

1 **BILL NO. 2012-7**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO REVISE THE REQUIREMENTS REGARDING THE RELEASE OF FERAL
4 CATS, AUTHORIZING THEIR RELEASE TO QUALIFYING FERAL CAT COLONIES, AND TO
PROVIDE FOR OTHER RELATED MATTERS.

5 Sponsored by: Councilwoman Lois Tarkanian Summary: Revises the requirements regarding
6 the release of feral cats, authorizing their release
to qualifying feral cat colonies.

7 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
8 AS FOLLOWS:

9 SECTION 1: Title 7, Chapter 4, of the Municipal Code of the City of Las Vegas,
10 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 155,
11 reading as follows:

12 **7.04.155:** “Central sponsor” means the sponsor designated as such under the provisions of
13 Section 7.22.050 or pursuant to an interlocal contract or cooperative agreement with another
14 jurisdiction regarding sponsors.

15 SECTION 2: Title 7, Chapter 4, of the Municipal Code of the City of Las Vegas,
16 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 235,
17 reading as follows:

18 **7.04.235:** “Ear tipped” and “tipped ear” refer to the process by which the tip of a cat’s ear is cut
19 to indicate that the cat has been sterilized and vaccinated against rabies.

20 SECTION 3: Title 7, Chapter 4, of the Municipal Code of the City of Las Vegas,
21 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 255,
22 reading as follows:

23 **7.04.255:** “Feral cat colony” or “colony” means a group of cats that congregates, more or less,
24 together as a unit, whether or not every cat in the colony is a feral cat.

25 SECTION 4: Title 7, Chapter 4, of the Municipal Code of the City of Las Vegas,
26 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 256,
27 reading as follows:

28 **7.04.256:** “Feral cat colony caretaker” or “colony caretaker” means any person who provides

1 food, water, shelter and medical care to and traps, sterilizes, and vaccinates a feral cat or cats and who
2 is approved by a sponsor to care for a feral cat colony.

3 SECTION 5: Title 7, Chapter 4, of the Municipal Code of the City of Las Vegas,
4 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 325,
5 reading as follows:

6 **7.04.325:** "Nuisance," with respect to a stray animal or feral cat, refers to behavior that:

7 (A) Disturbs the peace through habitual or continual howling or fighting; or

8 (B) Consists of habitual and significant destruction, desecration or soiling of
9 property against the wishes of the owner of the property.

10 SECTION 6: Title 7, Chapter 4, of the Municipal Code of the City of Las Vegas,
11 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 425,
12 reading as follows:

13 **7.04.425:** "Sponsor" means any animal rescue or humane society that agrees to comply with the
14 requirements for sponsors of feral cat colonies pursuant to Chapter 7.22 or pursuant to an interlocal
15 contract or cooperative agreement with another jurisdiction regarding such sponsors.

16 SECTION 7: Title 7, Chapter 4, of the Municipal Code of the City of Las Vegas,
17 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 435,
18 reading as follows:

19 **7.04.435:** "TNR program" means a "trap, neuter and return" program in which feral and stray cats
20 are humanely trapped, sterilized, vaccinated against rabies, ear tipped, and then returned to the
21 location that is their "territory" in accordance with Chapter 7.22 or pursuant to an interlocal contract
22 or cooperative agreement with another jurisdiction regarding sponsors.

23 SECTION 8: Title 7, Chapter 20, Section 35, of the Municipal Code of the City of
24 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **7.20.035:** (A) Notwithstanding any other provision of this Title, a duly recognized animal
26 welfare society, humane organization or animal clinic, in order to encourage the stabilization of the
27 feral cat population in the City, may, at its own expense, do the following with respect to a feral cat:

28 (1) Trap the animal in a humane manner;

- 1 (2) Have the cat properly sterilized and vaccinated for rabies; and
- 2 (3) Release the cat either:
- 3 (a) To an Animal Control Officer for adoption or other disposition
- 4 in accordance with law, or
- 5 (b) To a [responsible person who] feral cat colony whose sponsor
- 6 qualifies and is registered pursuant to Chapter 7.22 or pursuant to an interlocal contract or cooperative
- 7 agreement with another jurisdiction regarding sponsors and is willing to:
- 8 (i) On a regular and ongoing basis, provide the cat with
- 9 food, water, shelter and, when necessary, medical care;
- 10 (ii) Maintain a record of the cat's sterilization and
- 11 vaccination; [and]
- 12 (iii) Revaccinate the cat for rabies in accordance with Section
- 13 7.12.030 and provide other vaccinations as may be required by the Health Officer according to
- 14 veterinarian recommendation[.];
- 15 (iv) Maintain a photograph of the cat; and
- 16 (v) Maintain no more than twelve feral cats within the feral
- 17 cat colony.

