

A land use matter that infringes upon  
the constitutional rights of property  
ownership in Sparks

Washoe County's Feral Cat Colony  
Program

Prepared by: Chet Adams, Sparks City Attorney  
October, 2015

# Cats in Commercial Parking Lots



# Cats damage parked vehicles





# October 9, 2015

The screenshot shows a news website interface. At the top, there are navigation links for 'Home', 'News', 'Weather', 'Sports', 'As Seen on News 4', 'Politics', 'Business', 'Lifestyle Guides', 'Health', and 'Event Calendar'. Below this is a secondary navigation bar with 'City in Crisis', 'Local', 'Nevada', 'California', 'National', 'World', 'On Your Side', 'Bullying', 'Living with Drought', 'Off Beat', and 'Po'. A 'KARNV Resources' link is also present.

The main article is titled 'Ask Joe: Who can I call about feral cats?'. It features a video player with a play button icon. To the right of the video, it says 'Reported by: Joe Hart' and 'Email: jhart@mynews4.com'. There are buttons for 'Print Story', 'Share', 'Recommend' (with 3 people recommending it), and 'Tweet' (with 1 tweet). The article is dated 'Published: 10/09 9:56 pm' and 'Updated: 10/09 11:10 pm'.

The article text reads: 'RENO, Nev. (MyNews4.com & KARNV) – A frustrated News 4 viewer called in with a question about dealing with a feral cat in his neighborhood. Trevor Jensen says when he called Washoe County Animal Control for help dealing with feral cats, they told him to call the Nevada Humane Society.'

Below the article, there are several paragraphs of text: 'But when he called the Humane Society, they told him to call Animal Control.', 'Here's what I found out:', 'The definition of a feral cat is one that is born in the wild and really has no socialization skills. In some cases, they can be aggressive toward humans.', 'Feral cats are becoming a growing issue in some neighborhoods. Who's jurisdiction do they fall under?', 'I checked with Bobby Smith, the manager at Washoe County Animal Control. Smith said there is a relatively new county code that's been adopted that specifically says the Humane Society is in charge of trapping feral cats. Washoe county animal control no longer has the authority to do that.', 'I also called the Nevada Humane Society. I am waiting to hear back from them, but there is a program called Community Cats which is affiliated with the Humane Society and part of their mission is to trap feral cats, have them spayed or neutered and then return them back to the community.', 'Why our viewer was told by the Humane Society to call animal control is still the question.', 'But at least from what I've been able to find out, the Humane Society is the agency to call.'

On the right side of the page, there is a 'Most Popular' section with a list of headlines: 'Possibly 2 dead', 'Wolf Pack fresh', 'If Nev. teacher sh', '3 schools added', 'WCSO: Man four', 'NHP: 1 taken from', 'Video', '8-year-old Las V', '2 dead after plane crashes near Northern California house', 'Make-A-Wish Surprises Local Boy | Video', 'Southwest flights delayed due to technical issues', '16-year-old Idaho girl armed with knife stops alleged home intruder', 'Aerosmith frontman asks Donald Trump to stopping using song', 'VIDEOS: 'Back to the Future' anniversary celebration brings 'Jaws 19' trailer, Pepsi Perfect', 'Authorities seek info on incidents at Reno-Sparks connector project site', and 'Ask Joe: Who can I call about feral cats? | Video'.

At the bottom right, there is a weather widget for Reno, NV, showing a temperature of 81, wind of 6, humidity of 16%, and pressure of 30.11. The widget also includes a 'Now' button and links to 'Air', 'Almanac', 'Radar', '7 Day', and 'Sky Cam'.

A browser menu is open on the right side of the page, showing options like 'New tab', 'New window', 'New incognito window', 'History and recent tabs', 'Downloads', 'Bookmarks', 'Zoom', 'Print...', 'Find...', 'More tools', 'Edit', 'Cut', 'Copy', 'Paste', 'Settings', 'Help and about', and 'Exit'.

# Feral Cat Colonies in Sparks



Negative impacts on surrounding land owners/legal liability to City

# Feral Cat Fact sheet

## Feral Cats are an invasive species

The Wildlife Society; <http://wildlife.org/position-statements/>

## The average free roaming range for a feral cat is 149 acres

IL News Bureau; [http://news.illinois.edu/news/11/0526\\_cat\\_study\\_Horn-Mateus-Warner.html](http://news.illinois.edu/news/11/0526_cat_study_Horn-Mateus-Warner.html)

## Feral cats are, “a significant public health threat and are a source for several zoonotic diseases...”

Zoonoses Public Health, 2013 May, U.S. Natl' Library of Medicine; <http://www.ncbi.nlm.nih.gov/pubmed/22830565>

## Reported rabies in free roaming cats has increased while reports of rabies in dogs have decreased due to containment laws for dogs.

