



STAFF REPORT

To: Summit County Council
From: Stacy Gunn, Animal Control Director
Helen Strachan, Civil Attorney
Janna Young, Deputy County Manager
Date of Meeting: November 17, 2021
Type of Item: Consideration and Possible Approval of a Community Cat Ordinance
Process: Regular Session

Requested Council Action

Approve an ordinance establishing a community cat pilot program.

Background

Local animal rescue organizations have contacted Summit County Animal Control with strong interest in allowing community cats within Summit County as a humane way to manage the feral cat population.

Ten years ago, the Utah State legislature passed a law allowing a county or municipality the ability to permit "community cats."

Community cats are feral (defined in state law as an animal that is normally domesticated but has reverted to the wild) or free-roaming cats that are essentially strays (they have not been microchipped and have no tags). Under Utah state code, these cats have a sponsor who is responsible for getting such cats sterilized, vaccinated, and ear-tipped (which means removing approximately a quarter inch off the tip of a cat's left ear while the cat is anesthetized for sterilization) and then returning the cat to where they were originally found. A "community cat caretaker," who is not considered the cats' owner, is responsible for providing food, water, or shelter to a community cat or a colony of community cats.

Community cat programs implemented in other municipal jurisdictions across the state and country have been successful in allowing feral/free-roaming cats to continue to live in the wild while protecting the community against unsterilized, unvaccinated cats. With such a program in place, cats received by Animal Control could be released prior to the five-day hold, as required under the County's code, to a community cat sponsor. Community cats are exempt from licensing requirements. They are not considered to be

owned by anyone but are considered to be the responsibility of whomever has taken on the role of cat caretaker or sponsor.

Annually, Summit County receives on average around 380 cats in the County shelter either from residents who trap or surrender them, or from animal control traps, which are placed at the request of the property owner. The Animal Control shelter staff work hard to either transfer those cats to animal rescue organizations or adopt them out to families. Some of the cats that come into the County's shelter are ill and die while in the shelter or have to be euthanized due to disease. Others are deemed vicious per the definition in County code and are euthanized.

Currently, Summit County's Animal Control Code does not allow or permit community cats. It would require action by the County Council to change the County Code allowing for community cats in Summit County.

On May 12, 2021, Staff presented to the Council in work session the concept of community cats, what other municipal jurisdictions in Utah are doing on this issue, how Animal Control currently handles feral cats, and the pros and cons of allowing community cats in Summit County. At that meeting, the Council expressed interest in a community cat pilot program to see how it would work in Summit County, the level of interest in the community in having community cats, and to collect data to inform future decisions and next steps regarding feral and free-roaming cats. The Council directed Staff to come back with an ordinance for the Council to consider.

In collaboration with representatives from Nuzzles and Co. and the Humane Society of Utah, Staff has drafted an ordinance that would establish a pilot program through December 31, 2023 (attached).

The ordinance is structured to allow anyone who wants to sponsor and care for community cats to have the opportunity to get a permit to do that as well as establishes some guardrails to keep cat populations in check, uphold due process rights of property owners and residents, and allow Animal Control to monitor community cat colonies. Staff felt these guardrails were necessary since by allowing community cats, Animal Control is agreeing to waive some enforcement authority. This structure is also intended to allow the County to collect data on community cats and how they are performing in Summit County to inform future decisions about feral and free-roaming cats.

In summary, the draft ordinance:

- Establishes a permit process for sponsors of community cats;
- Establishes a \$50 permit fee;

- Requires proof of vaccination, sterilization, and ear-tipping of community cats;
- Requires approval from the property owner of where the community cat colony will be located;
- Requires notification to adjacent property owners within 1,000 of where the community cat colony is proposed to be located;
- Requires a detailed description of each cat within the community cat colony;
- Prohibits anyone who has a history of animal abuse and/or neglect from being a community cat sponsor or caretaker
- Spells out roles and responsibilities and exemptions to Animal Control Code
- Allows for the Animal Control Director to not issue a community cat permit or revoke the community cat permit

Conclusion

Per Council direction, Staff has come up with a community cat pilot program and sought comment and feedback on the proposal from local animal rescue organizations. If adopted by the Council, the ordinance would go into effect 15 days after the date of its publication and be in effect until December 31, 2023. Staff believes this is sufficient time to collect the data needed on the program to analyze how it is going and what changes are needed.

Staff recommends the County Council approve the ordinance establishing a community cat pilot program in Summit County. If approved, Staff commits to presenting data and periodic updates on the progress of the program to the Council.

ORDINANCE NO. _____
AN ORDINANCE AMENDING ORDINANCE NO. 832 AND ADOPTING A PILOT
REGARDING COMMUNITY CATS

WHEREAS, in 2011, the Utah State Legislature adopted Utah Code, §11-46-301 et. seq., the “Community Cat Act,” which gives counties and municipalities that ability to create a permitting process for the care of feral or free-roaming cats; and

WHEREAS, the Summit County Council recognizes the possible benefits allowing community cats in Summit County to reduce the breeding and overpopulation of feral or free-roaming cats and to ensure the health and safety of feral or free-roaming cats; and

WHEREAS, the Summit County Council desires to amend its Animal Control Ordinance, No. 832 enacted on November 12, 2014 and adopt code language regarding community cats as allowed by Utah law on a pilot basis to determine whether such is of benefit to the County; and

NOW THEREFORE, the County Legislative Body of the County of Summit, State of Utah, hereby ordains as follows:

Section 1. Summit County Animal Control Code: The Summit County Animal Control Code is amended as depicted in Exhibit A.

