a resource for citizens to bring feral cats to WCRAS for sterilization and vaccination.

In 2008, Community Cats discontinued the use of the spay/neuter vehicle. On November 21, 2008 the Board approved and executed a First Amendment to Agreement between Washoe County and Community Cats, to extend the terms of the feral cat program at WCRAS for an additional two years. In 2009, Community Cats moved to the NHS who privately funded the Trap, Neuter and Release Program, with the program continuing as a resource recommended by WCRAS for the spay/neuter outlet of feral cats.

In 2013, complaints were received by WCRAS specific to feral cats, captured by citizens and delivered to WCRAS, being returned to properties they were trapped from and property owners being contacted by NHS staff regarding capture location information. As a result of these complaints, in May 2013, a review of animal services procedures was done and it was determined that NHS was able to view records in WCRAS's database to facilitate the return of trapped feral cats to their original location. These records included personal information, notes on cruelty cases, and customer billings which lead to a request by WCRAS for a legal opinion from the District Attorney's Office regarding sharing of information with NHS; and a review of the legality of the Spay/Neuter Return program operated by NHS, in conjunction with Community Cats, as it pertains to the "return" aspect of the program.

The legal opinion dated December 3, 2013, (attached) concluded the "return" part of the Spay/Neuter Return program, releasing the animals back into the community at the location they were found, is illegal because it constitutes an act of animal abandonment under NRS 574.100 and/or 574.110. This legal opinion resulted in the removal of access by NHS and any other entity to the WCRAS database. Even though the information is normally a "public

record” and it would be released to a requester, if the information is to be used to aid or abet an illegal act, such information may be withheld. The Spay/Neuter Return program was determined abandonment in violation of statute, with WCRAS taking custody and then releasing based on location by NHS. This resulted in WCRAS discontinuing the program pursuant to the legal opinion.

Based on the December 2013 legal opinion, a legislative change to the current statutory definition of abandonment would be required for a Spay/Neuter Return program to be implemented.

On October 1, 2014 a scheduled and advertised public forum was held to obtain input on feral cats. At this same time questions were posted on “Open Washoe” to solicit public input regarding feral cats in Washoe County.

On October 14, 2014, presentations were given on Feral Cat Management, by WCRAS, the NHS and the State of Nevada, Department of Wildlife to include Trap, Neuter, and Release Initiatives.

On March 11, 2015, AB261 was introduced to modify the definition of abandonment, allowing for the spay/neuter and vaccination of feral cats, as part of a managed cat colony program. In a review of options and the proposed legislative amendment, a legal solution would be the designation of a sponsor (non-profit rescue group) and caretakers for the managed care of feral cat colonies.

On April 14, 2015, the Board introduced and held a first reading of an ordinance amending Washoe County Code Chapter 55 to add provisions related to the managed care of feral cats and related definitions; and making changes to the definitions of “nuisance” and “owner”.

FISCAL IMPACT

No fiscal impact is identified at this time.

RECOMMENDATION

It is recommended that the Board of County Commissioners hold a second reading and adopt an ordinance amending Washoe County Code Chapter 55 by adding provisions related to the managed care of feral cats and related definitions; and making changes to the definitions of “nuisance” and “owner”.

POSSIBLE MOTION

Should the Board approve the Staff’s recommendation, a possible motion would be:

Move to adopt an ordinance amending Washoe County Code Chapter 55 by adding provisions related to the managed care of feral cats and related definitions; and making changes to the definitions of “nuisance” and “owner”.

SUMMARY: An ordinance amending the Washoe County Code by creating provisions related to the managed care of feral cats and revising definitions.

BILL NO. 1737

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY ADDING PROVISIONS RELATED TO THE MANAGED CARE OF FERAL CATS AND RELATED DEFINITIONS; AND MAKING CHANGES TO THE DEFINITIONS OF "NUISANCE" AND "OWNER".

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Washoe County Code is hereby amended by adding thereto the following new section which shall read as follows:

55.475 Managed care of feral cats.

1. Feral Cat Colonies.

(a) Feral cat colonies are allowed in Washoe County. Feral cat colony caretakers shall be entitled to maintain and care for feral cats.

(b) *TNRM Programs: Sponsorship.* Any animal humane organization that agrees to comply with the requirements of this section shall contact regional animal services to obtain designation as a sponsor. The humane organization shall advise regional animal services in writing and provide its address, telephone number and electronic mail address, if applicable.

(c) *Sponsor Requirements.* It shall be the duty of the sponsor to:

- (1) Approve feral cat colony caretakers;
- (2) Work actively to resolve any complaints over the conduct of a feral cat colony caretaker or of cats within a colony;
- (3) Maintain records provided by feral cat colony caretakers on the size and location of the colonies and the vaccination, micro-chipping, and spay and neuter records of cats in the sponsor's colonies. Titer tests are acceptable to determine a particular colony's resistance to rabies by random examination;
- (4) Provide educational training and written materials for all feral cat colony caretakers covering uniform standards and procedures for colony maintenance. An approved online training program may be accepted upon approval by regional animal services;

(5) Report annually to regional animal services on the following:

(i) number and location of colonies by address and zip code that the sponsor maintains through the TNRM program;

(ii) estimated total number of cats in each of the colonies;

(6) Prevent sponsored feral cat colonies from being maintained on lands managed for wildlife or other natural resources, such as, but not limited to, nature preserves, in order to avoid the taking of rare, listed, threatened or endangered species as determined by Nevada Department of Wildlife;

(7) Provide forms and other documentation necessary to allow feral cat colony caretakers to receive public or private subsidies, medical care or other assistance which may be available for their feral cat colonies.

