
SALT LAKE CITY COUNCIL STAFF REPORT

Date: December 7, 2007

To: City Council Members

CC: Lyn Creswell, Ed Rutan, Steve Fawcett, Kay Christensen, Linda Hamilton, Ken Miles, Shon Hardy, Gina Chamness, Peggy Raddon, Gwen Springmeyer, Michael Stott, Bob Terragno, Community Working Group, Sylvia Richards, Cindy Lou Trishman, Quin Card, Laura Kirwan, and Holly Sizemore

From: Jan Aramaki

RE: Ordinance proposal relating to removal of the one-year sunset clause from sections of Salt Lake City Code regarding the process for a feral cat colony registration.

POTENTIAL BUDGET IMPACTS:

The following budget requests were communicated directly to Council staff from Salt Lake County Animal Services and No More Homeless Pets in Utah rather than through the Administration. It is Council staff's understanding that these budget requests would need to be transmitted through the annual budget process after the Administration has had an opportunity to review the requests and if the Administration supports the requests.

1. Salt Lake County Animal Services proposes that the feral cat registration fee is increased from \$5 to \$25 to be more in line with other permit fees and to cover the administrative costs associated with the process and review of feral cat colony registrations.
2. According to No More Homeless Pets in Utah's report on the Trap/Neuter/Return Program (attached), they project a 25 percent reduction in Salt Lake City cat intake by the end of 2008 by implementing their list of recommendations along with an additional funding of \$30,000.

POTENTIAL MOTIONS:

1. ["I move that the Council"] Adopt an ordinance to continue a feral cat colony registration process and fee by the removal of the one-year sunset clause (amending Section 8.04.010, Salt Lake City Code, pertaining to definitions; enacting Section 8.04.135, Salt Lake City Code, relating to feral cat colony registration requirements; enacting Section 8.04.136, Salt Lake City Code, relating to maintaining a registered feral cat colony-additional requirements;

amending Section 8.04.150, Salt Lake City Code, relating to commercial and pet rescue permits-fee schedule; amending Section 8.04.210, Salt Lake City code, relating to commercial establishments-emergency suspension of permit; and amending subsection A of Appendix A to Title 8, Salt Lake City Code, relating to permits and fees.)

2. ["I move that the Council"] Adopt an ordinance relating to the feral cat colony registration process and fee that extends the sunset clause from one year to ??? (amending Section 8.04.010, Salt Lake City Code, pertaining to definitions; enacting Section 8.04.135, Salt Lake City Code, relating to feral cat colony registration requirements; enacting Section 8.04.136, Salt Lake City Code, relating to maintaining a registered feral cat colony-additional requirements; amending Section 8.04.150, Salt Lake City Code, relating to commercial and pet rescue permits-fee schedule; amending Section 8.04.210, Salt Lake City code, relating to commercial establishments-emergency suspension of permit; and amending subsection A of Appendix A to Title 8, Salt Lake City Code, relating to permits and fees.)
3. ["I move that the Council"] Not adopt the ordinance.

NEW INFORMATION:

On December 4, 2007 at the City Council briefing, the Council expressed their approval to place the proposed ordinance relating to the feral cat colony registration process, with the sunset clause removed, on the City Council's agenda for December 11, 2007 for the Council's consideration. The Administration expressed they are unable to support the potential budget impacts noted in this staff report until they have had an opportunity to evaluate both the request from No More Homeless Pets in Utah and Salt Lake County Animal Services.

KEY ELEMENTS: (ordinance)

On December 12, 2006, the City Council adopted an ordinance to enact Sections 8.04.135 and 8.04.136 of *Salt Lake City Code* relating to feral cat colony registration requirements and maintaining a registered feral cat colony; in addition to amending sections 8.04.010 of Salt Lake City Code pertaining to definitions, 8.04.150 relating to commercial and pet rescue permits fee schedule, Section 8.04.210 relating to emergency suspension of permit, and Subsection A of Appendix A to Title 8, *Salt Lake City Code* relating to permits and fees. The ordinance contains a sunset clause which is to expire one year from December 12, 2006 (adoption date) or unless extended by the City Council.

The only revision made to the attached ordinance for the City Council's consideration is the removal of the sunset clause should the Council wish to adopt the ordinance into *Salt Lake City Code*.

For the past year since the adoption of sections of *Salt Lake City Code* pertaining to the feral cat colony registration process, Salt Lake County Animal Services reports they have record of four registered feral cat colonies, with one reported cat being successfully returned to the registrant of a feral cat colony as a result of ear-tipping which identifies a feral cat (component of the Trap Neuter Return (TNR) Program). Animal Services has not reported any enforcement challenges at this point in time.

The Administration recommends that the City Council adopt sections of Salt Lake City Code pertaining to feral cat colonies for the following reasons:

- *"No More Homeless Pets believes that public mistrust with the registration process has limited the number of feral cat colony registrations. Because the ordinance is set to expire, the public may be scared to disclose the location of colonies, fearing that if the ordinance expired, the cats could be removed and euthanized.*

Salt Lake County Animal Services reports that they are in agreement with this statement from No More Homeless Pets in Utah. If the feral cat colony registration ordinance is adopted into Salt Lake City Code, they anticipate the number of feral cat colony registrations will more than likely increase.

- *Because the City has not experienced any negative effects as a result of the registration process, and because the status of the 4 registered colonies would not be defined if the ordinance is allowed to expire, the Administration recommends the extension of the ordinance."*

MATTERS AT ISSUE:

1. As part of the fiscal year 2006-07 budget, the City Council adopted a resolution accepting the "public benefit" study performed in compliance with Utah Code Section 10-8-2 and authorizing a \$10,000 contribution to No More Homeless Pets in Utah to support its Feral Fix Program within Salt Lake City. No More Homeless Pets in Utah (NMHPU) provided a report (attached) that lists their successes, challenges, and recommendations regarding the feral cat colony registration process in Salt Lake City. The Council may wish to ask No More Homeless Pets in Utah for an update on the workshops that train members of the public on how to perform Trap-Neuter Return (TNR) and how effective has No More Homeless Pets in Utah been in providing support services such as trap loan and vouchers for free or low cost spay/neuter services.

