

PROPOSED MUNICIPAL COMMUNITY CAT ORDINANCE

Chapter ____ Section ____

Definitions:

ANIMAL: any live vertebrate creature including mammals, birds, reptiles, amphibians and fish, but not humans.

ANIMAL CONTROL OFFICER or ACO: a person 18 years of age or older who has satisfactorily completed the course of study approved by the Commissioner of Health and Senior Services of the State of New Jersey and the Police Training Commission as prescribed by paragraphs (1) through (3) of subsection a. of section 3 of N.J. P.L.1983, c. 525 (C.4:19-15.16a); or who has been employed in the State of New Jersey in the capacity of, and with similar responsibilities to those required of, a certified animal control officer pursuant to the provisions of N.J. P.L.1983, c. 525 for a period of three years before January 17, 1987.

ANIMAL RESCUE ORGANIZATION: an individual or group of individuals who, with or without salary or compensation, house, provide necessary medical care for and feed homeless or unlicensed animals in a home -or - facility, with the intent of placing the animals in permanent homes as soon as one becomes available.

ANIMAL RESCUE ORGANIZATION FACILITY: the home or facility in which an animal rescue organization houses and cares for an animal.

ANIMAL SHELTER: any establishment where cats or other animals are received, housed and adopted out, but not a pet store.

AT-LARGE: when an animal is off the property of its owner and (i) has entered the property of another person without that owner's authorization, or (ii) has entered onto public property, street or right-of-way, unless restrained by its owner, or a caretaker, with a leash of no less than six feet in length, or other physical control device, such that the animal is under the physical control of the owner or caretaker. Nothing in this definition is intended to prevent dogs from being on training leashes or retractable leashes or engaging in other appropriate activities under adequate, responsible adult supervision where care is taken to assure control as needed to prevent violations of this ordinance.

CAT: a member of the species *Felis catus*.

CAT OF LICENSING AGE: any cat, which is not a community cat, reaching the age of seven months or, if age cannot be determined, a cat which possesses a set of permanent adult teeth.

COMMUNITY CAT: any free-roaming cat, which may or may not be feral, with a caretaker known or unknown. Community cats shall be distinguished from other cats through their ear-tip and sterilization. These cats are exempt from licensing, stray and at-large provisions of this ordinance.

COMMUNITY CAT CAREGIVER: any person who, in accordance with a community cat management/TNR program will work to trap, sterilize, vaccinate for rabies, ear-tip then return free-roaming cats or feral cats to the area in which they were trapped. A caregiver shall not be considered an owner, of a community cat. A caregiver shall not possess, keep or harbor a community cat.

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COMMUNITY CAT COLONY: - a single community cat or a group of community cats that congregate together outside as a unit. Any non-feral cat(s) that congregate with a colony shall be deemed part of it.

COMMUNITY CAT MANAGEMENT: any person, known or unknown, who engages in Trapping, Neutering and Returning (TNR) a community cat to a colony. Management of the colony shall include, but not be limited to, trapping, sterilizing, vaccinating, ear-tipping, and returning a community cat to its colony of origin, from which it was trapped. Managing shall also include, providing adequate food, water, medical care and shelter for the cats within the colony being managed. Assuming temporary custody of any cat within the colony from time to time may also be necessary to provide adequate care.

EARTIPPING/EAR-TIPPED: the straight-line cutting of the tip of one ear of a cat, while the cat is anesthetized. The left ear is the universally accepted practice; although in the past a cat's right ear may have been tipped.

FERAL CAT: an un-socialized un-domesticated cat with a temperament of extreme fear, and resistance to, contact with humans. Feral cats are considered community cats. Feral cats are typically born in the wild, or are the un-socialized offspring of socialized or feral cats, or were socialized cats who through abandonment, reverted to an un-socialized state.

