



**ORANGE COUNTY**  
NORTH CAROLINA  
*Animal Services*

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DATE, 2019

**To:** Penny Rich, Chair, Board of County Commissioners, and Bonnie Hammersley, County Manager  
**From:** Robert A. Marotto, Director, Orange County Animal Services  
**Re:** **Cat Concern**

The purpose of this memo is to make you aware that the Animal Services Advisory Board (ASAB) has reviewed a concern about the absence of a provision in the Unified Animal Ordinance (UAO) requiring cats to be kept on their owner's property and/or leashed. The board and Animal Services staff concur that there is no need to entertain an amendment to the ordinance for reasons that are discussed in more detail below.

At the outset, I would underscore that neither the ASAB nor Animal Services staff is encouraging or endorsing the idea that cats should be allowed to freely roam. For a variety of reasons, we would like cats with an owner or a keeper to be kept indoors or in safe outdoor enclosures, and we hope to increasingly make this message prominent in our public outreach and education. At the same time, we are keenly aware of the need for new and much more effective approaches to manage free-roaming cats in Orange County and beyond.

With respect to the requested ordinance amendment, Ms. Carol McCanna and Ms. Libby Habeck addressed this concern to the ASAB at its January 31, 2018 meeting. They did so after Ms. McCanna spoke with me about her concern given her recent experience seeking to involve Animal Services in resolving a problem she was experiencing with a neighbor's cat. In particular, she was displeased that Animal Services was not able to assist her given that the cat was microchipped as well as licensed and vaccinated. The reason is that the cat was not engaging in a behavior that constitutes a public nuisance under the ordinance, e.g., repeatedly injuring or killing animals or birds or defecating or urinating in sandboxes, flower beds, etc.

Under the public nuisance section (4-45) of the UAO it is not a public nuisance for a cat that "can be identified through a currently registered microchip" to be off the property of its owner or keeper. This approach was deliberately taken in creating the UAO because cats were not seen to present the same risks to public health and safety as dogs and other animals, prior experience prosecuting nuisance cat infractions was not positive, and in many situations good neighbors balanced the limited freedom of a cat with the cat's potential impact on others. This approach was favored not only by county staff, but also by the town staff who were involved in developing the UAO, on the basis of experience with the extant ordinances for the county and the towns of Chapel Hill and Carrboro.

The ASAB and Animal Services staff agree that the approach taken in creating the UAO is sound and that amending the ordinance would be ill-advised. They hold this view for the following reasons:

- **Public health and safety:** At-large cats do not pose as great a risk to public health and safety as do at-large dogs or larger animals. This is not to downplay the unwanted impacts that free-roaming cats may have on wildlife, but it is doubtful that more restrictive rules and stricter enforcement are the solution given our experience over the recent decades.

- **Enforcement:** As suggested above, there is a concern with making it a code violation and a crime for a cat with a registered microchip to be off of the owner's property. (Prior experience with violations of this kind in the criminal justice system underscores this concern.) In addition, there is concern with whether addressing microchipped cats off the property of their owner or keeper as a legal violation is a good use of the limited public resources available for animal control and protection.
- **Scale:** During the month of June 2018, for instance, , Animal Control and Protection staff tracked the complaints they received from one person about a cat belonging to another person that was on their property. Only one complaint of this kind was made even though June is one of the busier months of the year for field services as well as animal admissions. Thus, it appears that this issue is not of widespread concern in Orange County.

Furthermore, the ASAB believes that there are remedies available to Ms. McCanna other than amendment of the current Animal Ordinance. One is her Homeowner's Association, which apparently has covenants in place that restrict dogs as well as cats from being at large and adversely impacting members of the HOA. Another is to trap the cat of concern to her on her own property (using a humane trap) and bringing the cat to Orange County Animal Services, from which it would need to be recovered by its owner for standard fees.

I very much hope that you find this information to be of value, as we very much wish for the BOCC to be aware of the discussions the ASAB has with residents and stakeholders about policy and programmatic matters. Please don't hesitate to contact me if there is any other information you would find helpful.

Cc: Maureane Hoffman, MD, Ph.D., Chair, Animal Services Advisory Board  
Molly Mullins, Ph.D., Vice Chair, Animal Services Advisory Board  
Anne Marie Tosco, Staff Attorney, Orange County  
Andi Morgan, Animal Services Assistant Director  
Irene Phipps, Animal Control Manager, Orange County Animal Services