One of NMHPU's noted challenges is that field officers at Salt Lake County Animal Services appear to lack knowledge of the Trap/Neuter/Return program. NMHPU recommends that they conduct two staff trainings about the program to Salt Lake County Animal Services staff to enhance their knowledge that can be passed on to the public which in turn will help to better promote the program to the community. NMHPU projects a 25 percent reduction in Salt Lake City intake of cats by the end of 2008 by implementing their recommendations along with an additional funding of \$30,000.

NMHPU's report indicates there were 536 feral cats in Salt Lake City that were fixed from January to October of 2007. Taking this number into account, the Council may wish to inquire as to the reason for the low number of only 4 feral cat colonies registered with Salt Lake County, and the Council may wish to inquire if there other pro-active measures that can be taken to bring these numbers in line with each other.

One of NMHPU's recommendations is to "designate NMHPU as the agency with which the caregivers register." Animal Services emphasized to Council staff they wish to continue to maintain and regulate the feral cat colony registration process for Salt Lake City as part of their contract with Salt Lake City.

2. The Salt Lake County Valley Health Department at one time expressed health concerns relating to feral cat colonies. The Council may wish to inquire with the Administration whether the Health Department still has any concerns or have they experienced challenges with feral cat colonies since the adoption of this ordinance on December 12, 2006.
3. Prior to the City Council adopting sections of *Salt Lake City Code* pertaining to feral cat colonies, Salt Lake County Animal Services emphasized that they would be providing a service to the public that would not cover their costs associated with the feral cat colony process. If the Council decides to adopt the feral cat colony registration process into *Salt Lake City Code*, Animal Services proposed to Council staff that the registration permit fee is raised from \$5 to \$25 to cover anticipated shortfall costs such as: database entry time and follow-up required by Animal Services to contact registrants due to lack of information being provided to Animal Services (i.e. detailed description of each cat in the colony). It is Council staff's understanding that this budget request would need to be transmitted through the annual budget process after the Administration has had an opportunity to evaluate this request and if the Administration supports the request.

CHRONOLOGY:

- On December 12, 2006, the City Council adopted into *Salt Lake City Code* an ordinance (Version C) that pertains to feral cat colony registration process containing a one year sunset clause.
- On March 9, 2006, the City Council received a briefing regarding the Administration's proposed revisions to Salt Lake City Code, Chapter 8, Animal Control ordinance. At that time, the Council made the decision to form a subcommittee who would make recommendations for the Council's review and consideration.
- On April 11, 2006, the City Council Animal Control subcommittee presented recommendations to their Council colleagues relating to revisions to sections of Chapter 8, Animal Control ordinance. At that time, the Council discussed the proposed amendments to Chapter 8 relating to feral cat colonization permit and fee. In response to the Administration's proposed \$25 fee for a feral cat colony registration permit, Council Member Jergensen, subcommittee member, suggested that the City Council consider reducing the Administration's recommended fee of \$25 to a lower fee which will serve as an incentive for residents who wish to take care of feral cat colonies. Council Member Jergensen pointed out residents who are interested in feeding feral cats will bear the costs for vaccinations, sterilization, recommended microchip implant, and ear-tipping. The City Council expressed support to lower the proposed \$25 fee to either \$10 or \$5 and made a request of Council staff to prepare a fiscal impact on the City's general fund and contract with Salt Lake County Animal Services based upon a lower fee.

Salt Lake City will be the first local municipality contracted with Salt Lake County Animal Services to implement a feral cat colony registration permit fee into city code. For example, West Valley City residents are allowed by West Valley City to participate in TNR but are not required to obtain a permit; however, the caregivers register with No More Homeless Pets in Utah. Therefore, it is difficult to forecast how many feral cat permits will be issued for Salt Lake City. However, No More Homeless Pets in Utah reported there were 40 Salt Lake City participants (caregivers) in 2004 who chose to participate in TNR.

Salt Lake County Animal Services would like to emphasize for the City Council that the \$25 feral cat colony registration permit fee proposed by the Administration will basically cover their costs for feral cat colonies that occur in Salt Lake City. According to Animal Services, a \$25 permit fee involves costs associated with: 1) once a person applies for a feral cat colony registration permit to maintain a colony, Animal Services will make an initial visit to the site and to educate the applicant about the process involved; 2) another visit will be required by Animal Services to inspect the property to ensure compliance has been made by the applicant according requirements listed in Salt Lake City Code prior to issuing permit; and 3) administrative costs associated to input information into their system for tracking purposes. Animal Services states that if the permit fee of \$25 is reduced, they will be providing a service that does not cover their costs since a recent renewal of the contract between Salt Lake City and Animal Services has already recently taken place.

Should the Council elect to approve Option Version B, the site visits would be done on a complaint basis.

- On April 18, 2006, the City Council held a public hear regarding proposed amendments to Chapter 8.04, Salt Lake City Code, relating to Animal Control. The public hearing was closed and referred to a future Council meeting.

The following information was previously provided to the City Council in December 2006 and is being provided again for background information.

Versions A, B and C of the ordinance are not included.

Please let Council staff know if you would like a copy.

KEY ELEMENTS: (ordinance)

For City Council's reference, a copy of the Administration's January 26, 2006 transmittal which was previously provided to the Council provides information from their research relating to feral cat colonies.

There are three proposed ordinances for the City Council's consideration:

1. Version A -- ordinance that implements a permit process for feral cat colonies as proposed by the Administration. A summary of the Council's staff rationale relating to Version C follows Attachment A.

or

2. Version B -- ordinance that implements a registration process for feral cat colonies as proposed by the community working group

or

3. Version C -- ordinance that implements a registration process for feral cat colonies largely as proposed by the community working group with modifications suggested by Council staff: an added sunset clause, an annual fee, and subject to inspection based on a

- complaint basis, and authority for Animal Control to revoke permission for registered colony under certain circumstances.