CDC. Compendium of animal rabies prevention and control  
[http://www.cdc.gov/mmwr/preview/mmwrhtml/rr6006a1.htm?s\\_cid=rr6006a1\\_w](http://www.cdc.gov/mmwr/preview/mmwrhtml/rr6006a1.htm?s_cid=rr6006a1_w)

## In order to be effective in feral cats, 3 yr. rabies vaccinations must be renewed @ 1 yr. and again @ 3yrs.

UC Davis vet med vaccination schedules;  
[http://www.vetmed.ucdavis.edu/vmth/small\\_animal/internal\\_medicine](http://www.vetmed.ucdavis.edu/vmth/small_animal/internal_medicine)

## Food @ feral cat colonies changes the natural pattern of wildlife & attracts foreign animal species

Urban Wildlife Research Project, Gregory Kerekes; <https://uwrp.wordpress.com/feeding-the-feral-a-study-on-feral-cats-environmental-impact/>



**Feral Cat Colony “Caretakers” cannot be held legally responsible for damages caused by their colonies**

***“Owner” does not include a feral cat colony caretaker  
(W.C.C. Section 55.010)***

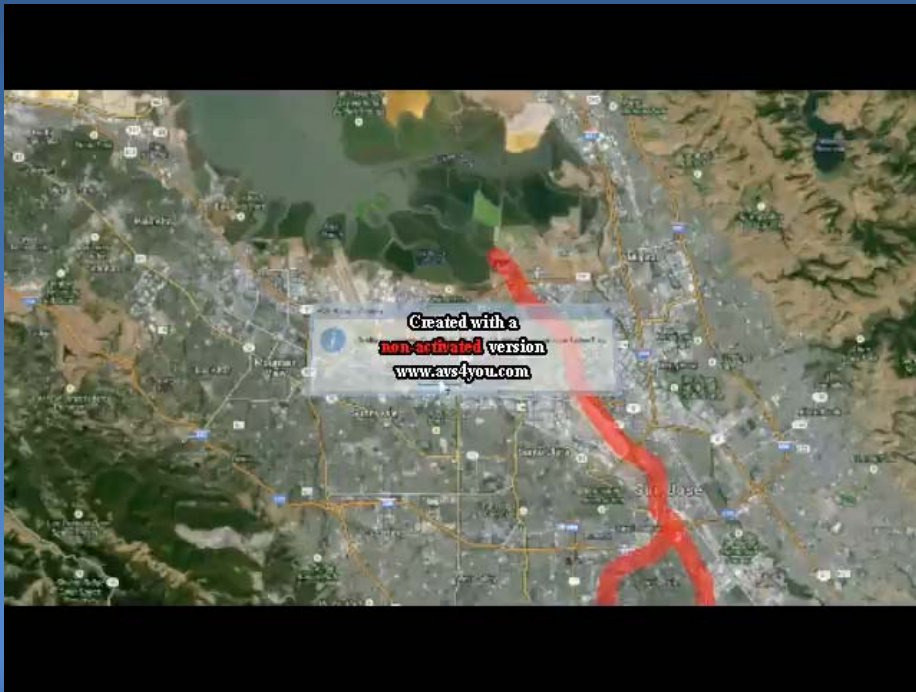
**Under WCC’s definition of “owner”; The parcel owner becomes legally responsible (City parks, Residential & Business properties)**



# Washoe County's feral cat program encourages the feeding/maintaining of high-risk species/transmitters of rabies of rabies