18 (B) The licensing requirements of this Title shall not apply to any cat that has been

19 released pursuant to Subsection (A) and to the extent that:

20 (1) The releasing organization has notched the ear of the cat or otherwise

21 identified it as a feral cat that has been properly sterilized and vaccinated;

22 (2) The releasing organization has created and maintains a record of the

23 release, and has notified the Animal Regulation Officer in writing of the location of the cat and to

24 whom it was released, unless it was released to the Animal Regulation Officer; and

25 (3) The person to whom the cat is released maintains and makes available

26 for inspection, upon request, a record of the cat's sterilization and vaccination.

27 (C) The Animal Control Officer may impound any feral cat if:

28 (1) The cat poses a threat to public safety or health by reason of a disease

1 or condition which may be transmitted to other animals or humans;

2 (2) The [cat becomes a public nuisance as described in] the behavior of the
3 cat would subject its owner to liability under Chapter 7.36; or

4 (3) With respect to that cat, the releasing organization or the person to
5 whom the cat is released fails to comply with the requirements of this Section.

6 (D) If a feral cat that has been released to a feral cat colony under this Section is
7 trapped and impounded within the City a second time after its release to the colony, as determined by
8 scanning for the implanted microchip, the Animal Regulation Officer may require that the cat not be
9 permitted to return to the colony.

10 SECTION 9: Title 7 of the Municipal Code of the City of Las Vegas, Nevada, 1983
11 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 22, consisting of
12 Sections 10 to 60, inclusive, reading as follows:

13 **7.22.010:** The purpose of this Chapter is to establish a mechanism by which feral cat colonies
14 may function within the City in conjunction with Section 7.20.035 and with other provisions of this
15 Title that might otherwise govern or apply. The Animal Regulation Officer may elect to:

16 (A) Use this Chapter independently;

17 (B) Have this Chapter be the basis for entering into an interlocal contract or
18 cooperative agreement with another jurisdiction regarding feral cat colonies and sponsors, following
19 which:

20 (1) The application of this Chapter will be superseded by the contract or
21 agreement; and

22 (2) The subject matter of this Chapter will be governed by that contract or
23 agreement; or

24 (C) Use this Chapter in connection and concurrently with such a contract or
25 agreement, with the means of doing so set forth in the contract or agreement.

26 **7.22.020:** Feral cat colonies shall be permitted, and feral cat colony caretakers shall be entitled,
27 to maintain and care for feral cats by providing food, water, shelter, medical care and other forms of
28 sustenance if the colonies are registered with the sponsor and if the colony caretakers take all

1 appropriate and available steps to meet the terms and conditions of this Chapter.

2 **7.22.030:** (A) It shall be the responsibility of a feral cat colony caretaker to:

3 (1) Register the feral cat colony with a sponsor;
4 (2) Take all appropriate and available steps to trap each feral cat in the
5 colony in order to have the cat sterilized, vaccinated for rabies, and ear tipped, and to monitor for new
6 feral cats that join the colony.

7 (3) Maintain rabies vaccination records for cats in to colony and include
8 them in the annual report provided to the central sponsor pursuant to this section;

9 (4) Keep a written census of the colony that describes each cat, its color,
10 breed and sex, and notes the dates it was taken to a veterinarian processing through a TNR program;

11 (5) Provide food, water, and, if necessary and feasible, shelter for the
12 colony;

13 (6) Keep in contact with its sponsor to report any illness, strange behavior
14 or missing feral cats in the colony;

15 (7) Report any kittens in the colony so they can be trapped after they are
16 weaned and to observe the mother feral cat so she can be trapped after the kittens are trapped;

17 (8) Acquire written approval of a property owner, or any authorized
18 representative of the owner of any property, if the colony caretaker requires access in order to provide
19 colony care;

20 (9) Limit the size of the colony to twelve cats; and

21 (10) Provide to the central sponsor an annual report regarding the colony.