As part of the fiscal year 2006-07 annual budget, the City Council adopted a resolution accepting the "public benefit" study performed in compliance with Utah Code Section 10-8-2 and authorizing a \$10,000 contribution to No More Homeless Pets in Utah to support its Feral Fix Program within Salt Lake City. A copy of the resolution (adopted by the City Council on June 6, 2006) and a memorandum dated April 18, 2006 prepared by Kay Christensen is being provided once again for background information purposes. The benefit of the \$10,000 contribution to No More Homeless Pets in Utah is "the program includes workshops to train members of the public in how to perform Trap-Neuter-Return (TNR), support services such as trap loans and vouchers for free or low cost spay/neuter services." The \$10,000 contribution has yet to be released officially by the Administration to No More Homeless Pets in Utah until the City Council adopts an ordinance permitting residents to perform TNR.

For several weeks, Council Member Simonsen met weekly with a community working group that provided additional revisions to the Administration's proposed amendments to Chapter 8.04, Animal Control ordinance. As part of the community working group's proposed revisions, they are interested in having the City Council adopt sections of Salt Lake City Code that propose a feral cat colony "registration" process rather than a feral cat colony "permit" process as proposed by the Administration.

On August 8, 2006, the City Council scheduled a briefing for the Council to discuss proposed additions to Chapter 8.04, Animal Control ordinance relating to feral cat colony registration permit requirements. No More Homeless Pets in Utah requested that the City Council defer the issue in order to provide the community working group an opportunity to finalize their proposed ordinance revisions. The community working group has since finalized their proposed revisions to the Administration's proposal, and the City Council Subcommittee has been meeting to review the changes prior to the full Council's consideration (proposed section of City code relating to feral cat colonies of Chapter 8.04, Animal Control ordinance, is the only issue before the Council at this time – the Council will discuss and consider other proposed Administrative amendments to Chapter 8.04 at future Council meetings).

Recently, Council staff was notified by No More Homeless Pets in Utah that they are determining their budget within the next two weeks, and they hope to allocate funding for TNR in addition to the City's \$10,000 contribution towards the program, but are reluctant to proceed without a City ordinance being in effect relating to feral cat colonies. In addition, before Salt Lake County Animal Control is able to work with residents who wish to maintain a feral cat colony, an ordinance must be adopted for Salt Lake City. A person who wishes to participate in the TNR process finds a veterinarian or works with No More Homeless Pets in Utah to obtain vaccinations, sterilization, traps, and ear-tipping for feral cats. Salt Lake County Animal Services will maintain registration records of feral cat colonies. If a complaint is received by Animal Services regarding a feral cat colony, enforcement efforts will be conducted.

Attachment A (attached) is a comparison chart to show the distinction in the language between the three proposed ordinances:

Ordinance Version C contains provisions largely proposed by the Community Working Group but Council staff has added a number of items based upon conversations with Council Members, Animal Control and others:

1. An *annual* fee of \$5.00 rather than a *one-time* registration fee of \$5.00 as proposed by the community working group or an *annual fee of \$25.00* as recommended by the Administration and supported by Salt Lake County Animal Control.
2. A one-year sunset clause which will give the Council an opportunity to discuss and re-evaluate the registration process. If at that time the process is proven to be successful, the City Council may wish to adopt an ordinance to permanently implement the registration process or consider options. Should the Council determine that there have been significant problems during the test period, additional regulations could be implemented.
3. A provision to allow for inspection, based upon complaint.
4. Authority for Animal Control to revoke the permission for the registered colony based upon certain circumstances.

Staff has made the suggestions to modify the community working group's proposal in an effort to recognize both the issues raised by the advocacy group and by Animal Control. The reasoning includes:

1. Cats have been sterilized, given their vaccinations as required and ear-tipped, or are being actively trapped so as to perform sterilization, vaccination, and ear-tipping. Version B or Version C may encourage more participation, according to comments made by advocates.
2. The feral cat colonies exist and will continue to exist with or without either registration or permit and inspection. Registration is preferred over a permit process by those currently participating in the program.
3. It is in the public's interest to minimize barriers to having these cats spayed, neutered and vaccinated.
4. There are volunteers willing to invest in paying the cost to spay, neuter, and vaccinate at least some of the feral cat population – results in a benefit to the community the more feral cats that are spayed and neutered.

5. Animal Services has stated that the purpose of permit and inspection is largely educational. This education could also be accomplished through registration and would save limited staff resources. The funding from Salt Lake City that will be available for No More Homeless Pets will enhance educational efforts.
6. Most of the City's animal control issues are handled on a complaint basis. If there is a colony that is being handled improperly, the issue will more than likely come to the attention of the County or City staff and can be handled in the same way whether we have a registration or a permit program resulting in an "emergency suspension of the registration."

ATTACHMENT A
COMPARISON CHART FOR ORDINANCE VERSIONS A, B AND C

Ordinance Version A Administration's proposal	Ordinance Version B Community Working Group's Revisions to Administration's proposal	Ordinance Version C Community Working Group's Proposal with Council Staff Recommendations (Includes Sunset Clause and other additions)
Section 8.04.135 Feral Cat Permit vs. Registration Process		
It is unlawful for any person to maintain a feral cat colony without a permit. Unless prohibited by zoning or other ordinances or laws, any person over eighteen (18) years of age, <u>shall</u> obtain a feral cat colony permit from Animal Services or its designee upon:	It is unlawful for any person to maintain a feral cat colony without a permit. Unless prohibited by zoning or other ordinances or laws, any person over eighteen (18) years of age, <u>may</u> obtain a feral cat colony permit from Animal Services or its designee upon:	It is unlawful for any person to maintain a feral cat colony without a permit. Unless prohibited by zoning or other ordinances or laws, any person over eighteen (18) years of age, <u>shall</u> obtain a feral cat colony permit from Animal Services or its designee upon: Note: "shall" rather than "may" is a requirement
A) Presenting proof that the cats in the maintained colony have been sterilized, given their vaccinations as required and ear-tipped, or are being actively trapped so as to perform sterilization, vaccination and ear-tipping.	A) Cats have been sterilized, given their vaccinations as required and ear-tipped, or are being actively trapped so as to perform sterilization, vaccination and ear-tipping.	SAME as Version B
B) Presenting a detailed description of each cat in the colony including vaccination history.	B) Registrant retains a detailed description of each cat in the colony including vaccination history.	SAME as Version B
C) Presenting proof of property owner and/or landlord permission at the site that the colony is being maintained.	C) Registrant obtains proof of property owner and/or landlord permission at the site that the colony is being maintained; and provide property owner/landlord cat <u>caregiver</u> contact information. Note: No definition provided for caregiver.	C) Registrant obtains proof of property owner and/or landlord permission at the site that the colony is being maintained; and provide property owner/landlord cat <u>custodian</u> contact information. Note: "Custodian" is used rather than "caregiver" -- "custodian" means a person having custody, and custody means ownership, possession of, harboring, or exercising control over any animal.
D) Providing contact information, in the event that complaints are received by the Office of Animal Services concerning management of the colony.	D) Registrant fee is required for initial registration and in the event of transfer of responsibility to a new <u>caregiver</u> .	D) The Registrant fee is paid for initial registration and in the event of transfer of responsibility to a new <u>custodian</u> Note: "custodian" used rather than "caregiver"
Ordinance Version A	Ordinance Version B	Ordinance Version C

