
SALT LAKE CITY COUNCIL STAFF REPORT

DATE: May 25, 2012

SUBJECT: Proposal to change sections of *Salt Lake City Code* to mirror SL County code relating to feral cat colonies

AFFECTED COUNCIL DISTRICTS: City-wide

STAFF REPORT BY: Jan Aramaki, Council staff member

ADMINISTRATIVE DEPT. AND CONTACT PERSON: Ann Ober and Randy Hillier;
Salt Lake County Animal Services, April Harris

NOTICE REQUIREMENTS: N/A

KEY ELEMENTS: (Proposed Ordinance Amendment)

Salt Lake County Animal Services is requesting that the Salt Lake City Council consider mirroring County code pertaining to feral cats¹ (unowned, free-roaming, wild or stray)². The County staff perceives that the County's current code relating to feral cat colonies has proven successful. By mirroring County code, the City would be eliminating the feral cat colony registration permit process, thus eliminating anyone from being responsible for maintaining a feral cat colony but the requirement for each cat to be sterilized and vaccinated in addition to being identified by ear-tipping will remain in place.

Currently, Sections 8.04.135, 8.04.136, and 8.04.150³ (adopted in 2006), *Salt Lake City Code*, require a person (custodian) who wishes to take care of a feral cat colony to obtain an annual feral cat registration for a fee of \$5. A custodian also takes responsibility for feeding the cat colony regularly throughout the year. Salt Lake County Animal Services, in collaboration with No More Homeless Pets in Utah/Best Friends Animal Society⁴, has recently communicated that by having a registrant responsible for feeding a feral cat colony appears to be contributing to the challenges with the increasing number of cats in a colony -- feeding areas are attracting more cats to join a feral colony.

The Administration is aware of this proposal. They are in the process of exploring the option to have City code mirror the County. However, the Administration wishes to have more time to evaluate various policy issues associated with this change prior to submitting their recommendation to the Council. Also, they wish to have sufficient time to conduct an outreach

¹ Attachment I - Salt Lake County Code, Chapter 8.13, pertaining to feral cats. Note: County's code contains Section 8.03.140, Feral cat colony permit, stating that it is unlawful for an individual to maintain a feral cat colony without a permit. Council staff's understanding is that April Harris plans to have the County remove this section to be in line with their proposal in asking the City to eliminate the feral cat registration process.

² No More Homeless Pets in Utah definition of a feral cat colony.

³ Attachment II, current Sections 8.04.135, 8.04.136, and 8.04.150 of *Salt Lake City Code* pertaining to feral cat colonies

⁴ No More Homeless Pets in Utah mission states: "to end the euthanasia of homeless dogs and cats statewide and to promote humane alternatives for feral cats."

effort to seek feedback from current feral cat colony registrants on this proposal. There are currently 79 feral cat colony registrations issued to Salt Lake City residents.

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 City⁵. 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)⁶, support services such as trap loans and vouchers for free or low cost spay/neuter services.” Funding has since been allocated annually as part of each fiscal year budget. For fiscal year 2012-13 budget, the Administration has budgeted \$20,000 in the Mayor’s Recommended Budget for No More Homeless Pets in Utah. However, if the Council approves mirroring County code pertaining to feral cats, the \$20,000 recommended for No More Homeless Pets in Utah would no longer be necessary. If the change is not made, or if the change is delayed, the full funding or some portion of the funding would need to be provided.

According to Salt Lake County Animal Services, if the City mirrors County code pertaining to feral cat colonies, feral cat custodians would not need to register with No More Homeless Pets in Utah. If the registration permit process is removed from *Salt Lake City Code*, SL County Animal Services (entity the City contracts with for animal services/enforcement) will no longer have to: 1) make an initial visit to the site to educate the applicant about the process involved; 2) inspect the property to ensure compliance has been made by the applicant according requirements listed in *Salt Lake City Code* prior to issuing permit; 3) conduct database entries associated with the permit process; and 4) contact registrants due to lack of information being provided to Animal Services (such as, detailed description of each cat in the colony).

If the permit process is discontinued, the County states they have the necessary staff resources to address feral cat colonies without having to increase costs associated with the contract between Salt Lake City and the County. They currently have a TNR specialist that does trapping and education in unincorporated County. This position is strictly funded by donations and grants. Under the proposed change, Animal Services states their TNR specialist would perform trapping on any locations that receive a complaint and No More Homeless Pets in Utah will continue to support them in providing education and implementing deterrent measures.

According to Animal Services, the Salt Lake County Valley Health Department (SLVHD) at one time expressed health concerns relating to feral cat colony feeding areas that could attract wildlife and rodents. In general, Council staff understands that the SLVHD is supportive of the TNR program since rabies vaccinations are provided to all cats which in turn decreases potential rabies exposure in the community.

⁵ Attachment III - Copy of the resolution (adopted by the City Council on June 6, 2006)

⁶ TNR is a humane and non-lethal approach to feral cat population control. It is a comprehensive management plan where healthy feral (free-roaming) cats are sterilized and vaccinated, then returned to their habitat and provided with long-term care. (Source: www.utahpets.org/nmhcms, definition courtesy of Alley Cat Allies.)

MATTERS AT ISSUE:

1. The Council may wish to ask SL County Animal Services for more information regarding how they can cover the costs associated with feral cat colonies without increasing Salt Lake City's contract with the County.
2. The Council may wish to discuss removing the \$20,000 allocated for No More Homeless Pets in Utah as recommended in the Mayor's budget while the feral cat ordinance amendment is pending from the Administration.

If the Council wishes to remove the \$20,000 allocation from the proposed budget, the Council may wish to discuss whether to dedicate six months funding in order to allow adequate time for the processing of the ordinance.