Section 2: Effective Date: This Ordinance shall take effect fifteen (15) days after the date of its publication and shall be in effect until December 31, 2023.

APPROVED, ADOPTED, AND PASSED and ordered published by the Summit County Council, this ____ day of _____, 2021.

SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, UTAH

By Council Chair

ATTEST:

SUMMIT COUNTY CLERK

Date of Publication _____, 2021.

5-1-27: Community Cat Colonies

5-1-28: Violation

5-1-29: Severability

5-1-27: COMMUNITY CAT COLONIES

A. Definitions: In addition to the definitions in Section 5-1-1, as used in this part (5-1-27), the following definitions apply:

1. Community Cat: a Feral or free-roaming cat that is without visibly discernable or microchip owner identification of any kind, and has been sterilized, vaccinated, and has undergone Ear-tipping.
2. Community Cat Caretaker: any person other than an Owner who provides food, water, or shelter to a Community Cat or Community Cat Colony.
3. Community Cat Colony: a group of Community Cats that congregate together.
4. Ear-tipping: removing approximately a quarter-inch off the tip of a cat's left ear while the cat is anesthetized for sterilization.
5. Feral or free-roaming: a cat that is an un-owned domestic cat that lives outdoors and avoids human contact; it does not allow itself to be handled or touched, and usually remains hidden from humans.
6. Identification: as an ID tag or registered microchip, a collar alone is not considered identification.
7. Sponsor: any person or organization that traps Feral or free-roaming cats, sterilizes, vaccinates against rabies, and has them undergo Ear-tipping before returning them to the location where they were trapped. A Sponsor may be any animal humane society, non-profit organization, animal rescue, adoption organization, or a designated Community Cat Caretaker that also maintains written records on Community Cats.

B. Permit Required:

1. Sponsor Responsibilities: It is unlawful for any person to harbor a Community 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 become a Sponsor and obtain a Community Cat Colony permit subject to subsection (C) below. Prior to obtaining a permit, the applicant shall do the following:
 - i. fill out the required application form;
 - ii. pay the Community Cat permit fee of \$50.00 per colony;
 - iii. provide notice to adjacent property owners within 1,000 feet where the Community Cat Colony is proposed to be located. Said notice shall either be mailed to the record owner of each parcel or posted on the property proposed

for the Community Cat Colony with a sign of sufficient size, durability, print quality, and location that is reasonably calculated to give notice to passers-by. The applicant shall provide proof of noticing to the division of animal control;

- iv. present proof that the cats in the Community Cat Colony have been sterilized, given their initial vaccinations and received Ear-tipping or proof that they are being actively trapped so as to perform sterilization, vaccination and Ear-tipping (said proof must be presented to the divisions of animal control within thirty (30) days of permit issuance);
- v. present a detailed description of each cat in the Community Cat Colony with vaccination history;
- vi. present proof of property owner and/or landlord permission at the site that the Community Cat Colony is proposed to be located;
- vii. sign an acknowledgment that the Community Cats have been or will be released within $\frac{1}{4}$ of a mile of where they were initially found;
- viii. provide contact information for both the Sponsor and the Community Cat Caretaker (if different) in the event that complaints are received by the division of animal control concerning management of the Community Cat Colony; and
- ix. meet the requirements of Animal Control set forth below.

2. Additional Community Cats: After a Community Cat Colony permit is issued, additional Community Cats may be added to the Colony. The applicant shall, at the time of the request, provide to the division of animal control the information found in subsection B(1)(iv) and (v), above.
3. Animal Control Responsibilities: Prior to issuance of a Community Cat Colony permit, the division of animal control shall inspect the proposed Community Cat Colony location to determine whether the location is sufficient as determined by the division of animal control.
4. The Director of animal control has discretion to not issue a permit if he/she determines that the requirements of this Chapter have not been met.

C. Eligible Sponsors and Community Cat Caretakers: Sponsors and Community Cat Caretakers are not eligible to apply for or be issued a Community Cat Colony permit if they have known violations of law involving the abuse or neglect of animals.

D. Exemptions:

1. A Community Cat is:
 1. exempt from any licensing and kennel permitting set forth in this Chapter and
 2. may be exempt from the 5-day mandatory hold period set forth in Section 5-1-18(C)(1) and a cat received by the division of animal control may be released prior to the five-day hold period to a Sponsor that operates a Community Cat Colony.

2. Community Cat Caretakers and Sponsors are not considered Owners (as defined in Section 5-1-1) of any cat in a Community Cat Colony.

E. Revocation: A Community Cat Colony permit may be subject to revocation for violations of any applicable sections of this Chapter.

5-1-28: VIOLATION:

Unless otherwise specified in this chapter, any person violating the provisions of this chapter either by failing to do those acts required herein or by doing any act prohibited herein, shall be subject to a fine in an amount not to exceed one thousand dollars (\$1,000.00) or imprisoned in the Summit County Jail not to exceed six (6) months, or both such fine and imprisonment or such further fines and imprisonments provided for a class B misdemeanor pursuant to Utah state law. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. In addition, Summit County may also pursue civil remedies for any violation of this chapter.

5-1-29: SEVERABILITY:

If any provision, clause, sentence, or paragraph of this chapter or the application to any person or circumstance shall be held to be invalid, such invalidity shall not affect the other provisions or applications of this chapter which can be given effect independent from the invalid provision or application, and to this end the provisions of this chapter are hereby declared to be severable.