FOSTER HOME: placement of a cat by an animal rescue organization with a caretaker, who may be an individual or group, for the purpose of providing temporary care for a cat, without the caretaker assuming ownership, and with the intent of the caretaker relinquishes the cat to the animal rescue organization or a suitable owner upon one being located. {A foster home may provide care to a cat without the effect of the fostered cat counting toward a municipality's household pet limit (should one exist); however a foster home must comply with all other provisions of this ordinance.}

HARBOR: the act of caring for and keeping an animal or the act of providing a premises or residence to which the animal returns for food, shelter or care, where the caregiver is providing the primary source of sustenance for the animal for at least ten days, whichever time is shorter. Community cat caregivers do not harbor community cats for the purposes of this ordinance, but are subject to the provisions of the ordinance pertaining to community cats.

MICROCHIP: an electronic identification device inserted into an animal, typically on the back between the shoulder blades, by a veterinarian in accordance with professional medical standards.

MUNICIPALITY: [name of Municipality]

NEUTER: to have a licensed veterinarian surgically sterilize the animal.

NUISANCE: disturbing the peace by:

1. Habitual or continuous howling, crying or screaming; or
2. The habitual and significant destruction, desecration or soiling of property against the wishes of the property owner creating conditions leading to the excessive breeding of fleas or flies, odors or noises; or

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3. Habitually trespassing upon public or private grounds

For the purpose of this ordinance, “habitually” means occurring on at least two separate occasions within a time period of one month; except that, howling, crying or screaming habitually, means making the sound persistently or continuously for at least 30 minutes occurring at least three separate times within a period of eight hours. For the purposes of this ordinance, “persistently” or “continuously” shall mean non-stop utterances for 30 consecutive minutes with interruption of less than 30 seconds at a time.

OWNER: any person, household, firm, corporation, or other organization who, except a foster home, who possesses a legal title to, a property interest in, or permanent custody of any animal regulated by this ordinance.

A person must be age 18 or older to be considered the legal owner of an animal. If a person under age 18 is considered the custodian or caretaker of the animal, the parent or legal guardian shall be considered the legal owner of the animal. A community cat caregiver is not an owner of community cats for the purposes of this ordinance but is subject to the provisions pertaining to community cat caregivers.

PET SHOP: any place of business which is not part of a kennel, wherein animals, including, but not limited to, dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils, are kept or displayed chiefly for the purpose of sale to individuals for personal appreciation and companionship rather than for business or research purposes.

PHYSICAL CONTROL: adequate ability to manage the actions of the animal to prevent the animal from engaging in biting, physical aggression towards people or animals, straying, being at-large or other exhibiting other behaviors regulated by this ordinance or state law.

POUND: an establishment for the confinement of dogs, cats or other animals seized or captured by a municipality, ACO or the agent of a municipality under the provisions of this ordinance, or otherwise. This term is often applied to a municipal animal control facility or a private or non-profit animal shelter that contracts with one or more municipalities to hold such animals.

PROPER SHELTER: a structure that:

1. is sufficiently ventilated and insulated to protect an animal from weather and to provide refuge from precipitation, wind, extreme temperature and/or direct sunlight; and
2. is fully enclosed with walls on three sides, with a fourth wall having an entranceway large enough to allow the animal to enter and exit comfortably, but not so large as to allow all heat to escape in cold temperatures; and
3. has a solid, waterproof roof; and
4. has a solid floor that does not sag under the animal’s weight; and
5. has a door or flap covering the entranceway during temperatures of 40 degrees or below; and
6. is positioned at a sufficient elevation to prevent water from running into the structure; and
7. is small enough to retain the animal’s body heat in cold weather and large enough for the animal to stand, turn around and lay down in comfortably; and
8. is sturdy, structurally sound and in good repair; and

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9. if it contains bedding such bedding shall be clean and dry; and

10. is surrounded by an area of at least five (5) feet that is clear of debris, feces, and urine.