Urban Wildlife Research Project

Feral Cat Colony





# Zoning Laws are appropriate to prevent dangerous feral cat programs

It is legally permissible to prohibit feral cat colonies in zoning districts



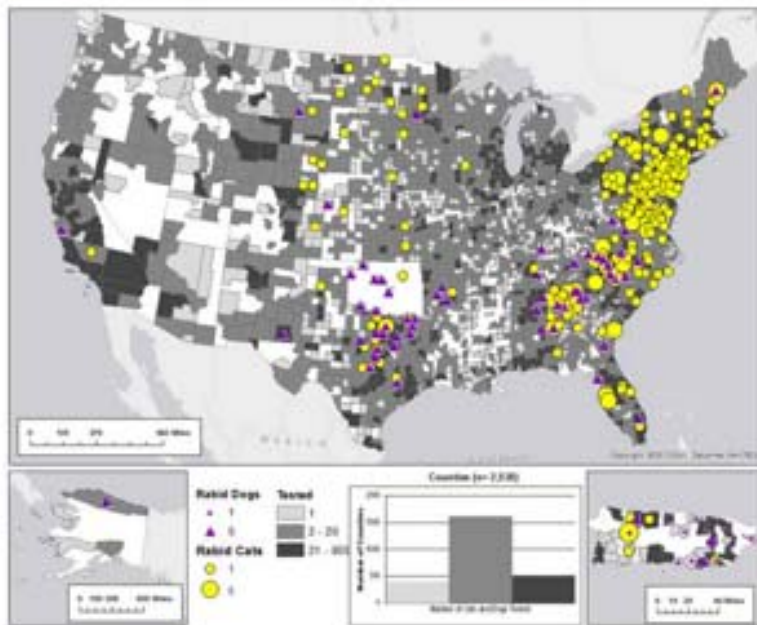
Deputy District Attorney Paul Lipparelli advising the WC BCC about prohibiting feral cats in certain zoning districts during its meeting of 10.14.2014: Agenda Item #25 @ 5:36:17 – 25: [http://washoe-nv.granicus.com/MediaPlayer.php?view\\_id=6&clip\\_id=1518](http://washoe-nv.granicus.com/MediaPlayer.php?view_id=6&clip_id=1518)

**How Washoe County's feral cat  
program threatens properties in  
Sparks:**

**Diseases**

# The map shows more reported Rabies in TNR communities, and those sharing a boundary

Rabid Cats and Dogs Reported in the United States during 2012



Map of rabid dogs and cats reported in the United States during 2012.  
▲ Rabid Foxes Reported in the United States during 2012

TNR ORDINANCES AND POLICIES ACROSS THE UNITED STATES





# Feral Cats and Rabies

*“Cats are the main domestic animal linked to human exposure to rabies”*

Center for Disease Control, 2013

Boy Scratched By Rabies Infected Feral Cat

**NEW AT 10:00**  
**SALLISAW BOY SCRATCHED BY FERAL CAT WITH RABIES**  
**ANIMAL CONTROL OFFICERS WORK TO TRAP CATS AT PARK**

**2 Works for You**  
10:03 29°

11.14.2014, KJRH-TV, Channel 2, Tulsa

# Infected Feral Cats transmit Rabies to Humans

4 out of every 10 deaths due to rabies are in children younger than 15 years

-W.H.O. <http://www.who.int/rabies/human/en/>



**Cats are the bridge between wildlife and rabies**



# Rabid feral cat reports on the rise in Past 5 Months

## **9 people being treated in Lake Worth after being exposed to rabid cat (Florida)**

By: Terri Parker, WPBF News.; <http://www.wpbf.com/news/9-people-being-treated-in-lake-worth-after-being-exposed-to-rabid-cat/33164832>

**May 21, 2015**

## **Henry County family of eight undergoing rabies treatments (Georgia)**

By: Tyler Estep, Atlanta Journal-Constitution, <http://www.ajc.com/news/news/local/henry-county-family-of-eight-undergoing-rabies-tre/nmQY3/>

**May 28, 2015**

## **Department of Health Urges Residents to Avoid Feral Cats (Maryland)**

By: Charles County Dept. of Health, So. Maryland News Net

**June 26, 2015**

## **Rabid kitten found near Middletown (Delaware)**

Saranac Hale Spencer, The News Journal; <http://www.delawareonline.com/story/news/local/2015/08/14/rabid-kitten-found-near-middletown/31726035/>

**August 14, 2015**



**Feral Cat Colonies threaten  
Sparks' properties**

***Toxoplasma Gondii***

***Toxoplasma Gondii*** : Remains viable in the soil for 18mos. The danger of cross contamination during food prep & child care remains high (garden/lawn to kitchen)



**“Women infected with *Toxoplasma* during pregnancy should be aware that toxoplasmosis can have severe consequences.”** (CDC, 2013)

# Feral Cat Colonies threaten Sparks' properties

*Bartonella henselae* Infection

“Cat Scratch Fever”



