

TOWNSHIP OF HAINESPORT

ORDINANCE NO. 2017-14

**AN ORDINANCE OF THE TOWNSHIP OF HAINESPORT SUPPLEMENTING
CHAPTER 53, "ANIMALS" BY ESTABLISHING ARTICLE IV, "CATS" AND
CREATING A COMMUNITY CAT MANAGEMENT PROGRAM THEREIN**

WHEREAS, the Township of Hainesport like many communities throughout the State of New Jersey and the United States, desires to effectively and humanely control the feral cat population within its borders; and

WHEREAS, although the Mayor and Township Committee believe that it is most appropriate for cats to be domesticated and remain indoors, they recognize that feral cats, in the vast majority of cases, are not suitable to be taken indoors as pets as they have become accustomed to surviving in the wild; and

WHEREAS, it is necessary for the protection of the public health, safety and welfare of Township residents that a program be established to permit individuals to maintain feral cat colonies in accordance with certain rules and regulations; and

WHEREAS, through a public-private partnership the Township seeks to establish a Community Cat Management Program in an effort to protect the public health, reduce shelter euthanasia and preserve scarce shelter resources.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Hainesport, County of Burlington, State of New Jersey as follows:

Section I. Chapter 53, of the code of the Township of Hainesport, entitled “Animals” is hereby supplemented to establish Article IV, entitled “Cats”, as follows:

Article IV. Cats

§53-11 Purpose

The purpose of this article is to regulate the ownership and management of domesticated and feral cats throughout the Township, as to protect the public health, safety and welfare, and to prescribe penalties for failure to comply.

§53-12 Definitions

For the purpose of this section, the following terms shall have the meaning set forth in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, words in the singular number include the plural, and words in the male gender include the female gender.

Abandoned shall mean that an owner or caregiver has forsaken a domesticated cat entirely, or has neglected or refused to provide care and support of the cat.

Animal Control Officer shall mean any person employed or appointed by the Township who is authorized to investigate violations of laws and regulations concerning animals, and to issue citations in accordance with New Jersey law and this Code.

Caregiver shall mean any person who provides food, water or shelter to or otherwise cares for a cat and meets the requirements of §54-15(B);

Domesticated Cat shall mean a cat that is socialized to humans, is appropriate as a companion for humans and is owned by a single individual.

Eartipping shall mean straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized.

Feral Cat shall mean a cat that exists in a wild or untamed state, either due to birth or reversion to a wild state from domestication. The usual and consistent temperament of a feral cat is extreme fear and resistance to contact with humans. Feral cats are completely or substantially unsocialized to humans.

Feral Cat Colony shall mean a group of cats that congregates, more or less, together as a unit. Although not every cat in a colony may be feral, any nonferal cats that congregate with a colony shall be deemed to be a part of it.

Lead Sponsor shall mean a private non-profit animal welfare organization with at least one (1) of its purposes being the adoption or placement of cats in homes with humans to serve as companion animals and is able to meet the requirements of §54-15(A);.

Microchip or Electronic Animal Identification Device (EAID) shall mean an item that is inserted into an animal, typically on the back between the shoulder blades, by a veterinarian in accordance with professional medical standards.

Nuisance shall mean: Disturbing the peace by: (a) habitually or continually howling, crying or screaming; (b) the habitual and significant destruction, desecration or soiling of property against the wishes of the owner of the property; (3) habitual trespassing upon public or private grounds; or (4) other activities constituting a nuisance at common law or under the provisions of this code.

Owner shall mean any person, firm, corporation, partnership, association, trust, estate, or any other legal entity which has a possessory interest in a cat.

Stray Cat shall mean a cat that is regularly off the property of the owner, is not under the physical control and restraint of the owner and is not regularly provided with food by its owner.

Suitable Shelter shall mean shelter that provides protection from rain, sun, and other elements that is adequate to protect the health of the cat.

TNR shall mean trap, neuter and return.

TNR Program shall mean a program pursuant to which feral and stray cats are trapped, neutered or spayed, vaccinated against rabies and returned to the location where they congregate.

Zoonotic Disease shall mean those diseases transmittable to humans from animals, including parasitic, bacterial, fungal and viral diseases.

§53-13 Domesticated Cats

- A. Owners of domesticated cats shall provide appropriate and adequate food, water and shelter for their cats.
- B. The owner of a domesticated cat shall exercise reasonable care to guard against the cat creating a nuisance.
- C. The owner of a sexually intact (not spayed or neutered) domesticated cat shall not permit his/her cat to roam outdoors. Females in season shall be restrained at all times and isolated from male cats.
- D. An owner shall not abandon a domesticated cat.
- E. No person shall keep a cat on a property in a manner that causes one or more of the following: unsanitary conditions; infestation by insects or rodents; physical conditions that endanger the health or safety of humans.

