

Proposed Community Cat Ordinance – Final Draft

These pages are excerpted from the Wake County Animal Control Ordinance to show the proposed wording. The text under discussion is italicized and shown in blue.

Community Cat Initiative

The County of Wake recognizes the need for innovation in addressing the issues presented by feral and free roaming cats. To that end, it recognizes that there are community cat caregivers and acknowledges that properly managed community cats may be part of the solution to the continuing euthanasia of cats. TNR is an effective and humane method to manage, and over time, reduce the population of free roaming cats.

§91.01 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDON. To forsake, desert or give up an animal previously under the custody or possession of a person without having secured another owner or custodian or by failing to make reasonable arrangements for adequate care for 24 or more consecutive hours. *A community cat caregiver who provides care to or has temporary custody of a community cat in accordance with a Trap-Neuter-Return Program as defined in this ordinance is not deemed to have abandoned the cat.*

ABUSE.

(1) Failing to provide an animal with adequate food and potable water for more *than* 24 hours without written instructions from a veterinarian who has recommended withholding food and water for medical reasons, or failing to consistently provide food at intervals sufficient to maintain the animal's health and well-being;

(2) Overworking or overdriving any animal causing physical pain, suffering or death to the animal;

(3) Beating, torturing, molesting, harassing, injuring, tormenting, poisoning or mutilating any animal causing physical pain, suffering or death to the animal;

(4) Failing to provide adequate medical attention for any sick, diseased or injured animal in order to prevent physical pain, suffering or death to the animal;

(5) Keeping any animal under conditions which cause physical pain, suffering, disability or death to the animal or which increase the probability of the transmission of disease;

(6) Failing to provide an adequate shelter for an animal wherein the animal can be protected from extremes of weather (heat, cold, rain, sun and the like) and which is large enough to allow the animal to make normal body movements;

(7) Failing to provide for animals, which are kept outside, a shelter, which is surrounded on three sides, covered by a roof and has a floor (excluding barns), and which is structurally sound, maintained in good repair and constructed in the manner that it is water and wind resistant;

(8) Conveying any type of animal in a motor vehicle or in a wagon or trailer pulled by a motor vehicle or in a truck or the back of a truck in the way as to cause physical pain, suffering, disability or death to the animal; or

(9) Placing or confining an animal or allowing an animal to be placed or confined in a motor vehicle under the conditions or for the period of time as to cause physical pain, suffering or death to the animal due to temperature, lack of food or drink or other conditions.

ANIMAL. Excluding fish, any non-human vertebrate species, domestic or non-domestic.

ANIMAL BITE. An animal bite occurs when the teeth of the animal scratch or break the skin of a human being or animal, regardless of the location of the scratch or bite on the body.

ANIMAL SHELTER. Any premises designated by the county for the purpose of impounding and caring for all animals found running at large or otherwise subject to impounding in accordance with the provisions of this chapter.

AT LARGE. Any animal shall be deemed to be **AT LARGE** when it is off the real property or premises of its owner and not under the restraint of a competent person. "Real property", in this context, means curtilage and does not include public rights-of-way or easements.

ATTACK. An approach to a person by an unrestrained animal in a vicious, terrorizing or threatening manner or apparent attitude of attack, without the animal having been teased, molested, provoked, beaten, tortured or otherwise harmed.

ATTACK TRAINING FACILITY. Any person, group of persons, partnership or corporation engaged in boarding, breeding, selling or training dogs or other animals in mode of attack.

COMMUNITY CAT. *A cat that is abandoned, stray, lost, or feral and cared for by a community cat caregiver pursuant to this ordinance.*

COMMUNITY CAT CAREGIVER. *A person who, in accordance with the Trap-Neuter-Return Program defined in this ordinance:*

- 1) Provides care, including food, shelter, or medical care to a community cat; or*
- 2) Has temporary custody over a community cat.*

A community cat caregiver shall not be considered the owner or keeper of a community cat.

DANGEROUS DOG. Any dog that has demonstrated a fierce or dangerous propensity or tendency to do any act, which may endanger persons or property and/or any non-domesticated animal indigenous to the state including hybrid animals that are part wild. This would include, but not be limited to, any dog which assaults, bites, attacks or inflicts serious injury on a human

being without provocation on public or private property and/or which has killed or injured a pet or domestic animal. Exceptions: No dog is **DANGEROUS**, pursuant to this definition, if, at the time, the threat, injury or damage was sustained, the person attacked was teasing, tormenting, abusing or assaulting the dog or has in the past teased, tormented, abused or assaulted the dog or was committing or attempting to commit a crime. Nor shall a dog be considered **DANGEROUS**, pursuant to this definition, if it has attacked or injured a pet or domesticated animal in defense of an attack by another animal or if it is protecting or defending its young.

