



# REQUEST FOR COUNCIL ACTION

**Action:** Need Council to take action

**Meeting Date Requested** : 02/08/2023

**Presenter:** Alan Anderson

**Deadline of item** :

**Department Sponsor:** Council Office

**Agenda Type:** BUSINESS ITEM

**Time Requested:** 10 minutes presentation, 10 minutes council

*(Council may elect to provide more or less time)*

## 1. AGENDA SUBJECT

**Ordinance No. 23-06** proposed amendments to Nuisance Animals and Animal Licensing Provisions in West Jordan City Code Title 6, Chapter 3, Section 6-3B-3 and 6-3B-4

## 2. EXECUTIVE SUMMARY

At the October 26, 2022 Committee of the Whole Meeting, the City Council discussed the animal control ordinance and community cats program. Council requested several amendments and additional study of other issues detailed in the "other information" section below.

The Animal Control Division and Legal Department have studied the issues and included proposed code amendments consistent with the Committee of the Whole's requests.

## 3. TIME SENSITIVITY / URGENCY

No known deadlines, this is at the request of the majority of the Council.

## 4. FISCAL NOTE

Some issues requested staff study could have a budget impact. Details of those impacts are outlined in the "other information" section below.

## 5. PLANNING COMMISSION RECOMMENDATION

N/A

## 6. STAFF ANALYSIS

Staff analysis is outlined in the "other information" section below.

## 7. MOTION RECOMMENDED

N/A

## 8. MAYOR RECOMMENDATION

N/A

## 9. PACKET ATTACHMENT(S)

Ordinance No. 23-06  
Exhibit A – Redlined Amendment  
Minutes from October 26, 2022

## 10. OTHER INFORMATION

At the October 26, 2022 Committee of the Whole meeting, there was consensus from at least four Council members to support the following amendments:

1. Create a community cat caretaker permitting process as allowed by Utah Code 11-46-304.
2. Give the Animal Control Division discretion to not release community cats that they believe are diseased or would constitute a threat to the health, safety, or welfare of the community.
3. Prohibit a person from releasing a non-community cat into a community cat population.
4. Limit persons from owning, harboring, or licensing more than four cats.
5. Study the option to create a “sliding scale” or free sterilization program for cats. *(to be discussed as part of the Fee Schedule)*
6. Study the feasibility of installing informational signs on public property to request that individuals not feed community cats.

Each issue is addressed separately below:

1. Community Cat Caretake Permitting Program: The proposed city code amendment addressing this issue is located on lines 52-61 of Exhibit A to Ordinance No. 23-006. The proposal requires community cat caretakers to (1) pay a permitting fee in an amount to be set by the City Council and (2) either mail notice to property owners within a certain distance of the location where the community cat caretaking will occur, or place signage on the permittee’s property notifying the public of their community cat caretaking activity. The proposal also includes language establishing a duration the permit will remain valid. Utah Code § 11-46-304 authorizes the permitting of “community cat colonies,” not caretaking, but because no one “owns” or controls a colony and because colonies can move, it makes more sense to permit the caretaking of a colony base than to permit the colony itself which does not belong to any individual.

2. Discretion for not releasing trapped community cats. The proposed city code amendment addressing this issue is located on lines 35-38 of Exhibit A to Ordinance No. 23-006. It states: “The Animal Services Manager or their designee may refuse to release a community cat if in their determination the cat is carrying a disease or is a threat to the health, safety, or welfare of persons, property, or other domesticated animals.” This provision gives discretion to the Animal Services Manager or their designee because animal control officers have the requisite training, experience, and expertise required to make determinations discussed in the proposed code amendment.

3. Prohibition on releasing non-community cats into a community cat population. Staff studied the issue and concluded that releasing a non-community cat (i.e., a cat that was previously owned or adopted from an animal shelter) into a community cat colony is already prohibited by city code and therefore the amendment is not necessary. City Code 6-3D-10(F) makes it “unlawful for any person to abandon any animal within the city’s jurisdiction.” Releasing a cat into a community cat colony with no intent to retrieve the cat or continue to personally care for the released cat would constitute abandonment under the definition set forth in City Code 6-3A-1. Thus, there is already a criminal penalty that addresses this concern.

4. Prohibition on owning, harboring, or licensing more than four cats. The proposed amendment addressing this issue is located on lines 71-76 of Exhibit A to Ordinance No. 23-006. The proposed language simply mirrors the limitation placed on owning, harboring, or licensing dogs.

5. Feasibility of creating a sliding scale fee or free sterilization day for cats. Fees for sterilization services provided by the City is possible but will have a budget impact that is dependent on the actual cost of sterilization and fees set by the Council. However, if the intent of this proposal is to encourage more cat owners to sterilize their pets to reduce any breeding between owned cats and community cats, the reduced fee schedule likely will not resolve the problem. There is currently an extremely high demand for veterinary services, including sterilization surgeries. Reducing fees will not, in reality, result in more sterilizations as the City can currently hardly secure enough appointments to fulfill the sterilizations required by the City's trap, neuter, and return program for operation of its animal shelter. The only realistic way to increase the number of cats being sterilized would be to hire an inhouse veterinarian to provide the services, which would come with a significant budget impact.

6. Feasibility of posting signs requesting community cats not be fed. It is feasible to post signs in city parks and along city trails requesting community cats not be fed. However, doing so will come with some logistical hurdles and a cost. Logistical hurdles include determining where the signs should be located (i.e. which parks, trails, etc. are adjacent to or harboring a community cat colony), the number of signs needed in each location, and the duration signs should remain in place. The cost of such a program will fluctuate based on the number of signs needed. According to public works, the cost to create and install an 18 x 24 sign, similar to what the council described, would be approximately \$84.82 per sign and a half hour of labor per sign for installation. For Jordan River Parkway placement, it would require cooperation with Salt Lake County.