§53-14 Community Cat Colonies Permitted

A Lead Sponsor and Caregivers shall be permitted to maintain a feral cat community within the Township in strict accordance with the terms and conditions of this Article. The Township reserves the right to limit the number of colonies permitted in the Township.

§53-15 Community Cat Management Program

The Township of Hainesport may appoint a private non-profit animal welfare organization to serve as the Lead Sponsor of the Community Cat Management Program. The Lead Sponsor shall enter into a Memorandum of Understanding with the Township in accordance with the requirements of this Article. Individuals and organizations may apply to the Lead Sponsor to serve as Caregivers. Any person or entity intending to undertake the responsibilities of Caregiver shall advise the Lead Sponsor in writing and provide his/her/its address, e-mail address and telephone number. The Lead Sponsor and Caregivers shall each individually execute an indemnification which will hold harmless the Township of Hainesport, its elected and appointed officials, employees, agents, volunteers and other working on behalf of the municipality, from and against any and all claims, losses, costs, attorney's fees, damages, or injury associated with the Community Cat Management Program.

A. Lead Sponsor Requirements

1. Conduct a thorough review to determine if the Caregiver(s) has the capability to meet the requirements of §54-15(B);
2. Provide training to Caregivers regarding the proper management of a feral cat colony, including methods to safely capture feral cats and the health and nutritional needs of a colony;
3. Register feral cat colonies and report annually to the Township or its designee on the number of colonies in the Township, the total number of cats in the colonies, the number of cats and kittens spayed and neutered pursuant to the TNR program and the number of cats and kittens placed in permanent homes;
4. Resolve any complaints over the conduct of a colony caregiver or of cats within a colony;
5. Maintain records provided by colony caregivers on the size and location of the colonies as well as the vaccination and spay/neuter records of cats in the sponsor's colonies;
6. Use due consideration to avoid the taking of rare, threatened or endangered species under the Endangered and Nongame Species Conservation Act, N.J.S.A. 23:2A-1, et seq.

B. Feral Cat Caregiver Requirements

1. Registering the feral cat colony with the sponsor;
2. Taking steps that are reasonably likely to result in the vaccination of the colony population for rabies and making reasonable efforts to update the vaccinations on cats that can be recaptured;
3. Taking steps that are reasonably likely to result in the spay/neuter, by a licensed veterinarian, of at least ninety (90%) percent of the colony population;

4. Providing the Lead Sponsor with descriptions of each cat in the colony and copies of documents evidencing that the cats have been vaccinated and spayed/neutered;
5. All Caregivers are required to make reasonable efforts to provide certain necessities to each community cat under his/her care on a regular/ongoing basis, including, but not limited to, proper nutrition, adequate quantities of visibly clean and fresh water and medical care as needed. If medical care is unavailable or too expensive, the community cat caregiver must not allow the cat to suffer. Feeding is permitted during daylight hours only. Food must be offered to cats in a container and shall not be dumped on the ground. Any food remaining after cats have eaten must be removed before dark. Feeding areas must be maintained in a clean and sanitary condition.
6. Observing the colony cats at least twice per week for the purpose of keeping a record of any illnesses or unusual behavior noticed in any colony cats;
7. Obtaining the approval of the owner of any property, to which the caregiver requires access to provide colony care;
8. In the event that kittens are born to a colony cat, the caregiver shall take reasonable steps likely to result in the removal of the kittens from the colony after they have been weaned, and the placement of the kittens in homes or foster homes for the purpose of subsequent permanent placement;
9. Reporting annually in writing to the Lead Sponsor on the status of the colony, including data on the number and gender of all cats in the colony, the number of cats that died or otherwise ceased being a part of the colony during the year; the number of kittens born to colony cats and their disposition and the number of cats and kittens placed in permanent homes as companion cats; and
10. Obtaining proper medical attention to any colony cat that appears to require it.

C. Colony Cat Requirements.

1. The left ear of a colony cat that has been spayed or neutered and vaccinated shall be ear-tipped.
2. An electronic animal identification device (EAID) shall be inserted into the cat by a veterinarian in accordance with professional medical standards. The Sponsor shall be the named contact for purposes of the EAID.

§53-15 Trapping and Release of Cats.