22 The report shall be sent to the central sponsor by electronic mail, regular mail or by telephone. The
23 report must include without limitation the colony location; number of feral cats; number of kittens;
24 number of cats processed through TNR programs; number of deaths of feral cats; and the census
25 information required to be maintained by this Section.

26 (B) In the event that a feral cat colony caretaker is unable or unwilling to continue
27 to perform the responsibilities required by this Section, the colony caretaker shall give its sponsor a
28 minimum of thirty days written notice of its intention to cease being a colony caretaker for the feral

1 cat colony. The sponsor shall work to provide a replacement colony caretaker for the colony.

2 (C) A feral cat colony caretaker providing food, water and shelter to feral cats as
3 allowed by this Chapter shall not be considered to be violating the following provisions of this Title,
4 unless the colony caretaker's actions are determined to be more like the actions of an actual owner or
5 person in custody and control of the cats than a colony caretaker:

6 (1) Any limitations in Chapter 7.08 on the number of cats cared for; and

7 (2) The prohibitions of Chapter 7.36.

8 **7.22.040:** (A) Any animal rescue or humane society that agrees to assist the central sponsor
9 with the requirements of this Chapter shall be eligible to act as a sponsor. Any group intending to
10 undertake the responsibilities of a sponsor shall so advise the central sponsor in writing and provide
11 its address and telephone number (and email address if available).

12 (B) It shall be the duty of a sponsor to:

13 (1) Review and, in its discretion, approve feral cat colony caretakers;

14 (2) Help resolve any complaints over the conduct of a feral cat colony
15 caretaker or of complaints about cats within a colony;

16 (3) Assist, if requested, the central sponsor in maintaining records provided
17 by the feral cat colony caretaker on the size and location of the colonies as well as the vaccination
18 dates, spay/neuter dates, and descriptions of each feral cat in the colony;

19 (4) Provide, at a minimum, written educational training for all feral cat
20 colony caretakers addressing uniform standards and procedures for feral cat colony maintenance;

21 (5) Report annually to the Animal Regulation Officer the number and
22 location by zip code of feral cat colonies for which it acts as sponsor with the approximate number
23 of cats in each colony;

24 (6) Provide documentation necessary to allow feral cat colony caretakers
25 to receive any public or private subsidies, medical care or other forms of assistance for their colonies;
26 and

27 (7) Provide to the Animal Regulation Officer the location of feral cat
28 colonies where feral cat colony caretakers have regularly failed to comply with this Chapter or where

1 the sponsor has been unable to resolve a behavior situation that constitutes a nuisance.

2 **7.22.050:** (A) If a cat or kitten with a tipped ear is trapped and turned into the Animal Control
3 Center, or to any other animal shelter or to an Animal Control Officer, the central sponsor shall be
4 notified by providing a description of the feral cat and the address, location or zip code where the cat
5 was trapped. The central sponsor shall then take all appropriate steps to take custody of the cat or
6 kitten within twenty-four hours. If the cat or kitten is known to have come from a particular colony,
7 the central sponsor shall attempt to identify the feral cat colony and the feral cat colony caretaker so
8 the cat can be returned to its colony, and shall provide the Animal Regulation Officer with
9 documentation to show the cat was vaccinated for rabies in compliance with this Chapter. The Animal
10 Control Center or other animal shelter shall not be required to hold cats with a tipped ear beyond the
11 applicable time limit established in the current shelter policy. Subject to the provisions of Subsection
12 (B), the sponsor shall be exempt from paying any charges or fees allowed to be imposed by the Animal
13 Control Center or other animal shelter in holding a feral cat with a tipped ear that is trapped or turned
14 in pursuant to this Section for the first instance of impoundment.