Deleted: or are being actively trapped so as to perform sterilization, vaccination and ear-tipping.

ATTACHMENT A
COMPARISON CHART FOR ORDINANCE VERSIONS A, B AND C

Administration's proposal	Community Working Group's Revisions to Administration's proposal	Community Working Group's Proposal with Council Staff Recommendations (Includes Sunset Clause and other additions)
Section 8.04.136 Maintaining a Registered Feral Cat Colony – Additional Requirements		
Feral cat colony <u>permit holders</u> shall	Feral cat colony <u>caregivers</u> shall Note: No definition provided for "caregiver"	Feral cat colony <u>custodians</u> shall Note: New definition: "Custodian" means a person having custody.
A) Take responsibility for feeding the cat colony regularly throughout the year, while ensuring that the food storage area(s) are secure from insect, rodent, and other vermin attraction and harborage. Feeding times shall be set, and any remaining food shall be immediately removed after feeding.	Deleted Administration's language that states: <i>"Feeding times shall be set, and any remaining food shall be immediately removed after feeding."</i>	SAME language as Version B
B) Sterilize, vaccinate and ear-tip all adult cats that can be captured. Implanting a microchip is recommended.	SAME language as Version A	SAME language as Version A & B
C) Remove droppings, spoiled food, and other waste from the premises as often as necessary, and at least every seven (7) days, to prevent odor, insect or rodent attraction or breeding, or any other nuisance.	SAME language as Version A	SAME language as Version A & B
Ordinance Version A	Ordinance Version B	Ordinance Version C

ATTACHMENT A
COMPARISON CHART FOR ORDINANCE VERSIONS A, B AND C

Administration's proposal	Community Working Group's Revisions to Administration's proposal	Community Working Group's Proposal with Council Staff Recommendations (Includes Sunset Clause and other additions)
Section 8.04.150 Commercial Permits-Fee Schedule		
Fees for commercial operations (kennels, catteries, groomeries, pet shops, veterinary clinics or hospitals), pet rescue permits and feral cat colony registration permits shall be as indicated in Appendix A of this Chapter.	<p>Fees for commercial operations (kennels, catteries, groomeries, pet shops, veterinary clinics or hospitals), pet rescue permits and feral cat colony registrations shall be as indicated in Appendix A of this Chapter.</p> <p>Note: the community group did not include feral cat colony registrations under this section of Code; however, as a housekeeping item, Council staff included it because the community included a \$5 fee in Appendix A and this section of code refers to fees included in Appendix A</p>	<p>SAME as Version B</p> <p>Deleted: permits</p>
Section 8.04.200 Permits-Inspections		
All establishments and residences required to be permitted under this Title shall be subject to periodic inspections, and the inspector shall make a report of such inspection with a copy to be delivered to the establishment or residence and field with the Animal Services Office.	Community group did not wish that feral cat colonies be included under this section of code.	Community group did not wish that feral cat colonies be included under this section of code; however, Council staff included feral cat colonies to be part of Section 8.04.210 Emergency Suspension of permits which will give authority for Animal Control to revoke permission for registered colony under certain circumstances on a complaint basis.
Ordinance Version A	Ordinance Version B	Ordinance Version C

ATTACHMENT A
COMPARISON CHART FOR ORDINANCE VERSIONS A, B AND C

Administration's proposal	Community Working Group's Revisions to Administration's proposal	Community Working Group's Proposal with Council Staff Recommendations (Includes Sunset Clause and other additions)
Section 8.04.210 Permits-Emergency Suspension of Permit		
Notwithstanding the other provisions of this Title, when the inspecting officer finds unsanitary or other conditions in the operation of feral cat colonies, pet rescue residences, kennels, catteries, groomeries, veterinary clinics or hospitals, riding stables, pet shops, or any similar establishments, which, in such officer's judgment, constitute a substantial hazard to the animal(s) and/or the public health, such officer may, without warning or hearing, issue a written notice to the permit holder or operator citing such condition and specifying the corrective action to be taken. Such order shall state that the permit is immediately suspended, and all operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith. Any animals at such facility may be confiscated by the Animal Services Office and impounded or otherwise provided for according to the provisions of this Title.	The community working group did not wish to include feral cat colonies under this section code; therefore their proposal exempts Animal Services from having the authority to revoke permission for a registered colony under certain circumstances on a complaint basis.	Council staff included feral cat colonies as part of Section 8.04.210 Emergency Suspension of permits which will give authority for Animal Control to revoke permission for a registered colony under certain circumstances on a complaint basis.
Appendix A – Permits and Fees		
Feral cat colony permit \$25 (annual)	Feral cat colony registration fee \$5 (<u>one-time</u> fee)	Feral cat colony registration fee \$5 <u>annual</u> fee Note: Council staff recommends the fee to be annual rather than a one-time fee.

SLC 2007 TNR Overview

Holly Sizemore

No More Homeless Pets in Utah (NMHPU)

Numbers of cats fixed by NMHPU in SLC Jan-October 2007= **536**

56 kittens removed, tamed and placed by Community Animal Welfare Society. **10 cats** relocated to barn settings.