(d) *Feral Cat Colony Caretaker Responsibilities.* It shall be the duty of each feral cat colony caretaker to:

(1) Register each colony with the sponsor;

(2) Take all appropriate and available steps to vaccinate the colony population for rabies, preferably with a three-year vaccine, and to update rabies vaccinations as mandated by law;

(3) Take all appropriate and available steps to have the colony population spayed or neutered by a licensed veterinarian;

(4) Ear tip the left ear of each colony cat that has been vaccinated, spayed or neutered so that each colony cat can be readily identified;

(5) Microchip each colony cat in accordance with professional medical standards. The sponsor and the feral cat colony caretaker shall be the named contacts for purposes of the microchip animal identification;

(6) Provide the sponsor with descriptions of each cat in the colony and copies of documents demonstrating that the cats have been vaccinated, micro-chipped and spayed or neutered;

(7) Provide the necessary sustenance for colony cats;

(8) Obtain written approval from all property owners or their authorized representatives to enter land upon which the feral cat colony caretaker requires access to establish and provide colony care;

(9) Abide by the sponsor's policies and procedures.

(e) *Withdrawal of feral cat colony caretaker or sponsor.* In the event a feral cat colony caretaker is unable or unwilling to continue in that role, he or she shall notify his or her sponsor. In the event a sponsor is unable or unwilling to continue to perform its role, it shall advise regional animal services. The sponsor shall work with regional animal services to obtain a replacement sponsor. If no new sponsor is found

within 30 days, the sponsor shall notify regional animal services.

(f) *Disposition of feral cat colony cats.*

(1) An animal control officer or authorized representative who has impounded or received a cat from a member of the public, where the cat has been ear tipped or microchipped indicating that it belongs to a feral cat colony, shall attempt to contact the sponsor or feral cat colony caretaker. If a microchip is not found, the animal control officer or authorized representative shall impound the cat and notify the approved sponsors of the description and zip code where the cat was found. The sponsor shall then take all available steps to identify the cat's feral cat colony caretaker or a feral cat colony caretaker who will take responsibility for managing this cat.

(2) If an identified feral cat colony caretaker is not able to immediately take custody of the cat, the sponsor shall immediately pick up the cat.

2. Enforcement.

(a) In order to encourage the stabilization of the feral cat population in Washoe County, regional animal services shall have the following rights:

(1) To trap in a humane manner and remove any cats:

(i) which demonstrate signs of disease; or

(ii) which must be removed for public health or safety concerns.

(2) To euthanize in a humane manner any feral cat which demonstrates signs of rabies, or which has an illness or injury that presents an imminent danger to public health or safety.

(3) To request that a sponsor remove a feral cat that is creating a nuisance if the sponsor has failed to adequately resolve the nuisance within 30 days of written notice thereof. In the event regional animal services directs the sponsor to remove the cat, the sponsor shall have 30 days to do so.

(b) Animal control officers may investigate any nuisance complaint allegedly caused by a feral cat. In the event an animal control officer finds that a feral cat or feral cat colony has created a nuisance, the animal control officer shall advise the sponsor in writing.

(c) If a sponsor fails to perform its responsibilities, regional animal services may notify the sponsor that it must comply with the requirements of this section within 30 days. If the sponsor fails to do so, regional animal services may remove the sponsor from the list of approved sponsors, and may reassign the feral cat colonies to another sponsor.

(d) A feral cat who is not microchipped, but who was spayed or neutered, vaccinated for rabies, ear tipped, and released

prior to the effective date of this section shall be deemed to be in compliance with this section.

SECTION 2. Section 55.010 of the Washoe County Code is hereby amended by adding thereto the following new definitions:

"Abandoned Cat" means a domesticated cat that an owner has forsaken entirely or refused to provide care and support.

"Domesticated cat" means a cat that is socialized to humans and is appropriate as a companion.

"Eartipping" means straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized.

"Feral Cat" means a cat:

1. That is born in the wild; or
2. That is a formerly owned cat that has been abandoned and is no longer socialized.

"Feral Cat Colony" means a group of cats that congregates, more or less, together as a unit. Although not every cat in a feral cat colony may be feral, any non-feral cats that congregate with a colony shall be deemed to be a part of it.

"Feral Cat Colony Caretaker" means a person other than an owner who provides food, water and shelter to, or otherwise cares for, a feral cat colony, and who is approved by a sponsor.

"Sponsor" is any animal humane organization that agrees to comply with the requirements of this section and provides written notice to regional animal services that it will serve as a sponsor for feral cat management.

"TNRM" means trap, neuter, return and monitor.

"TNRM Program" means a program in which feral and stray cats are trapped, neutered or spayed, micro-chipped, vaccinated against rabies, and returned to the colony location in which they were found, and which are then monitored by the feral cat colony caretaker.

Section 3. Washoe County Code 55.010 is hereby amended by changing the definitions of "Nuisance" and "Owner" as follows:

"Nuisance" has the meaning described in Washoe County Code 50.308 (18) and (19).

"Owner" means any person keeping, harboring or having charge of or having the care, custody or control of an animal, or permitting any animal to be or remain on, or be lodged or fed within, such person's house, yard or premises. "Owner" does not apply to animals owned by others that are temporarily maintained on the premises of a veterinarian. Owner does not include a feral cat colony caretaker.

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

Proposed on the ____ day of _____, 2015.

Proposed by Commissioner _____.

Passed on the ____ day of _____, 2015.

Vote:

Ayes:

Nays:

Absent:

Chairman
Washoe County Commission

ATTEST:

County Clerk

This ordinance shall be in force and effect from and after _____, 2015.