People get CSD from the scratches of **feral cats, particularly kittens**. The disease occurs **most frequently in children under 15**. Cats can harbor **infected fleas** that carry *Bartonella* bacteria. These bacteria can be **transmitted from a cat to a person** during a scratch. (Center for Disease Control, November, 2012)

**A colony can consist of both feral and non-feral cats (WCC 55.010)**



**Children can interact with infected, non-feral colony cats**



# NHS: 90,000 Feral Cats in Washoe County?

“A conservative estimate is that Washoe County has something like 90,000 free roaming cats” \*

“...15-20 large colonies and hundreds, maybe thousands of smaller colonies”

\*Community Cats estimates 25,000 feral cats in Washoe County



**Kevin Ryan, CEO for Nevada Humane Society,  
Remarks to WCBCC, 10.14.2014**

Agenda Item #25 @ 4:29-4:30: Number of Colonies @ 5:01:25-34

<http://washoe->

[nv.granicus.com/MediaPlayer.php?view\\_id=6&clip\\_id=1518](http://washoe-nv.granicus.com/MediaPlayer.php?view_id=6&clip_id=1518)

# WCRAS will not Collect nuisance or combative Feral Cats

- “Feral cats are considered *free roaming cats* and WCRAS will not pick them up”
- “NHS, not Washoe County, is responsible for managing feral cat colonies” (Bobby Smith, Id.)



Mr. Bobby Smith, Manager of WC Regional Animal Services; addressing the WCBCC, 10.14.2014  
Agenda Item 25 @ 4:57: 30-32 and 4:58:26-4:59  
[http://washoe-nv.granicus.com/MediaPlayer.php?view\\_id=6&clip\\_id=1518](http://washoe-nv.granicus.com/MediaPlayer.php?view_id=6&clip_id=1518)

# If WCRAS will not Collect nuisance or combative Feral Cats in Sparks

Burden/ Risk will be placed on untrained citizens to trap fractious, nuisance, and diseased Feral Cats; Transport to NHS is done in personal vehicle

***When Government fails to enforce/remove a nuisance; citizens retaliate against the nuisance***

# Citizens frustrated with feral cat problems will engage in animal cruelty



**Kristen Lindsey**

Yesterday at 8:48 PM · 🌐

My first bow kill 🐱 lol. The only good feral tomcat is one with an arrow through it's head! Vet of the year award...gladly accepted 😂





## Feral Cat Colonies threaten Sparks' business and residential communities

According to *Community Cats of Reno*: *We estimate there are 25,000 in Washoe County alone, living in our industrial parks, residential neighborhoods and business districts."*

<http://communitycatsofreno.com/>  
(06.18.2015)

Unlike typical zoning ordinances that allow for conditional permitting of uses, Sparks cannot control the third party responsible for overseeing WC's feral cat program

# Examples of feral cat colony negative impacts on surrounding parcels

## **Orange County feral cats booming in 'kitten season,' but new fix and release program criticized**

By Coryna Ogunseitan (*The Orange County Register*, June 27, 2015) (California) <http://www.ocregister.com/articles/cats-668993-feral-animal.html>;

“ **No one asks if it's OK if they establish a cat community in your neighborhood**...I was completely unaware that the program was going on” (Bryan Davenport, Fountain Valley resident)

## **Town council tires of feral cat problem**

By Stephannie Johnson (*Parry Sound*, October 15, 2014) (Can.); <http://www.parrysound.com/news-story/4915139-town-council-tires-of-feral-cat-problem/>

“**The number (of cats) has increased** in the last couple of years,” ... they're becoming more brazen, jumping on people's cars, resting on people's cars, resting on trailers; they're **causing damage not only to people's property, but vehicles as well.**

## **Cat Colonies a 'Huge Problem'**

By Dan Tevock (*Fredericksburg Patch*, June 20, 2012) (Virginia); <http://patch.com/virginia/fredericksburg/cat-colonies-a-huge-problem>

“**The stench of cat urine** permeating an open field south of Fredericksburg seemed out of place” ... The cacophony of hisses and cat fights pierced the air. Some cats exited the tree line already **with scars on their skin where the fur had been ripped away in fights.** Two cats, both tabbies, were actively reproducing about 10 feet away.