Successes

- Goal of 450 cats exceeded.
- Article in SLC newsletter generated positive public interest and calls for service.
- Positive results from referrals by Salt Lake County Animal Services.
- Shon Hardy, SLCAS Field Supervisor personally referred a few cat situations to us which had positive outcomes. One situation, the complainant was very happy with the cat deterrents provided by NMHPU and the caregiver willing to do TNR. Another situation resulted in a tipped-eared cat being saved from euthanasia and relocated to a farm in Oklahoma.
- One instance a cat with a tipped ear was returned to a registered caregiver thanks to Shon contacting the registrant directly-no involvement from NMHPU!
- Public feedback was very positive-many people expressed thanks and much gratitude for this service.

Challenges

- Of the 536 cats fixed, **fewer than 50 of them** were the result of a SLCAS referral. Seven members of the public indicated they were referred by someone they spoke to on the phone with SLCAS, a woman in all cases. No known referrals from field officers. As mentioned above, Shon Hardy did contact us directly on four situations with positive results. These four referrals were the only "cat problem" areas given to us by SLCAS.
- Early on, a participating veterinarian ear-tipped a previously neutered, microchipped cat. The veterinarian was not successful in tracing the microchip and made the decision to ear-tip the cat. The cat was then returned and the cat's owner was very upset. We quickly reiterated our policy to the vet clinic that no previously fixed/microchipped cat should be ear-tipped. Another nine truly feral and unfixed feral cats were fixed and tipped from that neighborhood.
- Field officers at SLCAS did not seem to have a working knowledge of the program. I asked one officer (I was speaking to him on the phone about an unrelated issue) how he felt people were reacting to the option of Trap/Neuter/Return, he responded with confusion. When I went into a bit more detail, he acknowledged that he had some materials about the program in the truck but he certainly was not well-familiar with the program. This was summer 07.

- Public mistrust about registering with animal control was paramount. Especially since the ordinance was sunsetted, the public was scared to disclose the whereabouts of their cats with the possibility of the cat's losing their lives if the ordinance wasn't continued.
- 536 cats, although a great accomplishment isn't enough volume to make a statistical impact on intake figures.

Recommendations

- Designate NMHPU as the agency with which the caregivers register.
- If Animal Services is uncomfortable with that idea, it is important to be patient and grow the community trust as success stories about how registering helps cats and cat caregivers become more commonplace in the community.
- NMHPU conduct two staff trainings about the program to SLCAS staff. One in the beginning of the year and one in late summer, to make sure the shelter staff understands the program and can see how their efforts to promote the program are making a difference.
- Put policy in place whereby NMHPU is quickly alerted by SLCAS to "hot spot" areas, areas from which cats are being trapped and impounded. For privacy reasons, exact addresses are not necessary, just a street. Then NMHPU can distribute information about TNR and talk to members of the targeted community. ***Targeting, using shelter referrals, is a vital part of any public/private TNR program.***
- NMHPU continue to provide informational packets (with postage) to SLCAS about TNR. SLCAS makes it policy to attempt to give or mail out the information to ALL feral/stray cat related inquiries. 2008 packets will include success stories involving registered caregivers and SLCAS.
- Quarterly meetings btw NMHPU and SLCAS administration.
- Quarterly statistical sharing btw. agencies on intake, redeemed, adopted, euthanized, and numbers of cats TNR'd.
- NMHPU will promote program via pre-approved press-releases, also highlighting the "community trust" aspect of the partnership.

Heartfelt thanks to SLC for the \$10,000 grant for the purpose of TNR. We anticipate fixing no fewer than 550 cats by year's end, thanks to this support.

If each one of the female cats fixed produced two litters over the next year (easy for a cat to do), at the average litter size of 5.4 kittens per litter, SLC just prevented the births of 1,215 surplus cats, in JUST one year. And the results are exponential!!! All for \$18.00 per cat investment.

No More Homeless Pets in Utah believes that with \$30,000 and strengthening of the partnership by implanting the above recommendations, we would see a 25 percent reduction in SLC cat intake by the end of 2008. WVC, after 3 years of a similar TNR program and a city investment of \$60,000 has seen over 30 percent reduction in cat intake and euthanasia.

NOV 14 2007

COUNCIL TRANSMITTAL

TO: Lyn Creswell,
Chief Administrative Officer

DATE: November 13, 2007

FROM: Gina Chamness, Administrative Analyst *GJC*

SUBJECT: Feral Cats Ordinance

STAFF CONTACT: Gina Chamness (535-7766)

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: none in the current year.

BACKGROUND/DISCUSSION:

In March of 2006, the Administration proposed a host of changes in the Animal Control code (Section 8). Among those changes was a provision relating to a feral cat colonization permit process and fee. In addition, the Administration recommended and the Council authorized, as a part of the FY 2006-07 budget, a \$10,000 contribution to No More Homeless Pets for a Trap Neuter Release (TNR) program for feral cats.

While many of the Title 8 changes originally proposed by the Administration are currently pending with the Council, a provision authorizing feral cat colonization had to be approved in order for the Administration to contribute \$10,000 to No More Homeless Pets for the TNR program. Concerns about the permitting process were raised with the City Council, and a community working group suggested a feral cat colony registration process rather than a permit process. In addition, potential health concerns regarding feral cat colonization were raised.

In December of 2006, the City Council adopted an ordinance that implemented a registration system along with a \$5 fee per colony, provided authority for Animal Control to revoke permission for a registered colony in some circumstances, and added a clause that specified the ordinance would expire within one year unless extended by the City Council.

Since the ordinance was passed, 4 feral cat colonies have registered with Salt Lake County Animal Services, Salt Lake City's contractor for animal control, generating \$20 in fees. In addition, 1 cat has been returned to its owner as a result of the ear-tipping component of the TNR program.

RECOMMENDATION:

The Administration recommends the City Council make permanent the changes in Section 8 that were made in December of 2006.

No More Homeless Pets believes that public mistrust with the registration process has limited the number of feral cat colony registrations. Because the ordinance is set to expire, the public may be scared to disclose the location of colonies, fearing that if the ordinance expired, the cats could be removed and euthanized.

Because the City has not experienced any negative effects as a result of the registration process, and because the status of the 4 registered colonies would not be defined if the ordinance is allowed to expire, the Administration recommends the extension of the ordinance.

