

## **ORDINANCE NO. 2717**

### **AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS ADDING NEW CHAPTER 6.14 ENTITLED MANAGED CARE OF FERAL CATS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.**

**THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS, NEVADA, DOES  
ORDAIN:**

**SECTION 1:** Title 6 of the North Las Vegas Municipal Code of the City of North Las Vegas, Nevada is hereby amended by adding new Chapter 6.14 entitled Managed Care of Feral Cats:

#### **6.14.010 - Definitions.**

For the purposes of this chapter, the following terms shall have the meaning set forth in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, and words in the singular number include the plural.

- (a) "Animal control office" means the North Las Vegas animal control office designated to enforce the provisions of Title 6 of the North Las Vegas Code.
- (b) "Animal control officer" shall have the meaning found in Section 6.04.020 of this title.
- (c) "Central sponsor" means the sponsor to be notified under the provisions of Section 6.14.060 who is designated by the North Las Vegas City Council or its designee.
- (d) "Domesticated cat" means a cat that is socialized to humans and is appropriate as a companion for humans.
- (e) "Ear tipping" means straight-line cutting of the tip of the left or right ear of a cat while the cat is anesthetized and has been sterilized and given a rabies shot. A cat with a tipped ear is considered to be sterile and vaccinated against rabies.
- (f) "Feral cat" means a cat that is born in the wild or abandoned and is not socialized or appropriate as a companion for humans.
- (g) "Feral cat colony" or "colony" means a group of cats that congregates, more or less, together as a unit and, although not every cat in a colony may be feral, any cats that congregate with a colony shall be deemed to be a part of it.
- (h) "Feral cat colony caretaker" or "colony caretaker" means any person who provides food, water, shelter and medical care to and traps, sterilizes and vaccinates a feral cat or cats and who is approved by a sponsor to care for a feral cat colony.

- (i) "Nuisance" means conduct by stray or feral cats that disturb the peace by:
  - (1) Habitually or continually howling and fighting; or
  - (2) Habitually and significantly destroying, desecrating or soiling property against the wishes of the owner of the property.
- (j) "Owner" means any person who has a right of property in an animal, who keeps or harbors an animal, who has it in their care, who acts as its custodian, or who knowingly permits an animal to remain on any premises occupied by him or her. "Owner" does not include a feral cat colony caretaker.
- (k) "Sponsor" means any animal rescue or humane society that agrees to comply with the requirements for sponsors and that provides written notice to the animal control office that it will serve as a sponsor.
- (l) "Stray cat" means a cat that is regularly off the property of the owner, is not under the physical control and restraint of the owner, and is not regularly provided with food by its owner.
- (m) "TNR" means trap, neuter and return.
- (n) "TNR program" means a program in which feral and stray cats are humanely trapped, sterilized, vaccinated against rabies, ear tipped and optionally implanted with a microchip and then returned to the location that is their "territory" in accordance with this chapter.

#### **6.14.020 - Feral cat colonies.**

Feral cat colonies shall be permitted, and feral cat colony caretakers shall be entitled to maintain and care for feral cats by providing food, water, shelter, medical care and other forms of sustenance if the colonies are registered with the sponsor and if the colony caretakers take all appropriate and available steps to meet the terms and conditions of this chapter. Feral cat colonies shall be prohibited in any conservation area, state or national forest, wetlands, or any other lands managed for wildlife.

#### **6.14.030 - Feral cat colony caretakers.**

- (a) Feral cat colony caretaker responsibilities. It shall be the responsibility of a feral cat colony caretaker to:
  - (1) Register the feral cat colony with a sponsor;
  - (2) Take all appropriate and available steps to trap each feral cat in the colony in order to have the cat sterilized, vaccinated for rabies, ear tipped and optionally implanted with a microchip and to monitor for new feral cats that join the colony. The rabies vaccination shall be of a type which is effective for a minimum of three years. The colony caretaker must maintain rabies vaccination records and include them in the annual report provided to the central sponsor pursuant to this section;