DEALER. Any person who is licensed by the U.S. Department of Agriculture as a dealer.

DOMESTIC ANIMAL. Any of various animals such as horses, sheep, cattle, goats, hogs, poultry and the like, domesticated by humans so as to live and breed in a tame condition.

EARTIPPING. The removal of the 1/4 inch tip of a community cat's left ear, performed while the cat is under anesthesia, to identify the community cat as being sterilized and lawfully vaccinated for rabies.

EXHIBITOR. Any person who is licensed by the U.S. Department of Agriculture as an exhibitor.

EXPOSED TO RABIES. An animal has been **EXPOSED TO RABIES** within the meaning of this chapter, if it has been bitten by, or been exposed to, any animal known or suspected to have been infected with rabies.

FERAL CAT. A cat that is not socialized.

IMPOUNDMENT. The placement of an animal in the custody of the County Animal Control Section or person or entity duly authorized by this chapter or the Board of County Commissioners or by state law for the purpose.

INHERENTLY DANGEROUS MAMMAL. Inherently dangerous mammal is any live member of the canidae, felidae, or ursidae families, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans and which include:

(1) **CANIDAE.** Any member of the dog (canid) family not customarily domesticated by humans, or any hybrids thereof, including wolf hybrids which are a cross between a wolf and a domestic dog, but not including, domestic dogs (*Canis familiaris*);

(2) **FELIDAE.** Any member of the cat family weighing over 15 pounds not customarily domesticated by humans, or any hybrids thereof, but not including, domestic cats (*Fells catus*); and

(3) **URSIDAE.** Any member of the bear family or any hybrids thereof.

KENNEL, DEALER or BREEDER. Any person, group of persons, partnership or corporation engaged in buying, selling, breeding or boarding animals.

NEUTERED. Any male animal, which has been operated upon to prevent reproduction.

OWNER. Any person, group of persons, firm, partnership or corporation owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal for more than five days. The owner is responsible for the care, actions and behavior of his or her animals. In the event that the owner of an animal is a minor, the parent or guardian of the minor shall be held liable for noncompliance with the provisions of this chapter. *A person, group of persons, firm, partnership or corporation caring for or having temporary custody of a community cat as a community cat caregiver shall not be considered the owner or keeper of the cat.*

OWNER'S REAL PROPERTY. Any real property owned or leased by the owner of the animal, but does not include any public right-of-way or a common area of a condominium, apartment complex or townhouse development.

PET. A domesticated animal kept for pleasure rather than utility.

PREMISES. A definite portion of real estate, including land with its appurtenances, a building or part of a building curtilage.

RESTRAINT. An animal is under **RESTRAINT** within the meaning of this chapter if it is controlled by means of a chain, leash or other like device; on or within a vehicle being driven or parked; within a secure enclosure; or within the dwelling house of the owner.

SECURE ENCLOSURE. A fence or structure of adequate height, forming or causing a humane enclosure suitable to prevent the animal from escaping and to prevent the entry of children. A home, mobile home, underground fence or separate garage is not secure housing. **SECURE ENCLOSURE** is for dangerous dog-housing only, not to be confused with animal quarantine.

SPAYED. Any female animal, which has been operated upon to prevent conception.

STERILIZATION. Any surgical or chemical procedure performed by a licensed veterinarian that renders any male or female animal permanently incapable of reproducing.

STRAY. Any animal, which is running at large or appears to be lost, unwanted or abandoned,

TRAP-NEUTER-RETURN. The process of humanely trapping, sterilizing, vaccinating for rabies, eartipping, and returning community cats to their original location.

§91.07 ANIMALS AT LARGE

(A)

(1) It shall be unlawful for any owner to permit an animal to be at large. *This section shall not apply to a Community Cat Caregiver.*

(2) The Animal Control Section *may* confiscate any animal found to be at large and impound it at the county animal shelter in accordance with §§ 91.50 through 91.58.

(B)

(1) An owner may lawfully permit an animal which is not dangerous to be at large in the course of a show, obedience school, tracking tests, field training or other events sanctioned or supervised by a recognized organization. Hunting dogs may be at large in the course of hunting if under the control of the owner.

(2) However, this provision does not exempt an owner from otherwise complying with § 91.08 or any other provision of this chapter.

(C) It shall be unlawful for any person owning or having possession, charge, custody or control of any dog to take the dog into or allow the dog to enter any public park without being at all times under the restraint of a leash unless the park is designated as a dog park.