SEVERE INJURY: any physical injury that results in one or more broken bones or one or more lacerations requiring sutures, or an injury requiring reconstructive or plastic surgery.

STRAY: any animal found to be at-large, whether lost by its owner or otherwise, or that is on the common areas of apartments, condominiums, trailer parks or other multi-residential premises, and that does not have identification tag and for which there is no identifiable owner. The term “stray” shall not be applied to community cats managed in accordance with this ordinance.

SUFFICIENT FOOD: access to uncontaminated, palatable food, appropriate for the species of animal, on a regular, ongoing basis in quantities sufficient to maintain a regular body weight as determined by Purina Body Score System or a veterinarian.

SUFFICIENT WATER: access to clean, potable water on a regular, ongoing basis in quantities sufficient to prevent the animal from experiencing dehydration.

TNR: Trap-Neuter-Return

TNR PROGRAM: a program pursuant to which community feral and stray cats are humanely trapped, spayed or neutered, vaccinated against rabies, and returned to the location at which they were trapped. A cat may receive a microchip as part of a TNR Program.

TRAP/HUMANE TRAP: any trap used to capture stray cats that is constructed so that it does not harm the animal and that is regularly monitored.

VETERINARIAN: an individual who is licensed to engage in the practice of veterinary medicine in the State of New Jersey.

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General

1. No person shall keep an animal 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.

2. No person shall maintain or feed any animal, domesticated or wild, 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.

3. Community cat colonies shall be permitted, and caregivers shall be entitled to maintain them, in accordance with the terms and conditions of this chapter.

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Responsibilities of Caregiver

1. The caregiver shall provide community cats with sufficient food; sufficient water; proper shelter and protection from weather; veterinary care as needed to prevent suffering; and humane care and treatment.
2. The caregiver shall exercise reasonable care to guard against the animal creating a nuisance.

Community Cat Management Initiatives/TNR Program

[Municipality] believes that the safest place for pet domesticated cats is indoors. [Municipality] also recognizes that feral and community cats, as defined in this chapter, are not, in the majority of cases, suitable to be taken indoors and kept as pets because their home is outdoors. The [Municipality] further recognizes the need for innovation in addressing the issues presented by feral or community cats. To that end, [Municipality] finds that properly managed community cat colonies are part of the solution to reducing the numbers of feral cats in the [Municipality] and the rate of cats euthanized in area shelters.

Community cat colonies shall be permitted in [Municipality] as part of a community cat management/TNR Program in accordance with the following provisions:

1. Community Cat Caregivers must ensure community cats are sterilized, vaccinated against the threat of rabies, and ear-tipped, and must cooperate with the Municipality to abate any nuisance.
2. The Location of Community Cat Colonies must be maintained in compliance with trespassing and property laws.
3. To be exempt from certain provisions of this chapter all cats that are part of an approved TNR/community cat program pursuant to this Chapter must be sterilized, vaccinated against the threat of rabies, and ear-tipped for easy identification. If these requirements are met the community cat is exempted from licensing, stray and at-large provisions of this ordinance.

Trapping of Cats

Trapping of community cats by those who are not community cat caregivers as defined in this ordinance, ACO employed by the municipality, or members of law enforcement, is prohibited unless the person trapping the cats is doing so for the purpose of providing medical attention for a sick or injured cat or for the purpose of TNR. Persons who trap free-roaming cats for the purpose of TNR must comply with the provisions of this ordinance.

Ear-tipped community cats

1. An ACO who has trapped a cat whose left ear has been tipped or which bears some other distinguishing mark indicating that it belongs to a community cat colony shall transport the cat to the contracted municipal shelter, where the cat will be scanned for a microchip. If a registered microchip is found, the registered owner or caregiver will be contacted and advised that the cat is located at the XXXX municipal shelter.
2. The owner or caregiver shall be responsible for retrieving the cat from the municipal shelter within XXX business days or advising the shelter if the owner or caregiver does not intend to retrieve the cat.

