



# MEMORANDUM

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**TO:** Mayor and City Councilors

**FROM:** Rich Olson, City Manager  
Eddie M. Buffaloe, Jr., Chief of Police

**DATE:** August 5, 2015

**RE:** Consideration ~ Hold a Public Hearing for Ordinance Revision Reference Feral Cats

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## **BACKGROUND:**

Citizens have voiced continual concerns regarding the feral cat population in Elizabeth City. Individuals who feed and water these cats are adding to the problem; and as a result, health issues that can arise from this population of undomesticated felines have become a legitimate concern. In an effort to address this problem, the Elizabeth City Police Department ~ with assistance from the Pasquotank County Sheriff's Office ~ has been taking a proactive approach to address the feral cat population within the City of Elizabeth City. The most constant issue our agencies are facing is the consistent everyday feeding and watering of the feral cat population. There is no current law/ordinance governing this issue; and therefore, no deterrent for person(s) to cease the practice.

During the July 13, 2015 City Council meeting, there was a call for public hearing to receive input concerning this matter. Staff recommends amending the existing City Ordinance (Chapter 6, *Animals*; Article I, *In General*) to include provisions that make it unlawful to feed and water the feral cat population in Elizabeth City, and otherwise harbor these cats and cat colonies in existence. In the amended ordinance staff is proposing, the penalty for violation of harboring and caring for the feral cats would be subject to a Class 3 Misdemeanor ~ as defined in General Statue 14-4 ~ and is consistent with both the Youth Protection/Juvenile Curfew Ordinance and the Noise Ordinance that are currently in place.

## **ANALYSIS:**

After receiving complaints from Elizabeth City citizens, in the early morning hours of June 25, 2015, an Elizabeth City Police Officer observed at least ten feeding areas with food and water set out for feral cats. These feeding locations were at five different properties within the City of Elizabeth City and the officer observed twenty-one feral cats collectively at that time. In an effort to be proactive, the Elizabeth City Police Department has been using officer(s) within the Police Department to help assist the Sheriff's Office with setting and monitoring cat traps provided by

the Sheriff's Office. The Elizabeth City Police Officers have been setting traps during the night hours of operation and monitoring traps throughout the night. In addition, officers have been keeping watch for food or water placed out by individuals and disposing of the material in an effort to assist law enforcement efforts to trap the feral cats. This method of trapping allows more traps as well, as placing them in existing feeding areas has less likelihood of tampering with the traps. Feral cats that have been captured during the night are transferred to the Pasquotank County Sheriff's Office AOC's in the morning for transfer to the local Animal Shelter. The goal set by the Elizabeth City Police Department was to capture three feral cats per week Monday through Friday, which the department has exceeded since the proactive actions began in late June/early July. Officers have been documenting the locations of feeding areas and each time the area is taken down. As a result of these on-going efforts, officers have identified at least ten (10) feral cat colonies throughout the City, with the probability that there are several more colonies, possibly up to twenty City-wide. Based on the Police Department's observations, they believe that there are over 500 feral cats in Elizabeth City.

In order to decrease the feral cat population within the jurisdictional limits of the City of Elizabeth City, staff is recommending amending the existing City Ordinance to include provisions regarding "feral cat harborer and caregivers" thereby making it unlawful to feed and water these cats and cat colonies. Further, if the ordinance is amended, staff will provide an educational period to the public; and first offenses will only be issued a warning, with all subsequent offenses being classified as a Class 3 Misdemeanor if the individual is found guilty. The first step in this process was to call for a public hearing, which was done during the July 13<sup>th</sup> City Council meeting for the purpose of receiving feedback from the public and stakeholders concerning this proposed amendment to the existing ordinance.

As a result, the Elizabeth City Police Department met with stakeholders of the SPCA on July 16, 2015 and received valuable feedback on the Trap-Neuter-Release (TNR) program, as well as other items discussed including "PetPoint" which will be used as the official recordkeeping system to maintain information on feral cat and feral cat colonies, and caregivers registered to care for each colony.

Find attached proposed amendment, Section 6-14 "***Harboring of Feral Cats and Feral Cat Colonies***." The provisions contained within this code amendment will aid the Elizabeth City Police Department in reducing the feral cat population within the City and eliminate the threat of health concerns that could potentially arise from feral cats and feral cat colonies.

It is important to note that the proposed modification to City Code does not conflict with the existing code concerning "Impoundment and Disposition of Animals at Large or Hitched" (Chapter 6, Animals; Article I; In General; Section 6-10(B), which states, "after three days' impoundment, such animal (i.e. any feral animal except a dog loose), if not claimed by its owner, shall be disposed of in any humane manner in the discretion of the police chief." Please refer to Section 6-10(B) in its entirety in case further clarification is needed pertaining to this existing code (see attached). The feral cat caregiver proposed amendment (also attached) reserves the right to make the decision to remove or destroy a feral cat or a feral cat colony, placing that authority upon the Chief of Police and/or his designee.

