

BILL NO. 2019-0
ORDINANCE NO.

An Ordinance establishing City Code Title 5, Chapter 3, Article D an Ordinance establishing the City of Ely’s Trap, Neuter, Release program for feral cats.

WHEREAS, N.R.S. 266.105 empowers the Ely City Council to pass ordinances necessary for the municipal government and the management of the affairs of the City, for execution of all powers vested in the City, and for making effective the provisions of Chapter 266 of the Nevada Revised Statutes; and

WHEREAS, the Ely City Council has determined that a process of trapping, sterilizing, vaccinating for rabies, eartipping and returning cats to their original location is an effective and humane way to manage the population of cats with the City of Ely and unincorporated White Pine County; and

WHEREAS, the City of Ely and the County of White Pine, by and through their County Commission, have an interlocal agreement, pursuant to NRS 277 that allows the City to provide Animal Control services to the unincorporated County; and

WHEREAS, the City Council has determined that the process of Trap-Neuter-Release, is the preferred approach for managing the feral cat population and that Trap-Neuter-Release shall be the preferred method for disposition of any impounded community cats, provided there is grant funding available to provide these services.

NOW, THEREFORE, the City Council of the City of Ely DOES ENACT ELY CITY CODE TITLE 5, CHAPTER 3, ARTICLE C, AS FOLLOWS:

SECTION 1: ORDINANCE ENACTMENT

5-3C-1: DEFINITIONS

For purposes of this Section, the following terms shall have the following meanings:

- A. “*Community Cat*” shall mean a free-roaming cat who may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat may or may not be feral.

- B. “*Community Cat Caregiver*” shall mean a person who, in accordance with and pursuant to a policy of Trap-Neuter-Return, provides care, including, food, shelter or medical care to a community cat, while not being considered the owner, harbinger, controller, or keeper of a community cat.

- C. “*Eartipping*” shall mean the removal of the distal one-quarter of a community cat’s left ear, which is approximately 3/8-inch, or 1 cm, in an adult and proportionally smaller in a kitten. This procedure is performed under sterile conditions while the cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian. Eartips are designed to identify a community cat as being sterilized and lawfully vaccinated for rabies.

D. “*Trap-Neuter-Release*” shall mean the process of humanely trapping, sterilizing, vaccinating for rabies, eartipping, and returning community cats to their original location.

5-3C-2: PERMITTED ACTS. The following actions shall be permitted in the Animal Control Area as defined in 5-3B-1 as part of Trap-Neuter-Release program adopted herein, so long as there is grant funding available to provide these services:

A. Trapping, for the sole purpose of sterilizing, vaccinating for rabies, and eartipping community cats, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian, where applicable.

B. An eartipped cat received by Animal Control may be returned to the location where trapped unless veterinary care is required. A trapped eartipped cat will be released on site unless veterinary care is required.

C. Community cat caregivers are empowered to reclaim impounded community cats without proof of ownership solely for the purpose of carrying out Trap-Neuter-Release and/or returning eartipped community cats to their original locations.

D. A person who returns a community cat to its original location while conducting Trap-Neuter-Release is not deemed to have abandoned the cat.

E. Trap-Neuter-Release shall be the preferred disposition for impounded community cats. Animal Control is authorized and encouraged to conduct Trap-Neuter-Release, so long as there is grant funding available for the program, to utilize accepted volunteers who have been properly trained by the Animal Control Officer and to direct impounded community cats into the Trap-Neuter-Return program.

5-3C-3: COMMUNITY INVOLVEMENT.

A. In order for the Trap-Neuter-Release program to work, the community may contact the animal control officer for location of community cats. The Animal Control Officer will attempt to schedule the placement of traps within the area where community cats may be located.

B. In order to catch these community cats, property owners may have to grant the Animal Control Officer access to their property to place traps. Owners will be requested to contact the Animal Control Officer if there is a cat in the trap. If the cat is already eartipped, the Animal Control Officer shall release the cat at that location.

C. If the cat is not eartipped, the Animal Control Officer shall work with a local veterinarian to provide spay/neuter and rabies vaccination to the captured cat. Once the veterinarian has medically released the cat, it shall be returned to the same area where it was trapped, and it will be released.

D. Volunteers. The City intends to utilize volunteers to assist the Animal Control Officer in accomplishing the goals of this ordinance to the extent possible. Volunteers will be required to

submit an application to the City to work as a volunteer at the Animal Control Facility. The application will be reviewed by the City Clerk and Animal Control Advisory Committee. Selected volunteers will be required to attend training with the Animal Control Officer on how to complete the volunteer tasks assigned.

1. For liability purposes, volunteers must comply with certain rules on handling animals, including, community cats as part of this program.

2. Volunteers will be covered by worker's compensation in the event they are injured while assisting as a volunteer with the Animal Control Facility.

3. No volunteer may represent themselves as speaking for either the City of Ely or the Animal Control Facility. Volunteers must be mindful of responding to issues on social media regarding this program or any issue dealing with the City or Animal Control so as not to appear to be speaking in an official capacity. The City does not intend and no volunteer should be lead to believe they have a property interest in their volunteer work with the City. Volunteers are allowed to volunteer at the pleasure of the City Clerk and the volunteer may terminate their volunteer work at any time.

E. The Animal Control Officer, in conjunction with the Animal Control Advisory Board, are authorized to seek grant funding to perpetuate the Trap-Neuter-Release program in the Animal Control Area as defined by City Code 5-3B-1. Final approval of grant funding must be granted by the City Council during a properly noticed public meeting where the grant funding may be placed on the agenda and accepted, along with any specific terms and conditions of the awarding of the grant as required by the granting agency. The City Council does not require the Animal Control Officer or the Animal Control Advisory Board to seek permission to obtain grant funding, only permission to accept the grant funding.

5-3C-4: CRIMINAL PENALTY

Unless otherwise specified, any person who commits any act in violation of the provisions of this article, or fails to do any act required to be done pursuant to the provisions of this article, is guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00), imprisonment in jail for a period not to exceed six (6) months, or by both such fine and imprisonment. A mandatory minimum fine of two hundred and fifty dollars (\$250.00) for any violation not requiring a different minimum fine shall be imposed.

Section 2. Effective Date. This ordinance shall become effective twenty (20) days after its passage, approval and publication according to law.

Section 3. Proposing Parties. The foregoing ordinance was proposed by Councilman Tony DeFelice, at the regularly scheduled meeting of the Ely City Council on May 23, 2019, read by title and referred to the City Council of the City of Ely, as a committee of the whole.

Section 4. Notice. Notice of filing of such ordinance was duly given by publication as required by law.

Section 5. Reading.
adopted by the following vote:

It was read in full at the regular meeting on _____ and

VOTE:

AYES: _____

NAYES: _____

ABSENT: _____

Approved this _____ day of _____, 2019

MELODY VAN CAMP, MAYOR

ATTEST:

JENNIFER LEE, City Clerk

Approved as to form and content

Charles H. Odgers, Esq. City Attorney