SALT LAKE CITY ORDINANCE
No. _____ of 2007~~6~~
(~~Feral Cats~~Sunset Clause Removal)

AN ORDINANCE AMENDING SECTION 8.04.010, *SALT LAKE CITY CODE*,
PERTAINING TO DEFINITIONS; ENACTING SECTION 8.04.135, *SALT LAKE CITY CODE*,
RELATING TO FERAL CAT COLONY REGISTRATION REQUIREMENTS; ENACTING
SECTION 8.04.136, *SALT LAKE CITY CODE*, RELATING TO MAINTAINING A
REGISTERED FERAL CAT COLONY – ADDITIONAL REQUIREMENTS; AMENDING
SECTION 8.04.150, *SALT LAKE CITY CODE*, RELATING TO COMMERCIAL AND PET
RESCUE PERMITS – FEE SCHEDULE; AMENDING SECTION 8.04.210, *SALT LAKE CITY
CODE*, RELATING TO COMMERCIAL ESTABLISHMENTS – EMERGENCY
SUSPENSION OF PERMIT; AND AMENDING SUBSECTION A OF APPENDIX A TO
TITLE 8, *SALT LAKE CITY CODE*, RELATING TO PERMITS AND FEES.

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Section 8.04.010, *Salt Lake City Code*, pertaining to definitions be,
and the same hereby is, amended to read as follows:

8.04.010 Definitions:

As used in this Title:

- A. "Abandonment" means: 1) placing an animal in an unsafe or dangerous environment
where the animal is separated from basic needs such as food, water, shelter or necessary medical
attention, for a period of longer than twenty four (24) hours; or 2) failure to reclaim an animal

seventy-two (72) hours beyond the time agreed upon with a kennel, grooming service, veterinary hospital, or animal shelter.

- B. "Allow", for the purposes of this ordinance, shall include human conduct that is intentional, deliberate, careless, inadvertent or negligent in relation to the actions of an animal.
- C. "Animal at large" means any domesticated animal, whether or not licensed, not under restraint as defined below.
- D. "Animal boarding establishment" means any establishment that takes in animals for board for profit.
- E. "Animal groomer" means any establishment maintained for the purpose of offering cosmetological services for animals for profit.
- F. "Animals" means any and all types of livestock, dogs and other nonhuman creatures, both domestic and wild, male and female, singular and plural.
- G. "Animal services" means the office referred to in section 8.04.020 of this chapter, or its successor.
- H. "Animal shelter" means a facility owned and/or operated by a governmental entity or any animal welfare organization that is incorporated within the state, used for the care and custody of seized, stray, homeless, quarantined, abandoned or unwanted dogs, cats, or other small domestic animals; or for the purpose of protective custody under the authority of this ordinance or state law.
- I. "Animal under restraint" means any animal under the control of its owner or person over the age of twelve (12) years having charge, care, custody or control of the animal, by means of:

1) a leash or lead not to exceed six feet (6') in length, 2) other physical enclosure, or 3) within the real property limits of the owner.

J. "Bite" means an actual puncture, tear or abrasion of the skin inflicted by the teeth of an animal.

K. "Carriage" or "horse drawn carriage" means any device in, upon, or by which any person is or may be transported or drawn upon a public way and which is designed to be drawn by horses.

L. "Carriage business" means any person offering to transport another person for any valuable consideration and by means of a horse drawn carriage.

M. "Cat" means any age feline of the domesticated types four (4) months of age or older.

N. "Cattery" means an establishment for boarding, breeding, buying, grooming or selling cats for profit.

O. "Commercial animal establishment" means any pet shop, grooming shop, animal training establishment, guard dog auction or exhibition, riding school or stable, zoological park, circus, rodeo, animal exhibition, or boarding or breeding kennel.

P. "Confinement" means that the animal is kept in an escape-proof enclosure or walked on a leash of not more than six feet (6') in length by a person eighteen (18) years of age or older.

Confinement does not restrict contact with other animals or humans.

Q. "Custodian" means a person having custody.

R. "Custody" means ownership, possession of, harboring, or exercising control over any animal.

S. "Dangerous animal" means any animal that is a hazard to the public health and safety.

- T. "Dog" means any *Canis familiaris* four (4) months of age or older.
- U. "Domesticated animals" means animals accustomed to live in or about the habitation of people, including, but not limited to, cats, dogs, fowl, horses, swine and goats.
- V. "Driver" means any person operating or in actual physical control of a horse-drawn carriage, or any person sitting in the driver's seat of such carriage with the intention of causing it to be moved by a horse.
- W. "Enclosure" means any structure that prevents an animal from escaping its confines.
- X. "Estray" or "stray" means any "animal at large", as defined herein.
- Y. "Euthanasia" means the humane destruction of an animal accomplished by a method approved by the most recent Report of the American Veterinary Medication Association Panel on Euthanasia.
- Z. "Feral cat" means any homeless, wild or untamed cat.
- AA. "Feral cat colony" means a group of homeless, wild or untamed cats living or growing together.
- BB. "Guard dog" means a working dog which must be kept in a fenced run or other suitable enclosure during business hours, or on a leash or under absolute control while working, so it cannot come into contact with the public.
- CC. "Holding facility" means any pet shop, kennel, cattery, grooming, riding school, stable, animal shelter, veterinary hospital, humane establishment, or any other such facility used for holding animals.
- DD. "Impoundment" means taken into the custody of an animal services agency, police department, or an agent thereof.

- EE. "Kennel" means an establishment having dogs for the purpose of boarding, breeding, buying, grooming, letting for hire, training for fee, or selling.
- FF. "Leash" or "lead" means any chain, rope or device used to restrain an animal, being no longer than six feet (6') in length.
- GG. "Owner" means any person having title to, or an ownership interest in, or custody of, or keeping, maintaining or possessing one or more animals. "Owner" does not include a feral cat custodian participating in a trap, spay/neuter, return or release program.
- HH. "Person" means a natural person or any legal entity, including, but not limited to, a corporation, firm, partnership or trust.
- II. "Pet" or "companion animal" means any animal of a species that has been developed to live in or about the habitation of humans, is dependent on humans for food and shelter, and is kept for pleasure rather than utility or commercial purposes.
- JJ. "Pet shop" means any establishment containing cages or exhibition pens, not part of a kennel or cattery, wherein dogs, cats, birds or other pets are kept, displayed or sold.
- KK. "Provoked" means any deliberate act by a person towards a dog or any other animal done with the intent to tease, torment, abuse, assault or otherwise cause a reaction by the dog or other animal; provided, however, that any act by a person done with the intent to discourage or prevent a dog or other animal from attacking shall not be considered to be a provocation.
- LL. "Quarantine" means the isolation of an animal in a substantial enclosure so that the animal is not subject to contact with other animals or persons not authorized by the Office of Animal Services.