3. The Council may wish to ask SL County Animal Services what is entailed when they learn of an individual who is feeding feral cat colonies under County code?
4. The Council may wish to inquire with SL County Animal Services about the length of their grant funding that is used to employ their TNR specialist. Do they anticipate they will be able to keep their TNR specialist based upon donations alone if grant funding expires or what is the potential the City's contract could be impacted at a later point in time?

CHRONOLOGY:

- On December 11, 2007, the City Council adopted an ordinance to continue a feral cat colony registration process and \$5 registration fee by the removal of the one year sunset clause.
- On December 12, 2006, the City Council adopted into *Salt Lake City Code* an ordinance that pertains to feral cat colony registration process containing a one year sunset clause.
- On April 18, 2006, the City Council held a public hearing 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.
- 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, former 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. Former 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. City Council expressed support to lower the proposed \$25 fee to either \$10 or \$5.

Note: Currently, if a feral cat is brought into the shelter in a trap by a resident, the cat is sterilized, vaccinated and ear tipped with Animal Services covering the costs. However, if the County's TNR specialist goes out and traps and a cat is taken to an outside veterinarian clinic, a voucher from No More Homeless Pets in Utah covers the costs.

Salt Lake City was the first local municipality contracted with Salt Lake County Animal Services to implement a feral cat colony registration permit fee into city code. At that time, it was difficult to forecast how many feral cat permits would be issued for Salt Lake City; however, No More Homeless Pets in Utah reported at that time there were 40 Salt Lake City participants (caregivers) in 2004 who chose to participate in TNR.

- 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.

cc: David Everitt, Rick Graham, Ed Rutan, Gina Chamness, Ann Ober, Randy Hillier, Patrick Leary (SL County), April Harris (SL County), Anna Gonce (No More Homeless Pets in Utah), Kay Christensen, Jaysen Oldroyd, City Council Liaisons, Mayor Liaisons

ATTACHMENT I

Salt Lake County, Utah, Code of Ordinances >> Title 8 - ANIMALS >> Chapter 8.13 - FERAL CATS >>

Chapter 8.13 - FERAL CATS

Sections:

8.13.010 - Feral cats—Impoundment and disposition.

8.13.010 - Feral cats—Impoundment and disposition.

- A. Impounded cats identified as feral pursuant to this code of ordinances shall be held by Animal Services for the mandatory period set out in Section 8.07.050.A.
- B. At the end of the mandatory holding period, the feral cat shall be released within a reasonable proximity to where it was trapped or picked up.
 - 1. Each cat shall be sterilized, identified by "ear- tipping" and vaccinated (including rabies vaccination) prior to release.
 - 2. The release of a feral cat under the provisions of this section shall not be considered "abandonment" under the provisions of section 8.01.010.
- C. The director (or designee) has discretion to refuse release of a feral cat.

(Ord. No. 1684, § III, 10-12-2010)

ATTACHMENT I

8.03.140 - Feral cat colony permit.

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 the age of eighteen years of age, may obtain a feral cat colony permit upon:

- A.
Presenting proof that the cats in the maintained colony have been sterilized, given their initial vaccinations and ear-tipped or are being actively trapped so as to perform sterilization, vaccination and ear-tipping;
- B.
Presenting a detailed description of each cat in the colony with vaccination history;
- C.
Presenting proof of property owner and/or landlord permission at the site that the colony is being maintained; and
- D.
Providing contact information, in the event that complaints are received by the division concerning management of the colony.

(Ord. 1461 § 2 (part), 2000)

ATTACHMENT II

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. (Ord. 64-07 § 2, 2007: Ord. 87-06 § 2, 2006)

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) is 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. Not relocate a cat colony or add a cat to an existing colony. (Ord. 64-07 § 3, 2007: Ord. 87-06 § 3, 2006)

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 shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

ATTACHMENT III

RESOLUTION NO. _____ OF 2006
(ACCEPTING THE STUDY PERFORMED
IN COMPLIANCE WITH UTAH CODE SECTION 10-8-2
AND AUTHORIZING A \$10,000.00 CONTRIBUTION
TO NO MORE HOMELESS PETS IN UTAH TO SUPPORT
ITS "FERAL FIX PROGRAM" WITHIN SALT LAKE CITY

WHEREAS, the City Administration has recommended a contribution of \$10,000.00 from the City's Non-Departmental Budget to No More Homeless Pets in Utah to be used to support its "feral fix program" within Salt Lake City; and

WHEREAS, the City Council has received and reviewed a Study regarding said proposed contribution prepared by the City's Department of Management Services in compliance with the requirements of Utah Code Section 10-8-2, and public notice has been given at least 14 days prior hereto in a newspaper of general circulation within the City; and

WHEREAS, the Council has reviewed the Study, and has fully considered the analysis and conclusions set forth therein, and all comments made during the public hearing;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Salt Lake City, Utah:

1. The City Council hereby adopts the conclusions set forth in the Study, and hereby finds and determines that, for all the reasons set forth in the Study, the net value to be received by the City by making this grant will constitute adequate consideration, or equivalent value, both tangible and intangible, for the benefit being provided by the proposed contribution;
2. In the judgment of the City Council, this appropriation will provide for the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the inhabitants of Salt Lake City;
3. That \$10,000.00 be and is hereby appropriated from the City's Non-Departmental Budget to No More Homeless Pets in Utah to be used to support its "feral fix program" within Salt Lake City as described in the aforementioned Study.

Passed by the City Council of Salt Lake City, Utah, this _____ day of June, 2006.

SALT LAKE CITY COUNCIL

By _____
CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 4/21/2006
By [Signature]