

**South Bethany Charter and Code Committee Meeting
Monday, February 20, 2017; 2:00 PM
South Bethany Police Station**

Minutes

Agenda item 1. Call Meeting to Order – John Fields called the meeting to order at 2:00 PM. Committee members present were; John Fields, George Junkin and Wayne Schrader. Also present was Chief Troy Crowson.

Agenda item 2. Public Comment – There was no public comment.

Agenda item 3. Draft an ordinance to control feral cats in South Bethany

- Initial discussions related to what was the intent desired by Town Council. The consensus of those present was that the main issues were the feeding of feral and abandoned cats and the damage that cats in general can cause, thus possibly requiring their removal. The consensus also was that euthanasia should not be considered as an option.
- The next discussions related to the existing Chapter 30, Animals, which related to pets. There were areas in the existing code that discussed pets and other areas that only discussed dogs. The consensus of those present was that we did not need to change anything in the existing code at this time.
- The next discussions focused on a draft to address feeding and impoundment that George had compiled drawing from various sources. Those sources were drafts developed by Wayne Schrader and existing codes from Rehoboth and Lewes. The changes to the draft were tracked and the resulting draft follows on the next pages. There was significant discussions on the following;
 - Definitions – The consensus was that we should consider all wild mammals in addition to cats and we should not include birds.
 - Where would impound animals be taken?
 - Should we say anything about the TNR program in the ordinance? – Yes
 - How would trapping and apprehension be carried out?

- That we should not allow feral cats to be imported into South Bethany.
- Penalties should be more than \$25.
- The above took until about 2.75 hours of discussion and the committee had not yet discussed Wayne's draft concerning "Animal Public Nuisance". The consensus was that it was getting late and that we should postpone that discussion to a later time.

Agenda item 4. Public Comment – There was no public comment.

Agenda item 5. Adjourn. At 4:45 PM George Junkin made a motion to adjourn. The motion was seconded by Wayne Schrader and was passed unanimously.

Minutes submitted by George Junkin.

DRAFT CODE CHANGES FOR CHAPTER 30, ANIMAL

Chapter 30: Animals

[HISTORY: Adopted by the Mayor and Council of the Town of South Bethany as indicated in article histories. Amendments noted where applicable.]

Article I: Pets

[Adopted 10-8-1994 by Ord. No. 48-94]

§ 30-1 Authority.

This article is authorized by § C-4B of the Town Charter.

§ 30-2 Licensing; tags to be worn.

A. It shall be unlawful for any person to own or have control of any pet over six months of age located within the corporate limits of the Town of South Bethany unless it has been licensed in pursuance of the laws of the State of Delaware, other states, territory or District of Columbia in which the owner has legal residence.

B. It shall be unlawful for any person to own or have control of any pet over six months of age located within the corporate limits of the Town of South Bethany unless the license tag thereof be worn at all times by said pet in the manner provided by the laws of the State of Delaware, other states, territory or the District of Columbia in which the owner has legal residence.

§ 30-3 Pets on beach; exception.

[Amended 9-8-1995 by Ord. No. 50-95; 5-9-2003 by Ord. No. 118-03]

It shall be unlawful for any person who is the owner or has the control of any such pet to permit the pet to be on the beach located within the corporate limits of the Town of South Bethany at any time from May 15 through October 15 of each year. This subsection does not apply to pets on the property of their owners.

§ 30-4 Running at large.

A. It shall be unlawful for any such owner to permit a dog to run at large anywhere within the corporate limits of the Town of South Bethany.

B. For the purposes of this article, to "run at large" means that the dog is off the owner's property and is not under control on a leash.

§ 30-5 Removal of excrement.

The owner shall carry and use a bag or other device to pick up and remove any excrement said dog shall drop on property other than their own.

§ 30-6 Penalties for offenses.

Any person violating the provisions of this article shall be subject to a penalty of not less than \$25, nor more than \$100, plus court costs. Each day of continued violation shall be considered as a separate offense.

Article II: Wild Mammals

§ 30-7 Authority.

This article is authorized by § C-4B of the Town Charter.

§ 30-8 Definitions

FEEDING

To give, place, expose, deposit, distribute or scatter any edible material that will feed, attract, or entice wild mammals.

WILD MAMMAL

A warm blooded vertebrate animal of a class that is distinguished by the possession of hair or fur, and that is not domesticated. This includes any mammal which is not domesticated including but not limited to bears, coyotes, deer, feral cats, foxes, rodents, groundhogs, opossums, raccoons, skunks, and the like.

§ 30-9 Feeding Prohibition

- A. Feeding wild mammals in the Town of South Bethany is prohibited. A person who provides or makes available food will be deemed to violate this prohibition even when the provider claims they did not intend the food to be consumed by wild mammals so long as a reasonable person would have known that the food could be consumed at least in part by wild mammals.

§ 30-10 Penalties for offense.

Any person violating any provision of this article shall be liable to a fine of \$50 for the first offense, increasing by \$50 for each subsequent offense, not to exceed \$500, plus court costs. A separate offense shall be deemed committed on each day or part of each day during which a violation occurs or continues.

Article III: Cats at Large

§ 30-11 Authority.

This article is authorized by § C-4B of the Town Charter.

§ 30-12 Definitions

CATS AT LARGE

Feral cats, stray cats and abandoned cats. This does not include pets as described and controlled according to § 30-2

A FERAL CAT is a cat that has been born to other ferals or from stray cats as opposed to domesticated cats. These ferals are unaccustomed to human interaction. Feral cats are usually considered to be distinct from stray cats.

STRAY CATS are socialized cats who no longer live in homes, but could potentially be reintroduced successfully.

ABANDONED CAT any cat that is lacking identification as required by § 30-2. This could include stray cats.

§ 30-13 Impoundment of Cats at Large.

The Town Manager, or his or her designee, may humanely apprehend a cat at large and cause said animal to be transported to an animal shelter or pound that does not practice euthanasia.

Except in circumstances demanding immediate attention, the Town Manager, or his or her designee, shall post the area and provide appropriate notice at least one week in advance of the intended apprehension of abandoned or feral feline.

All trapping and apprehension of felines shall be performed in a humane manner consistent with Title 16 Chapter 30f.

§ 30-14 TNR program.

Nothing in this chapter shall prohibit the use of a Trap, Neuter, and Return (TNR) program by any person or group of persons to reduce the Town's population of abandoned or feral cats. Only cats trapped in South Bethany may be returned to South Bethany.

§ 30-15 **Ban on Importation of Feral Cats**

- A. No person shall import or cause to be imported into the Town of South Bethany any feral or stray cat.
- B. If it is determined that a feral cat roaming within the limits of the town has been imported or transported into the limits of the Town by a human being, then that cat is subject to being impounded and removed from the Town.

§ 30-16 Penalties for offense.

Not specified.