

**South Bethany Charter and Code Committee Meeting
Tuesday, March 21, 2017 at 4:00 PM
South Bethany Police Station**

Minutes

1. Call Meeting to Order. (John Fields)

John called the meeting to order at 4:00. Present from the C&C Committee were John Fields, Wayne Schrader, George Junkin and Joe Hinks.

Other Town Officials present were Mayor Pat Voveris and Chief Troy Crowson.

Members of the public present were Sandi Roberts, Marilyn and Archie Bice, Terrie Nicholson and Peter Silverman.

2. Public Comment.

John pointed out that Wayne had made significant changes to the draft we were preparing to review. Wayne had essentially removed all paragraphs related to "Animal Public Nuisance" and to "Impoundment of Animals" based on feedback obtained at the first reading on 3/10/2017.

The public reacted favorably to these changes.

It was also noted that Wayne had removed the paragraph relative to the TNR program because it involved trapping. See later discussion on this topic.

3. Review changes made in Ordinance 187-17 at the March 10, 2017 Council meeting.
(Wayne Schrader)

Wayne reviewed the changes that he had made. There was a lot of "word smithing" that occurred, but the consensus was that what Wayne had proposed was appropriate.

There was discussion as to whether we should even continue with the ordinance and the consensus was that we should, since it would give the Town "tools" that they do not currently have. When we had feeding issues in the past there was no "tool" that could be used to address the issue.

Wayne asked the Chief, "Can this ordinance be enforced?" The chief responded that it would give him tools that he could use in the event of a future problem.

After some discussion it was decided to put the paragraph on the TNR Program, since it appears that that program has been very instrumental in reducing the feral cat problem.

4. Review changes made in Ordinance 187-17 made by the Town's attorney.
(Committee)

The first discussion on the attorney's comments was in relation to the "were as"s. Since they do not become part of the code and since we have never used them in any of our ordinances, the consensus was that they should not be include.

Pat agreed to write an introduction that was not part of the ordinance that would explain the reason for the ordinance.

Since Wayne had removed a significant part section from the original first reading of the ordinance, many of the attorney's comment were overtaken by events. All other comments were included in the second draft that follows.

5. Public Comment.

There was discussion relative to whether a feeding ban actually helps to reduce the feral cat population. There are references available that argue both sides of the issue. The consensus of the committee was that we should go forward with the draft shown below for the second reading.

6. Adjournment

(John Fields)

At 5:07 George made a motion to adjourn. John seconded the motion and it passed unanimously.

ORDINANCE NO. 187-17 – Draft for the Second Reading

AN ORDINANCE TO AMEND the Code of the Town of South Bethany, Chapter 30, **Animals**, to define and regulate wild mammals, feral cats, and stray cats in the Town of South Bethany.

BE IT HEREBY ENACTED by the Council of the Town of South Bethany, Sussex County, a majority thereof concurring in Council duly met, that Chapter 30 ("Animals") be amended as follows (additions are **highlighted** and deletions **marked through**):

ARTICLE II **Wild Mammals and Stray Cats**

§ 30-7. Authority.

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

§ 30-8. Definitions.

CAT, FERAL – Any cat that has been born to a feral cat or a stray cat as opposed to a domesticated cat. Feral cats are unaccustomed to human interaction. Feral cats are distinct from stray cats.

CAT, STRAY – A cat that [a] roams at large, [b] is not a feral cat, and [c] no longer lives with a human owner, but could potentially be domesticated to again live with a human owner. For purposes of this Chapter, any cat being fed or imported into South Bethany that does not have some means of identifying its owner [i.e., an embedded chip or a tag] will be presumed to be feral or stray.

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

WILD MAMMAL – Any 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

Feeding wild mammals or stray cats anywhere 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 or stray cats so long as a reasonable person would have known that the food could be consumed at least in part by wild mammals, feral cats or stray cats. The foregoing feeding prohibition shall not apply in the case of stray cats that are not allowed to roam at large.

§ 30-10 Ban on Importation of Feral or Stray Cats.

No person shall import or cause to be imported into the Town of South Bethany any feral or stray cat. The foregoing importation ban shall not apply in the case of stray cats that are not allowed to roam at large and are being imported for the purpose of making them available for adoption.

§ 30-11 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 stray or feral cats. Only cats trapped in South Bethany may be returned to South Bethany as part of a TNR program.

§ 30-12 Penalties for offense.

Any person violating any provision of this article shall, upon conviction by any court of competent jurisdiction, pay a fine of \$100 for the first offense, which fine shall increase by \$100 for each subsequent offense, not to exceed \$500, plus court costs. Each day of continued violation shall be considered as a separate and subsequent offense.