**STAFF RECOMMENDATION:**

***At the conclusion of the public hearing:***

By motion, adopt the City Ordinance revision to Chapter 6 (Animals) Article I (In General) Section 6-14 "Harboring of Feral Cats and Feral Cat Colonies", as presented herein.

COPY

**ORDINANCE #08-03-11  
AMENDING CHAPTER 6-ANIMALS  
ARTICLE I-IN GENERAL  
SEC. 6-10 (B) IMPOUNDMENT AND DISPOSITION  
OF ANIMALS AT LARGE OR HITCHED**

**WHEREAS**, the City Council of the City of Elizabeth City feels that Chapter 6-Animals, Article I, In General, Section 6-10, Impoundment and Disposition of Animals at large or hitched that Feral/Vicious Animals are wild cats/animals that inhabit the area and are potentially dangerous; and

**WHEREAS**, due to the number of Feral/Vicious Animals in this area there is a need to decrease the number of days of impoundment from five days to three days;

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Elizabeth City that the following Section 6-10 (b) be amended to read as follows:

"Section 6-10(b), Impoundment and Disposition of Animals at Large or Hitched.

"Whenever a police officer shall find any feral/vicious animal (which includes any animal that has been separated from domestication) except a dog loose, or running at large in the streets, or other public places in the City, the officer shall take up such animal and put same in pens or lots kept for such purposes, and to notify the owner, if known. After three days' impoundment, such animal, if not claimed by its owner, shall be disposed of in any humane manner in the discretion of the police chief."

**BE IT FURTHER ORDAINED**, that all ordinances and sections of the Elizabeth City Code, and parts thereof, inconsistent herewith be and the same hereby are repealed to the extent of such inconsistencies.

**ADOPTED**, this the 24<sup>th</sup> day of March 2008.

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Stephen S. Atkinson  
Mayor

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Dianne S. Pierce-Tamplen, MMC  
City Clerk

**ORDINANCE #2015 – 08-\_\_\_\_\_**  
**AMENDING CHAPTER 6 – ANIMALS, ARTICLE I – IN GENERAL**  
**BY ADDING SEC. 6-14 HARBORING OF FERAL CATS**  
**AND FERAL CAT COLONIES**

**WHEREAS**, the City Council of the City of Elizabeth City believes that Chapter 6-Animals, Article I, In General should be amended to include a section pertaining to the harboring/caregiving of feral cats and feral cat colonies in Elizabeth City pursuant to concerns voiced by citizens; and

**WHEREAS**, due to the on-going problem with the feral cat population, there is a need to significantly decrease the number of feral cats in the City in an effort to reduce any potential health concerns to humans or domestic animals and pets that may result from these undomesticated felines.

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Elizabeth City that the following Section 6-14, be added to the existing Chapter 6-Animals, Article I-In General to read as follows:

**SECTION I:** Section 6-14, Harboring of Feral Cats and Feral Cat Colonies.

“Sec. 6-14(a) Feral cat caregiver requirements.

- (1) The purpose of this ordinance is to provide humane care and oversight while significantly decreasing the feral cat population within the jurisdictional boundaries of the City of Elizabeth City. Equally, the intent is to also maintain the health, safety, and welfare of our citizens and domesticated animals and pets.
- (2) A feral cat shall be defined as a domesticated cat that has returned to the wild, or the descendants of such an animal. It is distinguished from a stray cat, which is a pet cat that has been lost or abandoned, while feral cats have never been socialized. The offspring of a stray cat can be considered feral if born in the wild.
- (3) Pursuant to the stated purpose of reducing the number of feral cats in the City of Elizabeth City, it shall therefore be unlawful for any person to intentionally provide food, water, or other forms of sustenance or care to a feral cat or feral cat colony unless the person registers as a feral cat caregiver with the local SPCA shelter.
- (4) A feral cat caregiver is defined as any individual registered to feed/water feral cats and/or feral cat colonies in existence within the jurisdictional limits of the City of Elizabeth City,

after having completed proper registration as defined by the following administrative and operational requirements:

- (a) Feral cat caregivers shall annually register with the local SPCA shelter, along with their colonies. The local SPCA shelter shall use the "PetPoint" record keeping system and provide an up-to-date list of all registered feral cat caregivers to the Elizabeth City Police Department. At any time, the police department shall have access to the local SPCA shelter feral cat records upon request.
- (b) Written permission authorizing registered feral cat caregivers to go onto a specified property so as to feed/water cats must be obtained from the respective property owner(s); said documentation must be maintained by the local SPCA shelter with copy to the Elizabeth City Police Department Administration Division.
- (c) A standard Trap-Neuter-Release (TNR) form shall be provided by local SPCA shelter to all feral cat caregivers so as to register the cats and shall be filed at the shelter. The form shall identify all cats by colony being maintained by the caregivers. The SPCA's TNR program, including trapping, cage monitoring, and cleanup and removal of cat food, shall be overseen and maintained by officials at the local shelter; and shall be the governing tool for administering oversight of feral cat colonies in the city.
- (d) Caregivers agree to assume responsibility and make arrangements for the feeding of their colony throughout the year, including weekends and holidays.
- (e) Caregivers agree that to avoid nocturnal animals such as raccoons and opossums, feeding of feral cat colonies shall be restricted to daylight hours and all food must be removed by 6:00 p.m. (EST). Food can only be placed at a single feeding station, located in an area not easily accessible or visible to the public.
- (f) Adoptable cats/kittens shall not be returned to the colony. Cats/kittens with health issues, including, but not limited to, rabies, feline leukemia, feline immunodeficiency virus (FIV), acute or chronic renal