MM. "Riding school or stable" means an establishment which offers boarding and/or riding instruction for any horse, pony, donkey, mule or burro, or which offers such animals for hire.

NN. "Service animal" means any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.

OO. "Set" means:

1. To cock, open or put a trap in such a condition that it would clamp closed when an object or person touches a triggering device; and/or
2. To place a spring-loaded trap which has been opened or fixed so that it would close upon the triggering device being touched upon the ground, or in a position where a person or animal could become caught therein.

PP. "Specialized equipment" is that equipment, other than the usual patrol vehicles of animal services, which is designed for specific purposes such as, but not limited to, livestock trailers and carcass trailers.

QQ. "Species subject to rabies" means any species that has been reported to the Center for Disease Control to have contracted the rabies virus and become a host for that virus.

RR. "Spring-loaded trap" means any clamp-like apparatus which is utilized to catch animals, objects or persons when, after being set and the triggering device being activated, clamp-like jaws are designed to come together with force so as to clamp or close upon an animal, person or object activating the spring or triggering device.

SS. "Stable" means any place or facility where one or more horses, ponies, donkeys, mules or burros are housed or maintained, and are offered for hire.

TT. "Veterinarian" means any person legally licensed to practice veterinary medicine under the laws of the State of Utah.

UU. "Vicious animal" means:

1. Any animal which, in a threatening or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places;
2. Any animal with a known propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or animals; or
3. Any animal which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal on public or private property.

VV. "Wild, exotic or dangerous animal" means any animal which is not commonly domesticated, or which is not native to North America, or which, irrespective of geographic origin, is of a wild or predatory nature, or any other animal which, because of its size, growth propensity, vicious nature or other characteristics, would constitute an unreasonable danger to human life, health or property if not kept, maintained or confined in a safe and secure manner, including hybrids, and animals which, as a result of their natural or wild condition, cannot be vaccinated effectively for rabies. Those animals, however domesticated, shall include, but are not limited to:

1. Alligators And Crocodiles: Alligators and crocodiles;
2. Bears (Ursidae): All bears, including grizzly bears, brown bears, and black bears;
3. Cat Family (Felidae): All except the commonly accepted domesticated cats, and including cheetahs, cougars, leopards, lions, lynx, panthers, mountain lions, tigers and wildcats;

4. Dog Family (Canidae): All except domesticated dogs, and including wolf, part wolf, fox, part fox, coyote, part coyote, dingo and part dingo;
5. Porcupines: Porcupine (erehizontidae);
6. Primate (Hominidae): All subhuman primates;
7. Raccoon (Prosynnidae): All raccoons, including eastern raccoons, desert raccoons and ring-tailed cats;
8. Skunks: Skunks;
9. Fish: Venomous fish and piranha;
10. Snakes Or Lizards: Venomous snakes or lizards;
11. Weasels (Mustelidae): All, including weasels, martins, wolverines, ferrets, badgers, otters, ermine, mink and mongoose, except that the possession of such animals shall not be prohibited when raised commercially for their pelts.

WW. "Work", with reference to a horse, means that the horse is out of the stable and presented as being available for pulling carriages; in harness; or pulling a carriage.

SECTION 2. That Section 8.04.135, *Salt Lake City Code*, pertaining to feral cat colony registration permit requirements be, and the same hereby is, enacted to read as follows:

8.04.135 Feral Cat Colony Registration – Requirements

It is unlawful for any person to maintain a feral cat colony without a registration. Unless prohibited by zoning or other ordinances or laws, any person over eighteen (18) years of age, shall register a feral cat colony with Salt Lake City or its designee provided:

- A. Cats have been sterilized, given their vaccinations as required and ear-tipped, or are being actively trapped so as to perform sterilization, vaccination and ear-tipping;

B. The Registrant retains a detailed description of each cat in the colony including vaccination history;

C. The Registrant obtains proof of property owner and/or landlord permission at the site that the colony is being maintained; and provides property owner/landlord with cat custodian contact information.

D. The Registrant fee is paid annually and in the event of transfer of responsibility to a new custodian.

SECTION 3. That Section 8.04.136, *Salt Lake City Code*, pertaining to maintaining a registered feral cat colony – additional requirements be, and the same hereby is, enacted to read as follows:

8.04.136 Maintaining a Registered Feral Cat Colony – Additional Requirements

Feral cat colony custodians shall:

A. Take responsibility for feeding the cat colony regularly throughout the year, while ensuring that the feeding area(s) are secure from insect, rodent, and other vermin attraction and harborage;

B. Sterilize, vaccinate and ear-tip all adult cats that can be captured.
Implanting a microchip is recommended;

C. Remove droppings, spoiled food, and other waste from the premises as often as necessary and at least every seven (7) days, to prevent odor, insect or rodent attraction or breeding, or any other nuisance; and

D. Shall not relocate a cat colony or add a cat to an existing colony.

SECTION 4. That Section 8.04.150, *Salt Lake City Code*, pertaining to commercial and pet rescue permits – fee schedule be, and the same hereby is, amended to read as follows:

8.04.150 Permits/Registrations-Fee Schedule:

Fees for commercial operations (kennels, catteries, groomeries, pet shops, veterinary clinics or hospitals), pet rescue permits and feral cat colony registrations shall be as indicated in Appendix A of this Chapter.

