



MEMORANDUM

TO: Mayor and City Councilors

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

DATE: July 9, 2015

RE: Consideration – Call for Public Hearing for Ordinance Revision regarding Feeding of Feral Cats

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, plans to take a proactive plan of approach to reduce the feral cat population within the City of Elizabeth City. The most consistent 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 this practice. Pasquotank County Animal Control Officers (ACO) set traps; but very rarely capture any of the feral cats, due to the feeding and watering by individuals within the community.

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 Statute 14-4, and is consistent with both the Youth Protection/Juvenile Curfew Ordinance and the Noise Ordinance that are both 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. The Elizabeth City Police Department plans to use existing 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 will set traps during the nighttime hours of operations and would monitor traps throughout the night. Officers will keep watch for food or water placed out by individuals and dispose of the material in an effort to assist the law enforcement efforts to trap the feral cats. This method of trapping will allow more traps as well, as placing them in existing feeding areas with less likelihood of tampering with the traps. Feral cats that are captured during the night will be transferred to the Pasquotank County Sheriff's Office AOC's in the morning for transfer to the local Animal Shelter. The goal of Elizabeth City Police Department is to capture three feral cats per week Monday through Friday. Locations of each capture will be documented, along with a picture of the feral cat. Officers will also document the locations of feeding areas and each time the area is taken down.

In addition to taking these pro-active measures, staff recommends amending the existing City Ordinance to include provisions regarding "feral cat harboring 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 will be to call for a public hearing to receive feedback from the public concerning this proposed amendment to the existing ordinance. Find attached a proposed amendment, which outlines the "*Feral Cat Harboring/Caregiver Requirements*"; "*Enforcement*"; and "*Penalty for Violation of Chapter*", all of which will be included under an added section entitled "***Harboring of Feral Cats and Feral Cat Colonies***." With these provisions in place, the Elizabeth City Police Department hopes to greatly reduce the feral cat population and eliminate the threat of health concerns that could potentially arise from feral cats and feral cat colonies.

STAFF RECOMMENDATION:

By motion, call for a public hearing on August 10, 2015 at 7:30 p.m. in City Council Chambers located at 306 East Colonial Avenue, Elizabeth City to receive public comment concerning the adoption of the proposed City Ordinance revision to Chapter 6, Animals; Article I, In General (see attached).

ORDINANCE #2015-08-_____

**AMENDING CHAPTER 6 – ANIMALS
ARTICLE I – IN GENERAL**

SEC. 6-14 HARBORING OF FERAL CATS AND FERAL CAT COLONIES

WHEREAS, the City Council of the City of Elizabeth City feels 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 the on-going problem with the feral cat population there is a need to decrease the number of feral cats in the City in an effort to reduce any potential health concerns 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, Section 6-14, be added to existing Chapter 6-Animals, Article I-In General to read as follows:

“Section 6-14, Harboring of Feral Cats and Feral Cat Colonies.

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

- (1) It shall 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 City of Elizabeth City. Registration consists of the following requirements:
 - (a) Annual registration.
 - (b) Provide documentation of support by surrounding neighbors of proposed location for feral cat colony.
 - (c) Sterilization and vaccination of all cats and kittens six months of age and over.
 - (d) Assumption of responsibility for medical care of all of the cats involved.
 - (e) Assumption of responsibility and arrangements for the feeding of the cats throughout the year, including weekends, holidays and vacations.
 - (f) Maintenance of proof of sterilization, vaccination and medical records.

- (2) The City of Elizabeth City reserves the right to seek removal of a feral cat colony if the cats cause circumstances that create a

condition that poses a threat to the health safety and welfare of the residents of the City of Elizabeth City.

Sec. 6-14(b). 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(c). 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.

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 10th day of August 2015.

Joseph W. Peel
Mayor

Attest:

Vivian D. White, CMC/NCCMC
City Clerk