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AGENDA
PUBLIC HEALTH, RECREATION & ENVIRONMENT STANDING COMMITTEE OF
THE RTM
Special Meeting
Wednesday, July 12, 2023
5:00 P.M. - Waterford Town Hall
BOE Conference Room

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Public Comment
5. To consider and act upon the minutes of January 30, 2023 meeting.
6. Consideration and possible action on item referred to committee:
 - A. Review of Noise Ordinance, Noise Control – Chapter 9.06, RTC 10/04/21
 - B. Review of Feral Cat Management, RTC 12/05/2022
7. Adjournment

ATTEST: *[Signature]*
TOWN CLERK

2023 JUL -7 P 3:18

RECEIVED FOR RECORD
WATERFORD, CT

Proposed letter from RTM (through Moderator Paul Goldstein to P & Z Chair Gregory Massad)

Dear Chairman Massad:

I am writing on behalf of the Representative Town Meeting which voted at its August 6, 2023 meeting, per the recommendation of the Health, Recreation and Environment Standing Committee, to communicate to the Planning and Zoning Commission the RTM's request that the Commission consider revisiting the process under which special permits may be issued for outdoor accessory dining. The Standing Committee conducted a number of meetings in late 2022 and early 2023 to consider potential amendments and garnered input from many residents regarding potential strategies for mitigating the effects of music associated with outdoor dining emanating from commercial activities. The clear sentiment expressed to the Standing Committee was that the better approach to addressing this issue was potential revisions to the outdoor dining special permit process rather than amending our current noise ordinance.

The Standing Committee asked the full RTM to pass on this suggestion to your Commission while recognizing that such potential revisions to your regulations is fully within the purview of your Commission. On behalf of the RTM, we appreciate your consideration of this request.

July 6, 2023

To: Mr. Paul Goldstein, Moderator RTM

At the RTM Regular Meeting on October 4, 2021 following public comment and discussion The RTM voted unanimously to refer the review of the Noise Ordinance (Chapter 9.06 — Noise Control) to the Public Health Recreation & Environment Standing Committee of the RTM. The standing committee convened four times since receiving its charge. After considerable research and deliberation the consensus of the Public Health, Recreation and Environment standing committee of the RTM is that creating a more enforceable ordinance may be too restrictive to residents and businesses.

Residents expressed through counsel at the January 30, 2023 Public Health, Recreation and Environment Standing Committee meeting, that the remedy to their concern best be addressed through the Planning and Zoning Commission and not through ordinance. Thus, the Standing Committee recommends the RTM asks the Planning and Zoning Commission to review its process of issuing special permits to address the potential confluence of residential and commercial zones. Please see attached letter the Committee recommends for the RTM to forward to the Planning and Zoning Commission.

Sincerely,

Michael A. Bono
Chair Public Health, Recreation and Environment
District 4 - Representative Town Meeting

Title 6.05. Animals

6B

6.05.010. Feral and Domestic Cats

6.05.011. Statutory authority; purpose.

In accordance with Public Act No. 96-243, C.G.S. § 22-339d, the Town of Waterford enacts this article to regulate the keeping of feral cats and to establish procedures for the Animal Control Officer to follow incident to his duties with respect thereto. The purpose of this article is to promote the public health and welfare relating to the control of the spread of the rabies virus, animal overpopulation, and property damage as it relates to domestic and feral cats.

6.05.012. Definitions.

As used in this article the following terms shall have the meanings indicated:

FERAL CAT

A free-roaming domestic cat which is not owned.

KEEPER

Any person or organization harboring, regularly feeding or having in his or its possession any feral cat. Refusal to permit any Animal Control Officer to impound a feral cat shall be deemed evidence of keeping.

6.05.013. Requirements.

- A. Within one year of the adoption of this article, a keeper of feral cats within the Town shall register with the Animal Control Officer for the Town.
- B. When a keeper registers with the Animal Control Officer, the Animal Control Officer shall provide information to the keeper regarding the proper care and management of feral cats.
- C. A keeper of feral cats shall provide for the vaccination of such cats against rabies pursuant to C.G.S. § 22-339b.
- D. A keeper of feral cats shall provide for the sterilization of such cats. A keeper shall be considered an eligible owner for purposes of the animal population control program established under C.G.S. §§ 22-380c to 22-380m, inclusive, provided that such cats are adopted from a municipal pound.