## **St. Bernard Looks for feral cat solution**

By Matt Koesters (*Cincinnati Online*, June 17, 2015) (Ohio); <http://www.cincinnati.com/story/news/2015/06/17/st-bernard-looks-feral-cat-solution/28886511/>

“Residents in some St. Bernard neighborhoods are **unable to open their windows** because of the **unbearable odor of feline bodily waste...**”

# Legal Nuisance associated with a *single* feral cat colony

*STATE of Montana, Plaintiff*

v.

**Donald E. ZIMMERMAN, Defendant**

No. DA 09–0368. Submitted on Briefs Jan. 27, 2010. Decided **March 9, 2010**

- Zimmerman had...purposely or knowingly maintained a condition that was offensive to the senses and obstructed the free use of property by ... feeding between thirty and forty feral cats
- Witnesses explained the felines' offensive impact *on the town...principally to the cats' urine and feces that polluted the neighborhood, destroying flowerbeds, lawns, and shrubbery, cats fighting at night, and dead cats being found around town and expressed concern that the cats were inbreeding and carrying diseases.*
- *After less than an hour of deliberation, the jury returned a guilty verdict against Zimmerman*

# Feral Cat Colonies are a dangerous land use to Sparks' citizens and businesses

- Feral cat colony structures are unstable, unsightly and can easily fall onto a child/passersby
- Feral cat colony “Caretakers” have no legal or ownership responsibilities to Sparks’ community/businesses/or to their own colonies.
- Food scattered in feral cat colonies attracts potentially rabid animals into neighborhoods/business districts.
- Expired cats (Age, Disease & Injury) remain on landowner’s property
- Colony cats freely roam abutting parcels without any supervision causing property damage to cars/landscaping. The unseen damages are; odor, noise and disease transmission.

# “Temporary Structures” contained in a Feral Cat Colony



Feral Cat Colony “Structures” are migratory, easily transported, evading nuisance regulations



# Feral cat colonies should be a prohibited use within the municipal boundaries of the City of Sparks

- Feral cat colonies are not a naturally occurring condition but an artificial condition created by people.
- Feral cat colonies is a use that has an adverse, disproportionate impact on surrounding property which is NOT COMPATIBLE with surrounding residential and commercial land uses.
- Zoning laws are employed to control the use of land to minimize adverse impacts caused to surrounding landowners.
- Due to the negative impacts of: Temporary structures, free roaming cats damaging and befouling surrounding residential and commercial property, attracting high-risk species, the spread of diseases and the threat to the overall health, safety and welfare of our community, the governance of feral cat colonies falls within the philosophy and jurisdiction of Sparks' zoning laws and should be included in the revisions to Title 20 of the SMC.

# Armed Forces Pest Management Board TECHNICAL GUIDE NO. 37

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## INTEGRATED MANAGEMENT OF STRAY ANIMALS ON MILITARY INSTALLATIONS

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Published and Distributed by the  
Information Services Division Armed Forces Pest Management Board  
Forest Glen Section Walter Reed Army Medical Center Washington, DC 20307-5001  
Office of the Deputy Under Secretary of Defense  
For Installations & Environment  
May 25, 2012

# The Problem

- Stray animals on military installations can affect the health and welfare of personnel, their pets, and wildlife populations.
- Caring for stray animals, by providing them food and water, is ultimately not in the animals' best interest
- Allowing a stray animal to roam freely is detrimental to the health and welfare of the animal
- Stray animals often live in close association with humans for food (either by scavenging or because people feed them) and shelter (under buildings and other structures).
- Stray animals are exposed to disease, starvation, environmental hazards, and injury from attack by other animals or vehicles.

# Diseases and Personal Injury

- Stray animals can harbor and transmit a variety of diseases to humans and their pets. Some diseases, such as rabies, can be fatal to both humans and pets.
- Stray animals may transmit diseases by biting or scratching a person or another animal. A bite or a scratch from a stray animal can result in a medical emergency and may require transporting the victim for examination and treatment by a physician (e.g., cat scratch fever).
- Small children and elderly people are at the greatest risk from stray animal attacks, bites and scratches.
- Anyone can be physically injured by being scratched or bitten by a stray animal.

# The Solution

- Feeding may appear to be humane treatment but aggravates the installation's stray animal problem.
- Ensure that facility personnel **do not provide food and/or water to uncontrolled cats**, dogs or wild animals, or tamper with traps placed to capture these animals.
- **Feeding uncontrolled cats**, dogs or wild animals, or releasing trapped animals or tripping traps to prevent their capture, **is prohibited**.