15 (B) If a feral cat that has been released to a sponsor or colony caretaker is
16 impounded following such release, the cat shall first be implanted with a microchip before its release
17 to a sponsor or colony caretaker, and the sponsor or colony caretaker shall be responsible for paying
18 the fees associated with the implantation before release of the cat. With respect to a feral cat that has
19 been trapped and turned in a second or subsequent time, and subject to the provisions of Section
20 7.20.035(D), the sponsor shall be responsible for all additional charges or fees charged by the Animal
21 Control Center or other shelter before the cat is released to the sponsor.

22 (C) If a feral cat that is not ear tipped is trapped and turned into the Animal Control
23 Center, any other animal shelter or to an Animal Control Officer, the cat must go through the regular
24 and usual adoption process if the cat is deemed adoptable.

25 (D) The Animal Regulation Officer shall designate a sponsor to function as central
26 sponsor under this Chapter.

27 **7.22.060:** (A) The Animal Regulation Officer or an Animal Control Officer shall have the
28 right to trap in a humane manner any cat that is deemed to be a threat to public health or safety. If a

1 licensed veterinarian decides that the cat is too ill or injured or that it has an illness that presents an
2 imminent danger to the public health or safety or to itself, or if the cat has bitten or scratched a human
3 being, the cat may be humanely euthanized. The central sponsor shall be notified of the cat's
4 description, sex, illness and disposition. If a cat is found to be healthy and no other issues of public
5 health or safety exist, the cat may be given to the central sponsor for return to its feral cat colony.

6 (B) The Animal Regulation Officer shall have the right to direct the central sponsor
7 to communicate to a feral cat colony caretaker that a feral cat is creating a nuisance. The complainant
8 must provide the Animal Regulation Officer with the address where the feral cat is creating a nuisance.
9 If the complainant desires, the name and address of the complainant may be given to the central
10 sponsor so prompt action can be taken. The central sponsor shall make every effort to resolve the
11 nuisance within thirty days of the notice being given unless the Animal Regulation Officer specifies
12 a longer time period. If the nuisance complaint cannot be resolved within the allowed time period,
13 the central sponsor shall direct the feral cat colony caretaker to remove the cat from the colony. If the
14 colony caretaker is unsuccessful at trapping the nuisance cat after the timeline previously set, the
15 central sponsor must notify the Animal Regulation Officer in writing requesting its assistance with
16 removal.

17 (C) The Animal Regulation Officer shall have the right to declare that a colony is
18 in a location that is hazardous to the health and safety of the public or the feral cat colony, or that a
19 colony is having an unacceptable negative impact on surrounding areas or their occupants. In either
20 event, the Animal Regulation Officer shall give written notice to the central sponsor, who must take
21 immediate action to trap and remove the colony with the cooperation of the feral cat colony caretaker.

22 (D) If a colony caretaker fails to perform any responsibility or duty required by this
23 chapter, the Animal Regulation Officer shall notify the central sponsor in writing of the violation and
24 provide the colony caretaker thirty days to become compliant. If the colony caretaker fails to comply,
25 the Animal Regulation Officer must notify the central sponsor who may move the non-compliance
26 problem to another colony caretaker or may, for just cause, remove the colony caretaker from the list
27 of approved colony caretakers. If no colony caretaker agrees to take on the feral cat colonies, the cats
28 in those colonies may be trapped and humanely euthanized.

1 SECTION 10: If any section, subsection, subdivision, paragraph, sentence, clause or
2 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
3 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
4 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
5 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
6 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
7 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
8 invalid or ineffective.

9 SECTION 11: Whenever in this ordinance any act is prohibited or is made or declared
10 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
11 required or the failure to do any act is made or declared to be unlawful or an offense or a
12 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
13 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
14 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
15 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

16 SECTION 12: All ordinances or parts of ordinances or sections, subsections, phrases,
17 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
18 1983 Edition, in conflict herewith are hereby repealed.

19 PASSED, ADOPTED and APPROVED this _____ day of _____, 2012.

20 APPROVED:

21
22 By CAROLYN G. GOODMAN, Mayor

23 ATTEST:

24 BEVERLY K. BRIDGES, MMC
25 City Clerk

26 APPROVED AS TO FORM:

27 Val Steed 1-18-12
28 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2012, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2012, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12

APPROVED:

13

14

By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16

BEVERLY K. BRIDGES, MMC
City Clerk

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