

ORDINANCE NO.

AN ORDINANCE OF THE TOWN OF LOS GATOS UPDATING CHAPTER 4, ARTICLE VI, SECTION 4.60.050 - "ANIMAL RESCUER AND TRAP-NEUTER-RETURN REGISTRATION" AND CHAPTER 4, ARTICLE VI, SECTION 4.60.055 - "MAINTENANCE OF ANIMAL RESCUER OR TNR ACTIVIST REGISTRATION"

WHEREAS, on 9-18-18, the Town Council adopted ordinance 2276 providing a comprehensive update to Chapter entitled Animals and Fowl, and:

WHEREAS, Chapter 4 Article VI sections 4.60.050 and 4.60.055 entitled "Animal rescuer and trap-neuter-return registration" and "Maintenance of animal rescuer or TNR activist registration" were updated to expand Animal Establishments from animal shelters to also include trap-neuter-return organizations; and

WHEREAS, the Town of Los Gatos in implementing the law over the last year has determined that trap-neuter-return organizations do not fit the definition of animal establishments as used in this code; and

WHEREAS, the recently approved amendments to these sections are found to unduly burden TNR organizations; and

WHEREAS, TNR activity has been deemed to be an important activity to reduce feral cat population;

NOW THEREFORE, it is the intent of the Town Council, in amending this ordinance, to lessen the burden of registration on TNR organizations; and

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES ORDAIN AS FOLLOWS:

Sec. 4.60.050. - Animal rescuer ~~and trap-neuter-return registration.~~

(a) Except as otherwise provided in this Title, any person or organization that maintains more than the number of adult animals allowed under this Chapter and Chapter 29, ~~or who conducts activities consistent with the definitions of animal rescue or trap-neuter-return (TNR),~~ shall register with Town Manager or designee Animal Control Agency as an animal rescuer ~~or TNR activist.~~ In order to register as an animal rescuer ~~or TNR activist,~~ the applicant must provide the following information:

- (1) Verifiable proof of membership in or status as a State of California not-for-profit corporation that meets the requirements of Internal Revenue Code Section 501(c)(3) and is in good standing with the State of California.
- (2) Verifiable proof that animal adoption and placement of rescued animals with a new and permanent owner in a new home is one (1) of its primary organizational goals and proof of a history of placement of animals with new and permanent owners in new homes.
- ~~(3) Verifiable proof of membership in or an affiliation with a recognized, legitimate organization or group with a history of active trap-neuter-return activity.~~
- (4) The location of the rescue ~~or TNR~~ work to be performed and the identity and contact information of the person(s) responsible for the care of the animals at that location.
- (5) A description of the practices that will be employed by the person or organization in conducting rescue ~~or TNR~~ work;
- (6) Payment of the registration fee in an amount established by resolution of the Town Council;
- (7) Agreement from the applicant to abide by the requirements set forth in this chapter, and;
- (8) Agreement from the applicant to any other conditions reasonably necessary for the proper care and maintenance of the animals.

([Ord. No. 2276, § 1, 9-18-18](#))

Sec. 4.60.055. - Maintenance of animal rescuer ~~or TNR activist~~ registration.

- (a) In order to maintain a valid animal rescuer ~~or TNR activist~~ registration, the animal rescuer ~~or TNR activist~~ shall comply with each of the following requirements:
- (1) Rescue work ~~and TNR activity~~ such as the temporary housing and care of domestic animals, ~~or feeding for the purpose of trapping,~~ shall be performed in conformity with all standards of animal care and housing set forth by state and local law;
 - (2) Rescue work ~~and TNR activity~~ shall not create a public nuisance;
 - (3) The animal rescuer ~~and TNR activist~~ shall cooperate with the animal control organization during investigations of complaints and inspections of animal areas; and
 - (4) The animal rescuer ~~and TNR activist~~ shall limit the number of animals maintained at the registered location if the Animal Control Officer deems limitations are necessary because of space, finance, effect on surrounding area, history or any other criteria relevant to the animal rescuer's ~~or TNR activist's~~ ability to maintain the animals.
- (b) The Town Manager or Animal Control Agency may revoke the animal rescuer ~~or TNR activist~~ registration if the holder of the registration fails at any time to satisfy one (1) or more of the requirements specified in subsection (a).

([Ord. No. 2276, § 1, 9-18-18](#))