



Ordinance 693

AN ORDINANCE AMENDING CHAPTER 71 TO AUTHORIZE THE HUMANE MANAGEMENT OF COMMUNITY CATS THROUGH TRAP- NEUTER-VACCINATE-RETURN (TNVR)

Sponsored By: Mayor and Council

First and Second Reading: September 10, 2026 Council Meeting

Results: Passed 6 In Favor, 1 Opposed

Third and Final Reading: October 8, 2026 Council Meeting

Results:

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AN ORDINANCE AMENDING CHAPTER 71 TO AUTHORIZE THE HUMANE MANAGEMENT OF COMMUNITY CATS THROUGH TRAP-NEUTER-VACCINATE-RETURN (TNVR)

WHEREAS, the Mayor and Council of the Town of Elsmere recognize that free-roaming community cats are present within the Town and that unmanaged populations have contributed to public nuisance complaints, animal welfare concerns, and public health issues; and

WHEREAS, the Mayor and Council find that Trap-Neuter-Vaccinate-Return (TNVR) is a humane method of managing community cat populations by reducing reproduction, improving animal health through vaccination, and stabilizing colony populations over time; and

WHEREAS, the Mayor and Council desire to establish standards for the humane management of community cats while preserving the Town's authority to address nuisance conditions and protect the public health, safety, and welfare; and

WHEREAS, the Mayor and Council find that amending Chapter 71 of the Town Code to authorize TNVR under specified conditions serves the best interests of the Town and its residents.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF ELSMERE:

That a new section known as 71-4.1 of Chapter 71 of the Code of the Town of Elsmere be added as follows:

§ 71-4.1 Trap-Neuter-Vaccinate-Return (TNVR) Program

A. Purpose.

The purpose of this section is to authorize the humane management of community cats through Trap-Neuter-Vaccinate-Return (TNVR) as a means of reducing feral and stray cat populations while protecting the public health, safety, and welfare.

B. Definitions.

For the purposes of this chapter, the following terms shall have the meanings indicated. No attempt is made to define any words which are used in accordance with their established dictionary meanings, except when necessary to avoid misunderstandings.

COMMUNITY CAT – A free-roaming unowned, abandoned, stray, or feral cat. Community cats are not considered wildlife.

CAREGIVER – A person or organization that provides food, water, shelter, or veterinary care to one or more community cats participating in a TNVR program, who may not be considered the owner, harborer, controller, maintainer or keeper of a community cat.

EARTIPPING – The removal of the distal one-quarter of a community cat’s ear, performed by a licensed veterinarian, in order to identify a community cat as being sterilized and lawfully vaccinated.

TRAP-NEUTER-VACCINATE-RETURN (TNVR) – The humane process of trapping a community cat, sterilizing and vaccinating the cat against rabies by a licensed veterinarian, permanently identifying the cat by ear tipping, and returning the cat to the location where trapped.

C. Caregiver License Required

No person shall act as a Community Cat Caregiver or participate in the Town's Trap-Neuter-Vaccinate-Return (TNVR) program without first registering with the Town and obtaining a TNVR Caregiver License. The applicant shall complete a registration form furnished by the Town Manager or his or her designee and shall provide such information as may be reasonably required by the Town for purposes of administering and enforcing this Section.

A TNVR Caregiver License shall be issued to the designated applicant and shall be nontransferable from person to person.

The Town Manager or his or her designee shall be responsible for the administration and issuance of TNVR Caregiver Licenses

D. License Revocation

The Town Manager or his or her designee may suspend or revoke a TNVR Caregiver License for failure to comply with any provision of this Section or any other applicable provision of Chapter 71. Revocation or suspension of a TNVR Caregiver License shall not relieve the licensee of any penalties or other enforcement actions applicable under this Chapter.

E. Authorized Activity.

The Town recognizes Trap-Neuter-Vaccinate-Return as an approved animal population management practice. Community cats that have been sterilized, vaccinated against rabies, and ear-tipped may be returned to the location where trapped.

F. Exception to § 71-3(C)(5).

Feeding of community cats by a licensed caregiver in accordance with this Section shall not constitute a violation of § 71-3(C)(5) or §71-4, provided food is placed in a sanitary manner and removed within a reasonable period of time.

G. Exception to Harboring of stray animals.

A licensed caregiver participating in an authorized TNVR program shall not be deemed to be harboring a stray animal solely because the caregiver provides food, water, shelter, or veterinary care to a community cat participating in TNVR.

H. Colony Size.

A caregiver participating in an authorized TNVR program pursuant to this Section shall limit the size of any cat colony to no more than six (6) cats.

I. Caregiver Responsibilities.

Caregivers shall:

- (1) Trap community cats and make reasonable efforts to have community cats sterilized and vaccinated against rabies.
- (2) Ensure cats are ear-tipped prior to release.
- (3) Maintain feeding areas in a sanitary condition.
- (4) Remove food after feeding to prevent its consumption by animals other than the community cats being fed and to avoid attracting other animals to the area. This subsection shall not apply to bird feeders.
- (5) Make diligent efforts to address public nuisance conditions.
- (6) Make diligent efforts to ensure that community cats do not threaten the safety of or harm any member of the general public, damage the property of another person, or trespass upon the private property of any person other than the caregiver.
- (7) Prior to returning a Community Cat to the location where it was trapped, the Community Cat Caregiver shall make reasonable efforts to surrender the cat to a local animal shelter, rescue organization, or other appropriate placement program, or to otherwise rehome the cat. A Community Cat may be returned to its original location when reasonable efforts to surrender or rehome the cat have been unsuccessful, provided that the cat has otherwise been managed in accordance with the requirements of this Section.
- (8) The caregiver shall maintain documentation demonstrating that each cat in the TNVR colony has been sterilized and vaccinated against rabies as required by applicable law. Such documentation shall be provided to the Town Manager, Code Enforcement Officer, or other authorized Town official upon request and within a reasonable period of time specified by the Town.

J. Animal Control Authority.

Nothing in this Section shall prevent the Town, its Code Enforcement Officer, Animal Control Officer, or any law enforcement officer from removing a community cat that:

- (1) appears seriously injured or diseased;
- (2) poses a threat to public safety;
- (3) is subject to quarantine or other action required by Delaware law.

K. Enforcement of Violations.

A caregiver who fails to comply with the requirements of this Section shall not be entitled to the exemptions provided herein and shall be subject to enforcement in accordance with Section 71-8 of this Chapter.

L. Violations and Penalties.

Any person found to be in violation of the provisions of this Section shall be subject to the enforcement procedures and penalties set forth in § 71-9 of this Chapter.

First and Second Reading
September 10, 2026

Third and Final Reading
October 8, 2026

Joann Personti
Mayor

Jane McDaniel
Secretary

Approved as to form:

Town Solicitor

SYNOPSIS
ORDINANCE 693

This ordinance amends Chapter 71 of the Code of the Town of Elsmere to establish a Trap-Neuter-Vaccinate-Return (TNVR) program for the humane management of community cats. The ordinance creates limited exceptions to existing animal regulations regarding the feeding and harboring of stray animals for registered TNVR activities while preserving the Town's authority to address nuisance, public health, and public safety concerns.

Fiscal Impact:

The ordinance establishes an annual TNVR Caregiver License requirement, however there is no fee for the registration. Therefore, no fiscal impact is anticipated.