(D) It shall be unlawful for any person owning or having possession, charge, custody or control charge, custody or control of a female dog or female cat to allow that animal to be at large during its estrus period. During this period, the owner or person having possession of the animal must restrain the animal in an enclosure in the manner that will prevent the animal from coming in contact with a male of its species. This section shall not be construed to prohibit the intentional breeding of animals on the premises of the owners or keepers of the animals involved.

(E) Any owner reclaiming an animal that has been running at large shall be required to have his or her animal microchipped by a licensed veterinarian within 72 hours of reclaim.

§ 91.10 SETTING HUMANE ANIMAL TRAPS AND AUTHORITY TO RECEIVE TRAPPED ANIMALS.

The Animal Control Section is authorized to place, upon request of the property owner or lessee, live-capture animal traps on private or public property to trap and remove stray, at large, abandoned or nuisance animals. It is unlawful for any person other than an animal control officer or the officer's designee to remove any animal from the trap or to damage, destroy, move or tamper with the trap. The Animal Control Section is authorized to receive and impound animals that are trapped by other agencies or persons. *The Animal Control Section shall offer to a property owner, lessee, or other resident who calls about stray or community cats information about Trap-Neuter-Return, and shall offer to refer the individual to a Trap-Neuter-Return Program.*

§ 91.33 EVIDENCE OF INOCULATION OF CATS.

Cats shall not be required to wear the metallic tag referred to in § 91.32 of this chapter, but the owner of a cat shall maintain the rabies vaccination certificates as written evidence to prove that

the cat has a current rabies inoculation. *A cat that has been eartipped is presumed to have been vaccinated at least once.*

Community Cat Initiative

§ 91.40 Community Cats.

The County of Wake adopts this Community Cat Initiative.

§ 91.41 Trap-Neuter-Return Programs

- (A) Organizations or individuals that engage in Trap-Neuter-Return are encouraged to register through a sponsoring organization. Organizations performing or supporting Trap-Neuter-Return in Wake County shall identify and nominate a community cat sponsoring organization, which shall be recognized by the Wake County Environmental Services Director or his designee.*
- (B) The community cat sponsoring organization shall make available to the public information about Trap-Neuter-Return and feral cats, shall attempt to notify the appropriate community cat caregiver when notified by the Animal Services Division about an impounded eartipped cat, and shall provide a single point of contact to the Animal Services Division for the coordination of Trap-Neuter-Return, calls about at large cats, and calls about complaints related to community cats.*
- (C) Responsibilities of the Community Cat Caregiver:*
 - 1) Cats must be trapped using humane trapping techniques,*
 - 2) Cats must be assessed by a veterinarian and deemed healthy at the time of spay/neuter surgery,*
 - 3) Cats must be spayed or neutered,*
 - 4) Cats must be vaccinated for rabies and FVRCP (Feline Viral Rhinotracheitis, Calicivirus, and Panleukopenia),*
 - 5) Cats must be eartipped,*
 - 6) Cat bites must be reported to Wake County Animal Control.*
- (D) Responsibilities of Wake County Animal Services Division*
 - 1) Persons that contact Wake County Animal Services about stray or community cats shall be provided information about Trap-Neuter-Return and referred to the community cat sponsoring organization.*
 - 2) When a person contacts Wake County Animal Services with a complaint about an eartipped community cat, County staff will contact the community cat sponsoring organization for assistance in resolving the complaint.*

§ 91.50 GENERALLY.

Any animal which appears to be lost, stray or unwanted, or which is not wearing a valid rabies vaccination tag, as required by state law or this chapter, and found at large, *may* be impounded by the Animal Control Section and confined in an animal shelter. Impoundment of the animal shall not relieve the owner thereof from any penalty, which may be imposed for

violation of this chapter. *An eartipped cat shall not be impounded under this section unless a complaint has been lodged against the cat pursuant to other applicable sections of this ordinance.*

§ 91.51 NOTICE TO OWNER *OR COMMUNITY CAT SPONSORING ORGANIZATION.*

Immediately upon impounding an animal, the Animal Control Section shall make reasonable effort to notify the owner *or community cat sponsoring organization* and inform the owner *or community cat sponsoring organization* of the conditions whereby the animal may be redeemed. If the owner *or community cat sponsoring organization* is unknown or cannot be located, the animal shall be assigned an impoundment identification number and release date. The impoundment identification number and release date shall be posted on the animal's cage or kennel at the animal control shelter for a minimum of three business days and any information about the animal, including the time and place of the taking of the animal and the time and date of posting the notice of impoundment, shall be available at the animal control shelter by reference to the impoundment identification number.