failure, and feline panleukopenia (feline distemper), shall not be returned to any colony and will be disposed of in accordance with SPCA policy.

- (g) Photographs of all cats/kittens shall be taken. The information shall be input into the existing SPCA records keeping system thereby assigning each cat a location, caregiver, and ID number. All necessary documentation shall be kept in one central place, by the local SPCA shelter and shall be accessible by the Elizabeth City Police Department.
  - (h) Caregivers agree to assume responsibility for the medical care of all of the feral cats they oversee and will maintain proof of sterilization, vaccination and medical records, as overseen by the SPCA. Feral cats returned to the colony shall be vaccinated, sterilized (i.e. spayed or neutered) and eartipped.
- (5) Except for food placed by a registered feral cat caregiver, it shall be unlawful for anyone to place, distribute, or allow the placement of food, minerals, carrion, trash, or similar substances to feed or attract cats. It shall also be unlawful for anyone, once notified by the City of Elizabeth City, to continue to place, distribute or allow the placement of any food, mineral, carrion, trash or similar substances for any purpose if the placement of these materials results in the presence of any cats, feral or domesticated. After notification, such person shall be in violation of the law if the placing, distribution, or presence of such food, minerals, carrion, trash or similar substances continues and there is evidence of their wrongdoing.
- (6) The City of Elizabeth City reserves the right to seek removal or destruction of a feral cat colony or a feral cat if the colony or cat creates a circumstance, in the opinion of the chief of police or his designee, which poses or creates a threat to the health, safety or welfare of the residents of the City of Elizabeth City or other domesticated animals within the City. Courtesy notification will be sent to the local SPCA shelter 24 hours prior to executing this provision of the ordinance.
- (7) Feeding and watering of feral cats is prohibited on any property owned, operated, or leased by the City of Elizabeth City.

Sec. 6-14(b). Restriction in number of feral cat caregivers.

There shall be no more than ten (10) registered feral cat caregivers at any given time who are registered in accordance with section 6-14(a)(4) for the placement and distribution of food, water or any forms of sustenance which feed/water feral cats and feral cat colonies.

Sec. 6-14(c). Annual report documenting number of feral cats/feral cat colonies.

In order to accurately determine the number of feral cats and feral cat colonies within the City of Elizabeth City, the SPCA shall provide, in writing, an annual report which details the numbers of feral cats checked at the shelter; how many cats have been trapped/neutered/released; and how many unadoptable and sick cats have been euthanized by the shelter. The annual report for the preceding year shall be provided to the police department by no later than January 30<sup>th</sup> of any calendar year.

Sec. 6-14(d). Enforcement.

The provisions of this chapter shall be enforced by the animal control officer and deputy animal control officers, and may be enforced by law enforcement officers of the police department.

Sec. 6-14(e). Tampering and altering of feral cat traps prohibited.

It shall be unlawful for any person other than law enforcement officers of the Elizabeth City Police Department or the Pasquotank County Sheriff's Office or persons authorized by either law enforcement organization to tamper, alter, move, transfer, destroy and/or otherwise interfere with the intended use of traps utilized in the capture of feral cats within the jurisdictional boundaries of the City of Elizabeth City.

Sec. 6-14(f). Penalty for violation of chapter.

Any person charged with a violation of this section for the first time shall be given a warning citation. Upon subsequent violation, the person shall be charged with such violation and, if found guilty, such person shall be subject to punishment as provided in G.S. 14-4.

**SECTION II. EFFECTIVE DATE:** This Ordinance shall take effect immediately upon adoption.

**SECTION III. CODIFICATION.** The provisions of this Ordinance shall be published as appropriate in the City of Elizabeth City Code of Ordinances as soon as practicable following its adoption.

**SECTION IV. SEVERABILITY CLAUSE.** If any section, or part of provision of this

Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the City Council of the City of Elizabeth City in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

**SECTION V.** All ordinances and sections of the Elizabeth City Code, and parts thereof, inconsistent herewith be and the same hereby are repealed to the extent of such inconsistencies.

**READ, CONSIDERED, AND ADOPTED** at a regular meeting of the City Council of the City of Elizabeth City, North Carolina, during which a quorum was present, held on the \_\_\_\_\_ day of August, 2015.

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Joseph W. Peel  
Mayor

*Attest:*

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Vivian D. White, CMC/NCCMC  
City Clerk