- (3) Keep a written census of the colony that describes each cat, its color, breed and gender, and notes the dates it was taken to a veterinarian for TNR through a TNR program;
  - (4) Provide food, water and, if necessary and feasible, shelter for the colony;
  - (5) Keep in contact with its sponsor to report any illness, strange behavior or missing feral cats in the colony;
  - (6) Report any kittens in the colony so they can be trapped after they are weaned and to observe the mother feral cat so she can be trapped after the kittens are trapped;
  - (7) Acquire written approval of a property owner, or any authorized representative of the owner of any property, if the colony caretaker requires access in order to provide colony care; and
  - (8) Report annually to the central sponsor on the colony including, but not limited to the following information: its location; the number of feral cats; the number of kittens; the number of TNRs done through TNR programs; and the number of deaths of feral cats. This information, along with the changes to the written colony census required to be maintained by this section, shall be sent to the central sponsor either by electronic mail or regular mail or provided by telephone.
- (b) In the event that a feral cat colony caretaker is unable or unwilling to continue to perform the responsibilities required by this section, the colony caretaker shall give its sponsor a minimum of thirty days written notice of its intention to cease being a colony caretaker for the feral cat colony. The sponsor shall work to provide a replacement colony caretaker for the colony.
- (c) A feral cat colony caretaker in compliance with the terms and conditions of this chapter shall be exempt from the provisions of Chapter 6.08 and Chapter 6.16 that impose requirements on owners of animals and persons having custody of animals.
- (d) A feral cat colony caretaker providing food, water and shelter to feral cats as allowed by this chapter shall not be considered to be violating the restriction imposed by Section 6.08.030 on the number of cats that may be kept at any one place, or on any premises, or in any one residence without a permit unless the colony caretaker's actions are determined by the Animal Control Office to be more like the actions of an actual owner or person in custody and control of the cats than a colony caretaker. Any determination in this regard is appealable to the City Council.

#### **6.14.040 - Sponsors.**

- (a) Any animal rescue or humane society that agrees to assist the central sponsor with the requirements of this chapter shall be eligible to act as a sponsor. Any group intending to undertake the responsibilities of a sponsor shall so advise the central sponsor in writing and provide its address and telephone number and e-mail address if available.
- (b) Sponsor requirements. It shall be the duty of the sponsor to:
  - (1) Review and, in its discretion, approve feral cat colony caretakers;
  - (2) Help resolve any complaints over the conduct of a feral cat colony caretaker or of complaints about cats within a colony;
  - (3) Assist, if requested, the central sponsor in maintaining records provided by the feral cat colony caretaker on the size and location of the colonies as well as the vaccination dates, spay/neuter dates, and descriptions of each feral cat in the colony;
  - (4) Provide, at a minimum, written educational training for all feral cat colony caretakers addressing uniform standards and procedures for feral cat colony maintenance;
  - (5) Report annually to the animal control office the number and location of feral cat colonies for which it acts as sponsor with the approximate number of cats in each colony;
  - (6) Provide documentation necessary to allow feral cat colony caretakers to receive any public or private subsidies, medical care or other forms of assistance for their colonies; and
  - (7) Provide to the animal control office the location of feral cat colonies where feral cat colony caretakers have regularly failed to comply with this chapter or where the sponsor has been unable to resolve a behavior situation that constitutes a nuisance.

#### **6.14.050 - Disposition of feral cat colony cats.**

- (a) If a cat or kitten with a tipped ear is trapped and turned into the Lied Animal Shelter or any other animal shelter or to an animal control officer, the shelter or the animal control office shall notify the central sponsor giving it the description of the feral cat and the address or location where the cat was trapped. The Lied Animal Shelter or other animal shelter shall only hold cats with a tipped ear for the time limit established in the current shelter policy. The sponsor shall then take all appropriate steps to take custody of the cat or kitten within twenty-four hours. The sponsor shall be exempt from paying any charges or fees allowed to be imposed by the Lied Animal Shelter or other animal shelter in holding a feral cat with a tipped ear that is trapped or turned in pursuant to this section in the first instance of impoundment; however, if the same feral cat is trapped and turned in a second or subsequent time, all additional charges or fees must be paid

prior to releasing the cat to the sponsor. If the feral cat is ear tipped, the central sponsor shall attempt to identify the feral cat colony and the feral cat colony caretaker so the cat can be returned to its colony and provide the animal control office with documentation to show the cat was vaccinated for rabies in compliance with this section.

- (b) If a feral cat that is not ear tipped is trapped and turned into the Lied Animal Shelter or any other animal shelter or to an animal control officer, the cat must go through the regular and usual adoption process if the cat is deemed adoptable.