§ 91.52 REDEMPTION BY OWNER *OR COMMUNITY CAT CAREGIVER* GENERALLY.

(A) The owner *or community cat caregiver* of an animal impounded under this chapter may redeem the animal and regain possession thereof within 72 hours or three business days after notice of impoundment is given or posted, as required by § 91.51 by complying with all applicable provisions of this chapter and paying any necessary veterinarian's fee, boarding fee and cost incurred in capture approved by the Board of County Commissioners.

(B) No animal owner *or community cat caregiver* may be permitted to adopt his or her own animal under the provisions of § 91.53 in order to reclaim an animal that has been impounded pursuant to state law or this chapter.

§ 91.53 DESTRUCTION OR ADOPTION OF UNREDEEMED ANIMALS GENERALLY.

(A) If an impounded animal is not redeemed by the owner within the period prescribed in § 91.52, it may be destroyed in a humane manner or shall become the property of the animal shelter and offered for adoption. A new adult owner *or community cat caregiver* who agrees to comply with this chapter may acquire an impounded animal; however, any prospective new owner *or community cat caregiver* shall not be an animal dealer who acquires animals for resale. The prospective new owner *or community cat caregiver* must pay any required fees. The county will not purposefully release for adoption any animal that has previously bitten a person, is aggressive or is potentially dangerous. Fees may be waived at the discretion of the Environmental Services Director or designee for rescue groups and other animal welfare groups that apply in writing to the Section. The placement of animals with these organizations will be determined on a case-by-case basis.

(B) All unsterilized dogs and cats five months of age or older adopted from the county animal shelter shall be either spayed or neutered within 30 days of their adoption. All animals adopted under five months of age shall be spayed or neutered at six months of age. The adopter shall promptly provide written proof of the sterilization to the Animal Control Section. The adoption of any animal not sterilized pursuant to this section shall be deemed to violate the provision of this section and must be returned by the applicant for re-adoption to the county animal shelter. The Animal Control Section is authorized to obtain an adoption agreement from an applicant to implement the provisions of this section.

(C) (1) The animal shelter shall require from the adopter a sterilization deposit fee established by the Board of Commissioners to ensure that sterilization is obtained in addition to the established adoption fee if the animal has not been sterilized prior to its being adopted.

(2) When written proof that a licensed veterinarian has performed the required sterilization is returned to the Animal Control Section, a fee equal to the sterilization portion of the deposit will be reimbursed to the adopter. A person who fails within the specified time to arrange for the sterilization of an unsterilized cat or dog adopted from the animal shelter forfeits the sterilization deposit fee and shall surrender the cat or dog to the animal shelter.

(D) No animal which has been impounded by reason of its being a stray and unclaimed shall be allowed to be adopted from the animal shelter during a period of emergency rabies quarantine invoked pursuant to § 91.36 except by special authorization of the Director of Environmental Services.

(E) Any animal that exhibits fierce, dangerous or aggressive behavior will not be offered for adoption.

§ 91.54 PROCEDURE WITH RESPECT TO REDEMPTION OR ADOPTION OF UNVACCINATED DOG OR CAT.

(A) Unless proof of a current rabies vaccination can be furnished, every person who either adopts or redeems a dog or cat at the animal shelter shall have his or her animal vaccinated for rabies. A one-year vaccination may be obtained at the time of reclaim or adoption at the county animal shelter. *Each redeemed community cat shall be vaccinated at the animal shelter.* If an owner or adopter wishes to receive the vaccine for his or her animal at a veterinary practice of their choice, they will be given a “proof of rabies vaccination card” at the time of the redemption or adoption. This card will be stamped with a date stating the maximum time limit allowed to take the dog or cat to the veterinarian of the person’s choice for rabies vaccination. The time limit for dogs and cats four months and older will be 72 hours, with Sundays and holidays excluded. For puppies and kittens under four months, the Environmental Services Director or his or her designee will determine the time limit according to their age within 72 hours of the designated date.

(B) The “proof of rabies vaccination card” will be completed and returned to the animal shelter by the veterinarian. If this card is not returned to the animal shelter within the time limit specified on the card, an animal control officer will be dispatched to retrieve the dog or cat.

(C) Payment for the rabies vaccination provided for in this section will be the responsibility of the person redeeming or adopting the animal.

(D) The adoption agreement will be completed at the time of adoption. If the adopter fails to comply with the agreement, an animal control officer may be dispatched to retrieve the dog or cat if corrective action has not been taken by the animal’s owner.

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