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3. If a trapped community cat is suspected of being rabid, the animal shall be immediately reported to the executive officer of the local board of health and to the Department of Health and Senior Services, and shall be quarantined, observed, and otherwise handled and dealt with as appropriate for an animal suspected of being rabid or as required by the Department of Health and Senior Services for such animals.

Resolution of Complaints – Procedures

1. The requirements of this article notwithstanding, ACOs and police officers may investigate any nuisance complaint. If an ACO or police officer determines that an ear-tipped community cat is causing a nuisance as defined by this article, the ACO or police officer shall attempt to contact the caregiver or owner. The caregiver or owner shall begin nuisance abatement procedures within 48 hours and make all reasonable efforts to resolve the nuisance as quickly as possible, not to exceed 60 days. If the caregiver or owner fails to resolve the nuisance, the animal control officer may remove the cat. If an animal control officer removes a community cat, the receiving municipal shelter or animal control must notify the community cat caregiver and allow the caregiver to retrieve the cat from the pound for adoption or relocation. If an animal control officer or police officer reasonably determines that a cat is injured or poses a significant threat to public health, the officer may reduce the time that the owner or caregiver has to resolve the complaint, as necessary to protect the cat and public health, before taking further action. In the case of an emergency, the animal control officer or police officer may remove the cat, but within 24 hours the animal control officer must provide the caregiver or owner with notice of the cat's whereabouts and allow the caregiver or owner an opportunity to retrieve the cat for treatment, return, or relocation.

2. Factors to be considered during the nuisance abatement process shall include:

- a) Recognition of the value of wildlife;
- b) Recognition of the value of TNR in managing community cat colonies;
- c) The availability of devices and strategies to minimize nuisance behavior by community cats that may have caused the complaint.

Enforcement of Community Cat Management Initiative/TNR Program

[Municipality] shall have the following rights:

- a) The right to seize or remove cats from a colony which have not been vaccinated against rabies and which are demonstrating signs of the disease.
- b) The right to seize or remove a cat from a colony which is creating a nuisance as defined in this ordinance, after the community cat caregiver has been given 60 days to abate the nuisance or remove and relocate the cat and failed to do so.
- c) The right to seize or remove a cat or colony of cats when the community caregiver regularly fails to comply with the colony care requirements of this chapter and the caregiver has not been able to obtain a replacement or substitute caregiver within 30 days of the Municipality or animal control officer having given notice to the caregiver. If one or more cats are in danger due to a caregiver's lack of compliance, the caregiver or owner may work with other local caregivers to find a suitable replacement caregiver or relocate the cats.

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Trapping Requirements

It shall be unlawful for any person to use inhumane methods to trap cats. Traps and the trapping of cats must meet the following requirements:

1. Traps shall not be left unattended for more than two hours
2. Traps shall not be left set overnight, unless traps are checked at least every two hours;
3. Traps shall not be left unattended for any length of time in temperatures below 45 degrees Fahrenheit or above 80 degrees Fahrenheit; in rain or snow; or in any other extreme weather; and
4. Traps utilized to capture cats shall be humane traps.

Any person who is found to be in violation of the provisions of this section shall be subject to a fine not to exceed {\$____} for each offense.

Exemptions for Animal at large

1. A cat shall be considered exempt from these provisions if:
 - a) The eartipped cat is part of an community cat management/TNR program in accordance with this ordinance.
 - b) An eartipped cat, part of TNR program, without leash is considered walking freely is not considered an animal at large.

Abandonment of animal

No person may desert or abandon any animal at any public or private location.

The practice of TNR and the provision of care to a community cat in accordance with the provisions of this ordinance do not constitute desertion or abandonment of the community cat. However, the placement of a cat at a community cat colony by a person other than the community cat caregiver ~~or~~ constitutes abandonment. Any person who is found to be in violation of the provisions of this section shall be subject to a fine not to exceed {\$____} for each offense.