



BOARD OF COUNTY COMMISSIONERS

DATE: October 7, 2014

AGENDA ITEM NO. 21

Consent Agenda ☐

Regular Agenda ☒

Public Hearing ☐

 **County Administrator's Signature:**

Subject:

Approval of Authority to Advertise a Public Hearing Amending Chapter 14 of the Pinellas County Code Relating to Animals.

Department:

Safety and Emergency Services 

Staff Member Responsible:

Maureen Freaney, Director, Animal Services

Recommended Action:

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD) APPROVE A REQUEST FOR A PUBLIC HEARING TO BE HELD ON OCTOBER 21, 2014, FOR PROPOSED AMENDMENTS TO CHAPTER 14 OF THE PINELLAS COUNTY CODE RELATING TO ANIMALS, ADOPTING RULES APPLICABLE TO COMMUNITY CATS AND PROVIDING FOR A PILOT PROGRAM ALLOWING FOR THE TRAP/NEUTER/VACCINATE/RETURN (TNVR) OF CATS.

Summary Explanation/Background:

The Board discussed Trap/Neuter/Vaccinate/Return (TNVR) for cats at the September 10, 2013 Work Session. At that time the Board asked staff to work with interested stakeholders in developing a pilot program and bring forward proposed ordinance changes to support the effort.

At the August 19, 2014 Board meeting, the Board asked staff to simplify the pilot structure as much as possible while still maintaining appropriate standards to protect public safety, public health and animal welfare. The proposed ordinance outlines the responsibilities for a person providing care to a "community cat", including food and water. It also establishes an opportunity for organizations to work with the County to create programs to control and reduce feral and free-roaming cat populations on a countywide basis and educate the community on best practices for management of individual colonies.

Significant value was provided by working closely with the Managing and Ending Overpopulation Wisely (MEOW) Now Board, comprised of citizen advocates, SPCA Tampa Bay and Humane Society of Pinellas representatives. The MEOW Now Board has expressed support for the proposed ordinance changes.

If approved, the ordinance creating Section 14-37 will sunset on January 1, 2018 unless reviewed and saved from repeal by ordinance of the Board.

During the pilot period, Animal Services department staff will use the following metrics to assess the impact of the pilot program:

1. Number of cat nuisance complaints (Source – Pinellas County Animal Services)
2. Cat live intake statistics (Source – Pinellas County Animal Services)
3. Cat bites with recommended post-exposure and prophylactic treatment (Source - Pinellas County Health Department)
4. Number of colony and community cats in targeted area(s) reduced/stabilized (Source – MEOW Now)
5. Other scientific and/or applicable information as appropriate.

Staff recommends advertising the proposed ordinance changes for a public hearing on October 21, 2014.

Fiscal Impact/Cost/Revenue Summary:

None

Exhibits/Attachments Attached:

Proposed Ordinance

ORDINANCE NO. 14-_____

AN ORDINANCE OF THE COUNTY OF PINELLAS RELATING TO ANIMAL SERVICES; ADDING A NEW SECTION 14-37 REGARDING TRAP-NEUTER-VACCINATE-RETURN ACTIVITIES AND PROGRAMS AND PROVIDING FOR REPEAL OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE; PROVIDING FOR THE AREA EMBRACED; PROVIDING FOR FILING; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY THAT:

Section 1. Chapter 14 of the Pinellas County Code is hereby amended by adding Section 14-37 to read as follows:

Sec. 14-37 Trap-Neuter-Vaccinate-Return

- (a) Trap-Neuter-Vaccinate-Return (TNVR) activities and programs shall be authorized in Pinellas County in accordance with the provisions of this section. For the purposes of applying this section, the term "Community Cat" shall mean any feral or free-roaming cat that is cared for by one or more individual caregivers, provided that such cat shall be sterilized, vaccinated for rabies, and distinguished from other cats by being ear-tipped and tattooed.
- (b) A Community Cat cared for in accordance with this section shall not be subject to the license requirements of this code, and shall not be considered in violation of Sec. 14-33(b) or Sec. 14-63, regarding abandonment or cats at large.
- (c) If a Community Cat is impounded, it shall be held for at least seven (7) days including the day of impoundment. A caregiver may redeem a Community Cat within the holding period upon paying the fees and costs as established by the department in accordance with the requirements of this code. The first time a Community Cat is impounded, the Community Cat shall be microchipped and vaccinated for rabies in accordance with applicable law.
- (d) The following minimum standards and requirements shall apply to anyone providing care to a Community Cat:

1. All Community Cat locations must be maintained on the private property of the caregiver or on property belonging to another landowner with the landowner's permission. A Community Cat must not be released within 150 yards of any park, conservation land, beach, wildlife area, day care center, or elementary school.
 2. A person providing care to a Community Cat must provide the Community Cat with necessities on a regular and ongoing basis, including, but not limited to, proper nutrition and medical care. Food must be provided in a quantity adequate for the number of Community Cats being managed and is to be supplied no less than once per day. Food must be maintained in proper feeding containers and placed in a manner and for a duration that will not attract wildlife or other animals. Water must be provided and must be clean, potable, and free from debris and algae. Any person caring for a Community Cat must comply with applicable law, including laws governing animal neglect and cruelty, and the caregiver must not allow a Community Cat to suffer.
- (e) Any organization desiring to conduct a county-wide or targeted TNVR program ("TNVR Program") shall submit a proposal for the review of the Director, who shall have the authority to approve or deny such proposal. Any TNVR Program shall consist of an effort to control and reduce feral and free-roaming cat populations in Pinellas County by establishing and responsibly managing Community Cat populations in accordance with the requirements of this code and applicable law. If approved, the organization may conduct a TNVR Program in accordance with the requirements of this code, other applicable law, and the terms of their proposal. Any training provided as part of an approved TNVR Program should include training on (i) educating other citizens about Community Cats, (ii) maintaining a relationship with a veterinary provider to best address Community Cat needs, (iii) proper care and common diseases, including procedures for monitoring and managing zoonotic diseases and other infections in Community Cats, and (iv) best practices for management of individual Community Cats or colonies.
- (f) This ordinance, creating Section 14-37, shall stand repealed and shall be of no further force or effect on January 1, 2018, unless reviewed and saved from repeal by ordinance of the board of county commissioners.

Sec.s 14-38 - 14-45.-Reserved.

Section 2. Severability.

In the event that any court having jurisdiction over any case arising under this section determines that any subsection or other provision of this section is invalid for any reason, the remaining subsections or other provisions shall continue to be in full force and effect, and towards that end the Board of County Commissioners declares this section and its subsections and other provisions to be severable.

Section 3. Codification.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pinellas County Code; and that the sections of this Ordinance may be renumbered or re-lettered to conform to the uniform system of the Code, and the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

Section 4. Areas Embraced.

Pursuant to Section 2.01 of the Pinellas County Charter, this Ordinance shall be effective in the incorporated as well as unincorporated areas of the County.

Section 5. Filing of Ordinance; Effective Date.

Pursuant to Section 125.66(2), Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the Ordinance with the Department of State.

APPROVED AS TO FORM

By: _____

Office of County Attorney