6.05.014. Protection of property.

Example #1

No person owning or keeping any cat shall permit such animal to:

- A. Substantially damage property other than the property of the owner or keeper; or
- B. Cause an unsanitary, dangerous or unreasonably offensive condition.

6.05.015. Impoundment.

- A. The Animal Control Officer may take into custody any cat found to be damaging the property other than property of its owner or keeper or causing an unsanitary, dangerous or unreasonably offensive condition unless such cat can be identified as under the care of its owner or a registered keeper of feral cats.
- B. The Animal Control Officer shall impound a cat that he has taken into custody at the Town pound unless, in the opinion of a licensed veterinarian, the cat is so injured or diseased that it should be destroyed immediately, in which case the Animal Control Officer may cause the cat to be mercifully killed by a licensed veterinarian or disposed of as the State Veterinarian may direct.
- C. The Animal Control Officer shall immediately notify the owner or keeper of any cat so taken, if known, of its impoundment. If the owner or keeper of any such cat is unknown, the Animal Control Officer shall immediately tag or employ such other suitable means of identification of the cat as may be approved by the Chief Canine Control Officer and shall promptly cause a description of such cat to be published once in the lost and found column of a newspaper having a circulation in the Town.
- D. If such cat is not claimed by and released to the owner or keeper within seven days after the date of publication, the Animal Control Officer, upon finding such cat to be in satisfactory health, may sell such cat to any person who satisfies such Officer that he is purchasing it as a pet and that he can give it a good home and proper care. The Animal Control Officer may retain possession of such cat for such additional period of time as he may deem advisable in order to place such cat as a pet.
- E. If, within such period, any cat is not claimed by and released to the owner or keeper or purchased as a pet, the Animal Control Officer shall cause such cat to be mercifully killed by a licensed veterinarian or disposed of as the State Veterinarian may direct.
- F. Any cat captured or impounded under the provisions of Subsection A of this section shall be redeemed by the owner or keeper thereof, or the agent of such owner or keeper, upon proper identification and presentation to the Animal Control Officer of a license, tag or other means of identification for such cat, and upon the payment by such owner or keeper or his agent of:

- (1) A redemption fee of \$15; and

Example #1

- (2) The cost of advertising incurred under the provisions of Subsection C of this section.
- G. When the owner or keeper of any such impounded cat fails to redeem such cat within 24 hours after receiving notification to do so, or, where the owner was unknown, within 24 hours after notification was effected by means of publication in a newspaper, such owner or keeper shall pay, in addition to such redemption fee and the cost of advertising, the amount determined by the Animal Control Officer to be the full cost of detention and care of such impounded cat.

6.05.016. Penalties for offenses.

- A. Any person who has violated 6.05.014 of this article shall be fined \$25 for each violation. Such fine is in addition to any fees collected as provided in 6.05.015 of this article. Each day that a violation occurs or continues shall constitute a separate offense. The Animal Control Officer or his agent shall issue a notice of violation to the violator. Such notice of violation shall state the nature of the violation, the amount of the fine to be paid, and an answer date by which the fine must be paid. Unless a plea of not guilty is entered by the answer date given on the notice of violation, failure to pay the fine by the date provided in the notice shall cause the amount of the fine to triple. Payment shall be made to the Town of Waterford.
- B. Any owner or keeper of any impounded cat who fails to redeem such cat within 120 hours after receiving notification to do so pursuant to this article shall be in violation of this article and shall be fined and issued a notice of violation in conformance with the procedure for a violation of 6.05.014, as set forth in Subsection A above.
- C. No person who destroys a cat pursuant to 6.05.015 B and E of this article shall be held criminally or civilly liable therefor.

TITLE 6.0. An Ordinance Regulating Cats

6.05.010 Legislative Authority.

This section is enacted pursuant to the provisions of C.G.S. section 7-148, et seq., as amended.