**6.14.060 - Enforcement of provisions by the animal control office.**

- (a) The animal control office shall have the right to trap in a humane manner any cat that is deemed to be a threat to public health or safety. If a cat has bitten or scratched a human being, the cat shall be confined pursuant to Section 6.08.090 or 6.08.100, as appropriate. If a licensed veterinarian decides that the cat is too ill or injured or that it has an illness that presents an imminent danger to the public health or safety or to itself, the cat may be humanely euthanized. The central sponsor shall be notified of the cat's description, sex, illness and disposition. After the mandatory quarantine, if the cat is found to be healthy and no other issues of public health or safety exist, the cat may be given to the central sponsor for return to its feral cat colony.
- (b) The animal control office shall have the right to direct the central sponsor to communicate to a feral cat colony caretaker that a feral cat is creating a nuisance. The complainant must provide the animal control office with the address or location where the feral cat is creating a nuisance. If the complainant desires, the name and address of the complainant may be given to the central sponsor so prompt action can be taken. The central sponsor shall make every effort to resolve the nuisance within thirty days of the notice being given unless the animal control office specifies a longer time period. If the nuisance complaint cannot be resolved within the allowed time period, the central sponsor shall direct the feral cat colony caretaker to remove the cat from the colony. If the caretaker is unsuccessful at trapping the nuisance cat after the timeline previously set, the central sponsor must notify the animal control office in writing requesting its assistance with removal.
- (c) The animal control office shall have the right to declare that a colony is hazardous to the health and safety of the public, or is in a location that is hazardous to the health and safety of the feral cat colony. The office shall give written notice to the central sponsor who must take immediate action to trap and remove the colony with the cooperation of the feral cat colony caretaker. If the central sponsor and/or the colony caretaker is

unsuccessful at removing the colony, the central sponsor must notify the animal control office in writing requesting its assistance with removal.

- (d) If a caretaker fails to perform any responsibility or duty required by this chapter, the animal control office shall notify the central sponsor in writing of the violation and provide the caretaker thirty days to become compliant. If the caretaker fails to comply, the animal control office must notify the central sponsor who may move the non-compliance problem to another caretaker or may, for just cause, remove the caretaker from the office's list of approved caretakers. The caretaker removed from the list has the right to petition the City Council or its designee regarding its removal and reinstatement. If no caretaker agrees to take on the feral cat colonies, the cats in those colonies may be trapped and humanly euthanized.

#### **6.14.070 - Successor to Lied Animal Shelter.**

In the event another facility is designated by the county to replace the Lied Animal Shelter as the facility for the receiving and holding of animals, that successor animal shelter facility shall assume the responsibilities of the Lied Animal Shelter under this chapter.

#### **6.14.080 - Applicability of chapter.**

The provisions of this chapter are applicable only to the City of North Las Vegas.

**SECTION 2: NON-INFRINGEMENT OF RIGHTS.** The City Council of the City of North Las Vegas has been informed by the City Attorney as to the constitutionality of this ordinance and based upon such information we are adopting this ordinance in good faith with a reasonable belief that the actions taken by the City of North Las Vegas are not in violation of any rights, privileges or immunities secured by the laws providing for equal rights of citizens or persons.

**SECTION 3: EFFECTIVE DATE.** This ordinance shall become effective after its passage by the City Council of the City of North Las Vegas, and after such passage by the City Council, publication once by title in a newspaper qualified pursuant to the provisions of Chapter 238 of the Nevada Revised Statutes, as amended from time to time.

**SECTION 4: PUBLICATION.** The City Clerk shall cause this ordinance, immediately following its adoption, to be published once by title, together with names of the council members voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of the Nevada Revised Statutes, as amended from time to time.

PASSED AND ADOPTED ON THE 17<sup>TH</sup> DAY OF JUNE, 2015.

AYES: Mayor Lee, Mayor Pro Tempore Wood, Council Members  
Goynes-Brown, Wagner and Barron

NAYS: (None)

ABSENT: (None)

ABSTAIN: (None)

APPROVED:

/s/ John J. Lee  
John J. Lee, Mayor

ATTEST:

/s/ Barbara A. Andolina  
Barbara A. Andolina, City Clerk