

FERAL CAT COLONIES AND LAND USE IN SPARKS

**Why feral cat colonies are
a land use issue in Sparks**

Prepared by Chet Adams, Esq.
Sparks City Attorney
August, 2015

Purpose of Sparks' zoning code

To ensure "Compatibility" between adjacent land uses without unduly impacting each other (SMC 20.01.010)

Sparks' current zoning code places restrictions on animals in order to protect the public and to ensure "Compatibility" between adjacent land uses (SMC 20.29.010)

Washoe County Code Chapter 55 Creates a feral cat colony program within the City of Sparks

No locational restrictions or criteria placed upon feral cat colonies or practices in Sparks

Creates new liability issues for Spark's residents, business owners and the City

Washoe County does not have the legal authority/ability to rewrite the City's zoning laws (e.g. County cannot impose restrictions or allow different locations for gaming, residential development or signage within Sparks)

Washoe County Code conflicts with Sparks' current zoning laws

SMC 20.29 Currently defines, restricts and mitigates impacts on adjacent properties caused by domestic and "High Risk" animals

Washoe County Code specifically disclaims the non-domesticated nature of feral cats and has ignored the fact that feral cat colonies attract "High Risk" animals

Sparks Municipal Code defines feral animals as a distinct class of animals

The Washoe County Code creates a land use in Sparks that is neither contemplated nor approved by the City

By enacting the feral cat program and the attendant land uses contemplated by that program, Washoe County has usurped the City's' ability to regulate its land uses

Feral cat colonies should either 1) be prohibited as an impermissible land use or 2) regulated the same as any other land use in order to ensure “Compatibility” with surrounding parcels

Proposed Feral Cat Colony Restrictions

- 1. Absolutely no colonies established on public property, rights-of-way, parks etc.**
- 2. No colonies on commercial/gaming property**
- 3. Only allowed in certain zoning districts (determined by Planning Dept.)**
- 4. Feral cat colonies may only be established on private property with the express, written permission of the property owner**
- 5. Similar to Washoe County kennel and cattery permits, notification and written approval of surrounding land owners must be secured prior to the establishment of a feral cat colony.**
- 6. There will be a minimum lot requirement for the establishment of a feral cat colony (The minimum size of the lot will be determined by the City's Planning Department)**

Proposed feral cat colony restrictions (Cont.)

7. A distance requirement between colonies (1,500 feet from school zones, city parks etcetera; The final distances will be determined by the City's Planning Department)
8. The parcel boundaries containing the colony and the structures within the colony must be signed setting out the name, telephone number and electronic e-mail contact information of the person responsible for the colony.
9. WCRAS will use its best efforts to encourage the feral cat colony sponsor (as provided for in Washoe County Code Section 55.475) to relocate any colony that has either been abandoned or otherwise becomes a nuisance (as defined by Spark's ordinance) to the surrounding land owners.
10. WCRAS will provide a copy of any document in its possession that has been provided by any feral cat colony sponsor, as defined by Washoe County Code Section 55.010, and in accordance with Washoe County Code Section 55.475, that identifies or describes the location of feral cat colonies within the City of Sparks.