6.05.011 Statement of Purpose

The Town Council of the Town of Waterford finds that there is an overpopulation of stray and unwanted cats in the Town, evidenced in part by the increasing number of cat complaints received each year by the regional Animal Control Officer. It is the purpose of this chapter to promote the health, safety and general welfare of the residents of the Town of Waterford by reducing the number of stray/abandoned cats. This section shall serve to reduce the excessive numbers of unwanted cats and eventually limit the unnecessary euthanization of stray/feral/homeless cats by restricting the breeding practices of pet owners and breeders. It is also found that other communities with such ordinances have experienced decreases in the number of cat complaints.

6.05.012 Mandatory Spaying/Neutering

1. No person shall own, harbor or keep a cat over the age of six months which has not been spayed or neutered, unless such person holds an unaltered animal permit for the animal (see Unaltered Animal Certification; Administration, below). Any such person who violates this provision may be cited and fined by the Animal Control Officer for such violation.
2. Any person intentionally providing care or sustenance for a cat shall be deemed to be the owner and shall comply with this section.
3. Any owner of an unaltered cat who has been cited or fined by the Animal Control Officer for failing to obtain a permit shall have his or her citation or fine dismissed if proof of altering in the form of an official neuter or spay certificate is presented within 30 days of the issuance of the citation or the owner obtains the necessary permit within 30 days of the issuance of the citation and the animal has not reproduced.
4. Individuals who are aware of cat abandonment are encouraged to notify the Animal Control Officer of said event:
 - To ensure that the animal is not simply lost
 - To identify potential problem areas
 - To receive assistance with spay/neuter and/or placement of the animal(s)

Those complying will not be subject to penalty for having an unaltered animal on the premises if they are willing to surrender it to the Animal Control Officer.

6.05.013 Penalties

1. The penalty for violation of this Ordinance shall be \$75, payable to the municipal Neuter Assistance and Education Fund. If the violation is not corrected within 30 days and the fine is not paid, the continuing violation becomes a second offense, the fine for which shall be an additional \$75. A fine of \$75 will be assessed for each additional 30-day violation.
2. The Animal Control Officer may, at his/her discretion, waive the citation and/or penalty if the animal(s) is surrendered to the Animal Control Department for placement or for other good cause to be determined by the Animal Control Officer.
3. The penalty shall not be waived by the Department upon the transfer or abandonment of the cat by the noncompliant owner except as specified above.

6.05.014 Unaltered Animal Certification; Administration

The Town Clerk's office shall administer a permit program to allow for unaltered cats over the age of six months when the following conditions have been met:

1. An annual permit fee of \$25 is paid at the time of application and upon each annual renewal. Permit fees will be payable to the Neuter Assistance and Education Fund.
2. The animal is examined annually by a licensed veterinarian and is following the preventative program recommended by the veterinarian.
3. The animal is current on rabies vaccination.
4. The owner otherwise complies with any applicable local/state law concerning the care and housing of animals and has not been in violation of animal related ordinance/laws in the past 24 months.
5. The owner furnishes the Town Clerk with a signed statement agreeing to the following conditions: Offspring of the unaltered animal will not be sold or adopted until they are at least eight weeks of age.
 - Records will be kept documenting how many offspring were produced and who adopted or purchased them (name, address, phone number).
 - Offspring must be immunized against common diseases.
 - The Seller/adopter must disclose the permit number in any advertisement.

6.05.015 Sterilization of Impounded Animals

On a first or subsequent impoundment of a cat, the Animal Control Officer may require that, as a condition for return to its owner or keeper, (a) the animal must be altered and (b) the cost incurred must be paid by the owner or keeper, or that the owner or keeper obtain Unaltered Animal Certification per this chapter.

6.05.016 Exemptions from this Ordinance

Persons owning animals in the care of the following organizations or meeting the following conditions are exempt from the provisions of this Ordinance:

1. Animal shelters and rescue organizations that have implemented an ongoing spay/neuter program.
2. Medical - A licensed veterinarian has determined that an animal is medically unsuited to undergo the surgical procedure and has signed a statement to that effect specifying the medical grounds for the exemption.
 - A. Temporary medical - The veterinarian may specify a temporary medical condition including the prognosis of when the surgery may be performed, which shall become the expiration date of the temporary exemption.
 - B. Transitory status - An animal that is temporarily in the Town to participate in a show or event sponsored by a nonprofit, sanctioned animal organization.
 - C.

