

Mary Ann Jacob, Chair
James S. Belden
A. Jeffrey Capeci
George T. Ferguson
Robert Merola
Dan Wiedemann



3 Primrose Street
Newtown, CT. 06470
Tel. (203) 270-4210
www.newtown-ct.gov

TOWN OF NEWTOWN

Minutes of the Legislative Council Ordinance Committee DRAFT-DRAFT-DRAFT

The Ordinance Committee met on October 5, 2011 in the Council Chambers of the Newtown Municipal Center at 7:00 pm. Chairman Jacob called the meeting to order at 7:03pm.

Present: Ms Jacob, Mr. Belden, Mr. Capeci, Mr. Ferguson, Mr. Merola and Mr. Wiedemann, one member of the press.

PUBLIC PARTICIPATION: None noted.

APPROVAL OF MEETING MINUTES: Mr. Ferguson made a motion to approve the minutes of the September 27, 2011 meeting. The motion was seconded by Mr. Merola; Chairman Jacob noted the omission of a second meeting date of October 19. All in favor.

ORDINANCE TO CONTROL FELINES: Chairman Jacob noted she incorporated Mr. Belden's changes as well as legal counsel concerns into the ordinance. Changes include changing Public Act to General Statutes and "ordinance" to "article". Chairman Jacob noted the First Selectman wanted to make sure residents who could not care for a cat could bring it to the pound to be adopted out. Paragraph 4-B was added to accommodate. Chief Kehoe prefers moving section 3E to a section on its own because it does not relate to "Keepers". The committee decided since the paragraph includes responsibilities of owners, keepers and Animal Control officers, 3E should remain in paragraph 3 but the paragraph title would be changed to "**Responsibilities**". Ms Jacob stated that Chief Kehoe stated that punitive legislation requires an appeal process. Mr. Capeci copied the appeals portion of the Alarm Ordinance into a new Section 6 of the ordinance and the committee made relevant changes. Mr. Merola moved to recommend to the full Council that the Ordinance be sent to public hearing. Mr. Ferguson seconded, all in favor.

AMENDING ORDINANCE §79 TAX ABATEMENT FOR VOLUNTEER FIRE AND RESCUE PERSONNEL TO INCLUDE NEWTOWN UNDERWATER SEARCH AND RESCUE (NUSAR) VOLUNTEERS: Mr. Merola detailed reporting structure of NUSAR through the Office of Emergency Management and changed ordinance to reflect this structure. Mr. Belden moved to recommend to the full Council sending Ordinance 79 to public hearing. Motion was seconded by Mr. Capeci. All in favor.

VOTER COMMENT: None noted.

AJOURNMENT: A motion to adjourn was made by Mr. Capeci and seconded by Mr. Wiedemann, all in favor. Chairman Jacob adjourned the meeting at 7:29pm.

Respectfully Submitted,
Jeff Capeci

Newtown Cat Ordinance

§1 Purpose

In accordance with Connecticut General Statutes ("CGS") Section 22-339d, as amended and CGS Section 22-332d, the Town of Newtown ("Town") enacts this article to regulate the keeping of cats as defined in 2 and to establish a procedure 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 cats.

§2 Definitions

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

FERAL CAT A free-roaming domestic cat that is not owned.

DOMESTIC CAT A cat that has been tamed and kept by humans as a pet.

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.

§3 Responsibilities.

- 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 CGS Section 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 Section 22-380e to 22-380m, inclusive, of the CGS, provided such cats are adopted from a municipal pound.
- E. No person owning or keeping any cat shall permit such animal to:
 - (1) Substantially damage property other than the property of the owner or keeper; or
 - (2) Cause an unsanitary, dangerous or unreasonably offensive condition.

§4 Impoundment; notification; claiming; disposal of unclaimed cats.

- 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 ~~or of~~ feral cats.
- B. Any cat brought to the Animal Control Facility by a Newtown resident and requested by such resident to be taken into custody by the facility may be

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accepted by the Animal Control Officer. Such cat may be made available for adoption in accordance with Town Animal Control policy.

- C. 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 euthanized by a licensed veterinarian or disposed of as the State Veterinarian may direct.
- D. 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 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.
- E. 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.
- F. If, within such period but no sooner than thirty days, any cat is not claimed by and released to the owner or keeper or purchased as a pet, the Animal Control Officer shall may, in accordance with Town Animal Control policy, cause such cat to be mercifully euthanized by a licensed veterinarian or disposed of as the state veterinarian may direct.
- G. 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. An owner may redeem their cat(s) upon presentation of proper identification. A keeper may redeem feral cat(s) by showing his Keeper license, and upon the payment by such owner or keeper or his agent of:
 - (1) A redemption fee of \$15; and
 - (2) The cost of advertising incurred under the provisions of Subsection C of this section
- H. 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.

§5 Penalties for offenses.

- A. Any person who has violated §3E of this article be fined \$25 for each violation. Such fine is in addition to any fees collected as provided in §4 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

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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 Newtown.

- B. Any owner or keeper of any impounded cat who fails to redeem such cat within ~~120-hour~~ ten days 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 §3E as set forth in Subsection A above.

§6 Appeals

- A. All fines imposed are subject to appeal. If the Animal Control Officer assesses a fine, the Animal Control Officer shall send written notice of the intended action and a statement of the right to an appeal. Said written notice of the right to appeal will stay the imposition of the Animal Control Officer's action until the 30 day appeal period ends or an appeal hearing decision has been rendered.

§7 Liability for destruction of cat.

No person who destroys a cat pursuant to §4C and §4F of this article shall be held criminally or civilly liable therefore.

§8 Word Usage.

In construing this article, feminine or neuter pronouns shall be substituted for those of masculine form and vice versa, and the plural of the singular and singular of the plural shall be substituted in any case in which the context may require