## Photo Credits

*Slide 5:* Sparks Marina, Sparks, NV; <http://www.tripbuzz.com/free-things-to-do/sparks-nv>; Pah Rah Parks, Sparks, NV (Public Domain) <http://cityofsparks.us/residents/parks-and-facilities/pah-rah-mountain-park>

*Slide 7:* Caretaker: Zee & Zoey Cat Chronicles: <http://zeezoey.com/blog/october-16-national-feral-cat-day-and-a-tribute-to-lion-king-by-christine-michaels-of-riverfront-cats/>

*Slide 8:* Video clip: Urban Wildlife Research Project, Gregory Kerekes; <https://uwrp.wordpress.com/feeding-the-feral-a-study-on-feral-cats-environmental-impact/>  
Raccoon in feral cat colony caught in cat trap, Barrington  
TNR: <https://www.facebook.com/barringtontnr/photos/pb.711416168895884.-2207520000.1435709254./844229702281196/?type=1&permPage=1>

*Slide 9:* Deputy District Attorney Paul Lipparerlli, Esq., Advising Washoe County Board of County Commissioners; meeting of 10.14.2015, Agenda Item #25 @ 5:36:17-25 : [http://washoe-nv.granicus.com/MediaPlayer.php?view\\_id=6&clip\\_id=1518](http://washoe-nv.granicus.com/MediaPlayer.php?view_id=6&clip_id=1518)

*Slide 11:* Rabies Maps: [http://www.abcbirds.org/abcprograms/policy/cats/public\\_health.html](http://www.abcbirds.org/abcprograms/policy/cats/public_health.html)  
TNR Map: <https://www.alleycat.org/upload-your-local-trap-neuter-return-ordinance-or-official-written-policy>

## Photo Credits (Cont.)

Slide 12: Boy Attacked/Scratched By Rabies Infected Feral Cat: KJRH-TV, Channel 2, Tulsa, 11.14.2014  
<https://www.youtube.com/watch?v=h00ZHjSgfUk>; <http://www.newson6.com/story/27378073/sallisaw-police-say-cat-which-bite-child-had-rabies>

Slide 13: Blind girl saves friend from rabbit raccoon attack:  
<http://www.nydailynews.com/news/national/blind-girl-saves-friend-wild-raccoon-attack-vermont-article-1.1383790>; Cat and Skunk, Natural unseen hazards Blog:  
<https://naturalunseenhazards.wordpress.com/2013/04/02/feral-cats-become-major-issue-in-a-virginia-city-follow-up-report-biologist-identifies-mystery-white-animal-found-in-maine-rabies-reports-from-ca-co-ct-flx2-gax2-me-nm-ny-tx-va>

Slide 16: Infant with Congenital Toxoplasma: <http://www.medical-labs.net/toxoplasma-gondii-2986/>

Slide 18: Cat scratched/Infected hand: <http://pixshark.com/cat-scratch-disease.htm>; Cat scratched/Infected child's face: <http://pulpbits.net/6-cat-scratch-disease-pictures-you-should-consider/>

Slide 19: Nevada Humane Society CEO, Kevin Ryan: Addressing Washoe County Board of County Commissioners; meeting of 10.14.2015, Agenda Item #25 @ 5:01:25-34 : [http://washoe-nv.granicus.com/MediaPlayer.php?view\\_id=6&clip\\_id=1518](http://washoe-nv.granicus.com/MediaPlayer.php?view_id=6&clip_id=1518)

## Photo Credits (Cont.)

Slide 20: Washoe County Animal Services Manager, Mr. Bobby Smith: Addressing Washoe County Board of County Commissioners; meeting of 10.14.2015, Agenda Item #25 @ 4:57: 30-32 : [http://washoe-nv.granicus.com/MediaPlayer.php?view\\_id=6&clip\\_id=1518](http://washoe-nv.granicus.com/MediaPlayer.php?view_id=6&clip_id=1518)

Slide 22: Woman with cat/arrow:

<http://www.dailymail.co.uk/news/article-3138562/Texas-veterinarian-posted-picture-killing-cat-bow-arrow-spared-charges.html>; Man with rifle/feral cat:

<http://www.nioa.com.au/community/my-nioa/category/2/feral-animals>

Slide 27: Temporary structures: Barrington TNR:

<https://www.facebook.com/barringtontnr/photos/pb.711416168895884.-2207520000.1435709254./844229702281196/?type=1&permPage=1>