6.05.017 Neuter Assistance and Education Fund

All fees and penalties collected under the provisions of this chapter shall be deposited into a special fund known as the Neuter Assistance and Education Fund. The purpose of said fund shall be to provide for sterilization of impounded cats and to offer financial assistance to qualified residents for the spaying and neutering of their cats and to create public awareness regarding efforts to control pet overpopulation in the Town. Additionally, the Town and the Animal Control Department shall maintain a current list of resources for reduced-price spay/neuter services for distribution to residents of the Town.

Feral Cat Laws in Select States

By: Janet Kaminski Leduc, Chief Attorney
November 10, 2021 | 2021-R-0202

Issue

This report summarizes state laws related to feral cats in New England and New York.

Summary

Connecticut law allows municipalities to adopt ordinances requiring feral cat keepers to register with the local animal control officer (ACO) and prohibiting cat owners or keepers from letting cats cause property damage or an unsanitary, dangerous, or unreasonably offensive condition. In these municipalities, an ACO may impound cats causing damage or unsanitary, dangerous, or unreasonably offensive conditions and try to locate the cats' owners or keepers. If a cat goes unclaimed, the ACO may have it sterilized and sold as a pet or put down humanely.

Connecticut, Massachusetts, New Hampshire, and New York each operate programs that help low-income residents sterilize their cats or dogs (e.g., animal population control programs). Connecticut's program also helps nonprofit animal rescue groups sterilize and vaccinate feral cats.

Maine, New York, and Rhode Island laws permit people to release stray or feral cats to animal shelters, who may adopt out the animals or euthanize them under certain conditions. In Vermont, a person can use an approved rabies vaccine to inoculate a feral cat without using a licensed veterinarian.



Connecticut

Municipal Feral Cat Ordinances

Connecticut law allows a municipality to adopt an ordinance requiring individuals who keep feral cats in residential or commercial areas to register with the municipality's ACO within one year of the ordinance's adoption. The ACO must give them information on the proper care and management of feral cats. The ordinance must require feral cat keepers to sterilize and vaccinate the cat against rabies. The law specifies that if a feral cat is adopted from a municipal pound, its keeper is eligible for cat sterilization financial assistance under the state's animal population control program (see below) (CGS § 22-339d(a)). (The law also allows a municipality to adopt an ordinance prohibiting anyone owning or keeping a cat from letting it (1) substantially damage property other than the owner's or keeper's property or (2) cause an unsanitary, dangerous, or unreasonably offensive condition. A violation of such an ordinance is, by law, an infraction (CGS § 22-339d(b).)

The law defines a "feral cat" as a free-roaming cat that is not owned. A "keeper" is a person who, or organization that, harbors, regularly feeds, possesses, or forbids an ACO from impounding a feral cat.

The law does not specify the penalty for violating a feral cat ordinance adopted under CGS § 22-339d(a). But, state law allows municipalities to issue citations for violating local ordinances and regulations (CGS § 7-148(c)(10)(A)). The municipality must designate the ordinances and regulations it wants to enforce by citation and specify the officials who can issue them. Citations may be issued for fines up to \$250 unless the statutes specify otherwise.

Unclaimed Cat Impounded by an ACO

By law, an ACO for a municipality that has adopted a cat ordinance under CGS § 22-339d(b) may impound a cat (1) found to be damaging property other than property of its owner or keeper or (2) causing an unsanitary, dangerous, or unreasonably offensive condition unless the cat is under the care of an owner or keeper of feral cats. If the owner or keeper is not known, the ACO must publish a description of the cat in the local newspaper's lost and found column. If a cat is not claimed within seven days of publication, the ACO may have a veterinarian sterilize the cat and then sell the cat as a pet. An ACO must have a cat that remains unclaimed put down humanely (CGS § 22-332d).

Animal Population Control Program

The Department of Agriculture's Animal Population Control Program (1) provides sterilization and vaccination options for state residents who adopt cats and dogs from municipal pounds, (2) provides low-income state residents discounted sterilization and vaccination options for their dogs

and cats, and (3) assists registered nonprofit rescue groups with the sterilization and vaccination of feral cats. No more than 20% of the animal population control account funds may be used for the feral cat program (CGS § 22-380g as amended by PA 21-90 § 10).