SECTION 5. That Section 8.04.210, *Salt Lake City Code*, pertaining to commercial establishments – emergency suspension of permit be, and the same hereby is, amended to read as follows:

8.04.210 Emergency Suspension Of Permit/Registration:

Notwithstanding the other provisions of this Title, when the inspecting officer finds unsanitary or other conditions in the operation of feral cat colonies, pet rescue residence, kennels, catteries, groomeries, veterinary clinics or hospitals, riding stables, pet shops, or any similar establishments, which, in such officer's judgment, constitute a substantial hazard to the animal(s) and/or the public health, such officer may, without warning or hearing, issue a written notice to the permit or registration holder or operator citing such condition and specifying the corrective action to be taken. Such order shall state that the permit or registration is immediately suspended, and all operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith. Any animals at such facility may be confiscated by the Animal Services Office and impounded or otherwise provided for according to the provisions of this Title.

SECTION 6. That Subsection A of Appendix A to Title 8, *Salt Lake City Code*, relating to permit fees be, and the same hereby is, amended to read as follows:

APPENDIX A

SALT LAKE CITY ANIMAL SERVICES

ANNUAL PERMITS AND FEES

A. Permit Fees:

Commercial operations up to 30 animals	\$ 75.00
Commercial operations over 30 animals	150.00
Riding stables	40.00
Business selling only tropical or freshwater fish	50.00
Pet rescue permit	25.00
If issued at shelter's request	0.00
Feral cat colony registration	5.00
Late fee (in addition to regular fee)	25.00

~~SECTION 7. This ordinance shall expire one calendar year from the date hereof unless extended by ordinance enacted by the city council.~~

SECTION ~~§~~7. This ordinance shall take effect immediately upon the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____,

~~2006~~2007.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

ATTEST:

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 20067.
Published: _____.

\\Ordinance-06\Animal Services\Amending 8 040 010 et seq re Feral Cats (Version C - Community Input with Sunset Clause) - 12-13-06-clean

HB_ATTY-#2602-v1-Amending 8 040 010 feral cats final

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date 11/30/07

By [Signature]

SLC 2007 TNR Overview

Holly Sizemore

No More Homeless Pets in Utah (NMHPU)

Numbers of cats fixed by NMHPU in SLC Jan-October 2007= **536**

56 kittens removed, tamed and placed by Community Animal Welfare Society. **10 cats** relocated to barn settings.

Successes

- Goal of 450 cats exceeded.
- Article in SLC newsletter generated positive public interest and calls for service.
- Positive results from referrals by Salt Lake County Animal Services.
- Shon Hardy, SLCAS Field Supervisor personally referred a few cat situations to us which had positive outcomes. One situation, the complainant was very happy with the cat deterrents provided by NMHPU and the caregiver willing to do TNR. Another situation resulted in a tipped-eared cat being saved from euthanasia and relocated to a farm in Oklahoma.
- One instance a cat with a tipped ear was returned to a registered caregiver thanks to Shon contacting the registrant directly-no involvement from NMHPU!
- Public feedback was very positive-many people expressed thanks and much gratitude for this service.

Challenges

- Of the 536 cats fixed, **fewer than 50 of them** were the result of a SLCAS referral. Seven members of the public indicated they were referred by someone they spoke to on the phone with SLCAS, a woman in all cases. No known referrals from field officers. As mentioned above, Shon Hardy did contact us directly on four situations with positive results. These four referrals were the only "cat problem" areas given to us by SLCAS.
- Early on, a participating veterinarian ear-tipped a previously neutered, microchipped cat. The veterinarian was not successful in tracing the microchip and made the decision to ear-tip the cat. The cat was then returned and the cat's owner was very upset. We quickly reiterated our policy to the vet clinic that no previously fixed/microchipped cat should be ear-tipped. Another nine truly feral and unfixed feral cats were fixed and tipped from that neighborhood.
- Field officers at SLCAS did not seem to have a working knowledge of the program. I asked one officer (I was speaking to him on the phone about an unrelated issue) how he felt people were reacting to the option of Trap/Neuter/Return, he responded with confusion. When I went into a bit more detail, he acknowledged that he had some materials about the program in the truck but he certainly was not well-familiar with the program. This was summer 07.

- Public mistrust about registering with animal control was paramount. Especially since the ordinance was sunsetted, the public was scared to disclose the whereabouts of their cats with the possibility of the cat's losing their lives if the ordinance wasn't continued.
- 536 cats, although a great accomplishment isn't enough volume to make a statistical impact on intake figures.

Recommendations

- Designate NMHPU as the agency with which the caregivers register.
- If Animal Services is uncomfortable with that idea, it is important to be patient and grow the community trust as success stories about how registering helps cats and cat caregivers become more commonplace in the community.
- NMHPU conduct two staff trainings about the program to SLCAS staff. One in the beginning of the year and one in late summer, to make sure the shelter staff understands the program and can see how their efforts to promote the program are making a difference.
- Put policy in place whereby NMHPU is quickly alerted by SLCAS to "hot spot" areas, areas from which cats are being trapped and impounded. For privacy reasons, exact addresses are not necessary, just a street. Then NMHPU can distribute information about TNR and talk to members of the targeted community. **Targeting, using shelter referrals, is a vital part of any public/private TNR program.**
- NMHPU continue to provide informational packets (with postage) to SLCAS about TNR. SLCAS makes it policy to attempt to give or mail out the information to ALL feral/stray cat related inquiries. 2008 packets will include success stories involving registered caregivers and SLCAS.
- Quarterly meetings btw NMHPU and SLCAS administration.
- Quarterly statistical sharing btw. agencies on intake, redeemed, adopted, euthanized, and numbers of cats TNR'd.
- NMHPU will promote program via pre-approved press-releases, also highlighting the "community trust" aspect of the partnership.

Heartfelt thanks to SLC for the \$10,000 grant for the purpose of TNR. We anticipate fixing no fewer than 550 cats by year's end, thanks to this support.

If each one of the female cats fixed produced two litters over the next year (easy for a cat to do), at the average litter size of 5.4 kittens per litter, SLC just prevented the births of 1,215 surplus cats, in JUST one year. And the results are exponential!!! All for \$18.00 per cat investment.

No More Homeless Pets in Utah believes that with \$30,000 and strengthening of the partnership by implanting the above recommendations, we would see a 25 percent reduction in SLC cat intake by the end of 2008. WVC, after 3 years of a similar TNR program and a city investment of \$60,000 has seen over 30 percent reduction in cat intake and euthanasia.