A. Trapping

1. An Animal Control Officer who has trapped a cat shall scan the cat for an EAID. If an EAID is found, the Officer shall be responsible for contacting the caregiver or other person named as owner of the cat. If the owner or caregiver is not able to immediately

take custody of the cat, the officer shall transport the cat to the Burlington County Animal Shelter. The owner or sponsor shall be responsible for retrieving the cat from the shelter within three (3) business days or advising the shelter if the owner or sponsor does not intend to retrieve the cat.

2. Hainesport Township or its designee shall have the right to remove or authorize the removal of any free-roaming cat or community/feral cat because of immediate public health or safety concerns.

B. Release

1. No feral cat shall be released at any governmentally owned or managed park, natural area, area deemed as environmentally sensitive land or on any easement adjacent to such lands without approval from the township.
2. A feral cat trapped and in the possession of the Animal Control Officer or the Burlington County Animal Shelter may be released to a Caregiver or adopted. Prior to being released to a caregiver, feral cats shall be sterilized, ear tipped while under anesthesia by a licensed veterinarian, and vaccinated for rabies at the expense of the Caregiver.
 - (a) Notwithstanding the foregoing, whenever such cat is visibly injured or diseased and appears to be suffering and it reasonably appears that such cat cannot be expeditiously cured and returned to the field, transferred to a humane society or private animal nonprofit organization or placed in foster care, then Animal Services, acting in good faith and upon reasonable belief, may humanely euthanize the cat upon the advice of a licensed veterinarian.

§53-16 Violations and Penalties

Upon the entry of a plea of guilty to a first or second offense for a violation of any provisions of this article, the fine shall be \$35 for each such offense and no court appearance shall be required. Upon the issuance of a citation or summons for a third or subsequent offense, a court appearance shall be required with a fine for each such offense of not less than \$75 nor more than \$150.

§53-17 Enforcement

A. The Township and its designee shall have the following rights:

1. The right to seize or remove cats from a colony that have not been vaccinated against rabies and which are demonstrating signs of the disease.
2. Animal Control Officers, Code Enforcement Officers and Police Officers have the right to seize/remove a cat from a colony that is creating a nuisance on public property or private property other than the sponsor or caregivers as defined above.
3. If the Lead Sponsor and/or Caregiver has been given 60 days to respond and comply with this program and have failed to do so, the cat(s) may be removed and relocated.

B. The requirements of this section notwithstanding, Animal Control Officers, Code Enforcement Officers and Police Officers may investigate any nuisance complaint.

Section II. REPEALER, SEVERABILITY AND EFFECTIVE DATE.

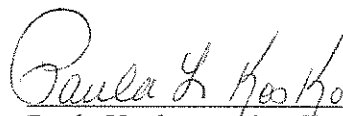
- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

NOTICE OF PUBLIC HEARING

HAINESPORT TOWNSHIP ORDINANCE NO. 2017-14

The Ordinance published herewith was introduced and passed upon first reading at the special meeting of the Township Committee of the Township of Hainesport held on November 13, 2017. It will be further considered for passage after a public hearing at the regular meeting to be held on December 12, 2017 at the Municipal Building, One Hainesport Centre, Hainesport, New Jersey at 7:00 PM at which time and place any persons desiring to be heard upon the same will be given an opportunity to be heard. During the week prior to and up to and including the date of such meeting or further consideration, copies of said Ordinance in its entirety may be obtained from the Township Clerk.

Dated: 11/13/2017



Paula Kosko, Acting Township Clerk
Township Administrator

Committee member	Motion	Second	Yes	No	Abstain	Absent
Gilmore		X	X			
Dickinson			X			
Fitzpatrick	X		X			
Masciocchi						X
Porto						X

NOTICE OF FINAL PASSAGE

**HAINESPORT TOWNSHIP
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Notice is hereby given that Ordinance No. 2017-14 as entitled above has been finally adopted on final reading by the governing body of Hainesport Township after a public hearing at a meeting held on December 12, 2017. Said Ordinance shall take effect in accordance with the law.

ATTEST:

Dated: 12/12/17

Paula Kosko
Paula Kosko, Township Clerk
Township Administrator

ACKNOWLEDGMENT OF

APPROVAL BY:

Dated: 12/30/17

Anthony Porto
ANTHONY PORTO, II
Mayor of Hainesport Township

	Motion	Second	Yes	No	Abstain	Absent
Gilmore		X	X			
Dickinson			X			
Fitzpatrick			X			
Masciocchi	X		X			
Porto			X			

Introduced: November 13, 2017
First Publication: November 19, 2017
Adoption: December 12, 2017
Final Publication: December 15, 2017