Maine

Maine defines a “feral cat” as a cat with no owner identification that consistently exhibits extreme fear in the presence of people. The law allows ACOs and people to bring stray cats to an animal shelter. If the stray cat is homeless or feral, the shelter must hold it for at least 48 hours (if homeless) or 24 hours (if feral). After this period, the shelter may offer the cat for adoption, sell it, give it away, or dispose of it humanely. The shelter, an ACO, or a state humane agent may authorize the cat’s immediate euthanasia if it is severely sick or injured if, among other things, a veterinarian states in writing the cat’s recovery is unlikely or the cat presents a danger to the public (Me. Rev. Stat. Ann. tit. 7, §§ 3907, 3919 & 3919-A).

Massachusetts

Massachusetts operates a Homeless Animal Prevention and Care Fund, which the Department of Agricultural Resources uses to (1) offset the costs of vaccinating and sterilizing homeless cats and dogs, (2) help low-income residents vaccinate and sterilize their cats and dogs, and (3) help with ACO training costs. Funds come from voluntary donations, gifts, and grants (Mass. Gen. Laws Ann. ch. 10 § 35WW).

New Hampshire

The New Hampshire Department of Agriculture, Markets, and Food runs an Animal Population Control Program to reduce the population of unwanted and stray cats and dogs. The program provides financial assistance for low-income residents to spay or neuter their cat or dog (N.H. Rev. Stat. Ann. § 437-A:2).

New York

Animal Population Control Program

New York law requires the Department of Agriculture and Markets to contract with an independent nonprofit entity to administer the state Animal Population Control Program. The program is intended to reduce the population of unwanted and stray cats and dogs, thereby reducing euthanasia rates and public health threats. It provides low-cost spaying and neutering services to low-income residents (N.Y. Agric. & Mkts. Law § 117-a).

Stray and Homeless Animals

New York law allows a humane society, society for the prevention of cruelty to animals, ACO, or police officer to have a stray or homeless animal humanely euthanized if a veterinarian or two reputable citizens find that the animal is so maimed, diseased, disabled, or infirm that euthanasia is warranted. If this finding is not made, then the animal, after five days, may be placed for adoption or be humanely euthanized. But municipalities may, by ordinance, set forth a different time period (not less than three days) for unclaimed cats whose owners cannot be identified provided that such cats are made available solely for adoption (N.Y. Agric. & Mkts. Law § 374).

Rhode Island

Under Rhode Island law, resident cat owners must have their cats that are over three months old wear an identification tag at all times unless they meet certain exemptions (e.g., are kept exclusively indoors or confined in outdoor areas and kept for breeding purposes). ACOs may fine anyone in violation; fines collected are remitted to the municipality where the violation occurred (R.I. Gen. Laws §§ 4-22-3 & 4-22-7).

The law authorizes ACOs to impound feral (i.e., wild, unsocialized, or untamed) cats and dispose of them or release them to a licensed animal shelter (R.I. Gen. Laws §§ 4-22-2 & 4-22-8).

If a feral cat is released to an animal shelter or impounded in a municipal pound, the shelter or pound must hold the cat for at least five days if it is wearing identification or two days if not. After this period, if the cat is not claimed, the shelter or pound may offer it for adoption or sale or otherwise dispose of it. If the feral cat is without identification and poses a danger, the shelter or pound may euthanize the cat before the period ends. Additionally, the period does not apply to any injured or maimed cat that a veterinarian examines and confirms in writing should be destroyed for humane reasons (R.I. Gen. Laws § 4-22-5).

By law, a shelter or pound cannot release a feral cat that was impounded without identification until the owner complies with the cat identification requirements (R.I. Gen. Laws § 4-22-6).

Vermont

Under Vermont law, an owner of a domestic pet must have a licensed veterinarian inoculate the animal against rabies with an approved vaccine. However, the law allows a person to use an approved rabies vaccine to inoculate a feral cat that takes up residence in a building (other than the person's home) without using a licensed veterinarian for this purpose (Vt. Stat. Ann. tit. 20, § 3581a).

JKL:kc