

FIRST READING	_____
PUBLISH	_____
SECOND READING	_____
PUBLISH	_____

ORDINANCE NO. 2398

AN ORDINANCE PERMITTING THE MANAGED CARE OF FERAL CATS IN THE BOROUGH OF ROSELLE PARK

WHEREAS, the present goals of Trap, Neuter and Return (TNR) programs are to humanely and non-lethally reduce the number of feral cats, reduce feral cat predation and other adverse impact on wildlife, and benefit public health; and

WHEREAS, there are no governmental or privately operated programs in the Borough of Roselle Park to care for feral cats; and

WHEREAS, the population of feral cats has been increasing in the Borough of Roselle Park; and

WHEREAS, communities throughout the United States have found that current non-TNR practices for the control of feral cats have not been effective in reducing their numbers;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, Union County, New Jersey as follows:

SECTION 1. Definitions

For the purpose of this Ordinance, 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.

Caregiver means a person with animal welfare as its main purpose that agrees to comply with the requirements of caring for an approved colony as set forth in this Ordinance. The Caregiver is the person who provides food, water or shelter to and/or otherwise cares for a Feral Cat Colony. Said Caregiver must provide written notice to the Mayor and Council that it desires to serve as a Caregiver, and may be approved by the Mayor and Council within its discretion.

Companion Cat as used in this Ordinance means a cat which is currently socialized to humans.

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

Feral Cat means a cat which currently exists in a wild or untamed state.

Feral Cat Colony means a group of cats, not to exceed ten (10) cats at any one time that congregates.

Nuisance means disturbing the peace by (a) habitually or continually howling, crying or screaming, or (b) the habitual and significant destruction, desecration or soiling of property against the wishes of the owner of the property.

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

TNR means Trap, Neuter and Return.

TNR Program means a program pursuant to which cats are trapped, neutered or spayed, vaccinated against rabies, eartipped and returned to the current location where they congregate at the sole cost of the colony sponsor/caregiver.

SECTION 2. Feral Cat Colonies Permitted

Feral Cat Colonies may be permitted and Caregivers may be entitled to maintain them in accordance with the terms and conditions of this Ordinance. The Mayor and Council reserves the right to limit the number of colonies permitted in the Borough of Roselle Park.

SECTION 3. Caregiver Requirements

It shall be the duty of the Caregiver to:

- A. Conduct a thorough review to determine if the Caregiver(s) has the capacity to meet the requirements of Section 5.
- B. Work with skilled animal rescue/protection organizations such as NJSPCA to provide training to Caregivers regarding proper management of a Feral Cat Colony, including methods to safely capture ferals and health and nutritional needs of a colony.
- C. Register Feral Cat Colonies as provided in Section 7.
- D. Help to resolve any complaints over the conduct of a colony Caregiver or of cats within a colony.
- E. Ensure that records are maintained 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.

SECTION 4. Feral Cat Colony Caregiver Requirements

Caregivers are responsible for the following:

- A. Submitting the Feral Cat Colony for registration with the Mayor and Council and submitting a signed hold harmless agreement by each sponsor and caregiver
- B. Caregiver must ensure licensing, rabies vaccination and revaccination of all cats of the colony population and updating all other health vaccinations.
- C. Taking all reasonable, good faith steps that will result in the spaying/neutering, by a licensed veterinarian, of 100% of the colony population. In facilitating that spaying/neutering of cats, Caregivers shall be presumed to have acted in good faith in concluding that cats routinely congregating within the colony are feral.
- D. Included with registration application, provide the Mayor and Council with description of each cat in the colony, copies of documents evidencing that the cats have been vaccinated and spayed/neutered and the total number of cats in each colony and gender if known.
- E. Feeding, providing food, water and suitable shelter for feral and/or colony cats will be only sponsored by approved TNR Caregivers Food shall only be made available during daylight hours of 8am-10am in a way to reduce the attraction of nocturnal

- rabies vectors and not cause a public health nuisance or attract vermin or other animals.
- F. Providing for observation by the Caregiver of the colony cats on a daily basis, and keeping a record of any illnesses or unusual behavior noticed in any colony cats and report all illness to animal control immediately.
 - G. Obtaining proper medical attention to any colony cat that appears to require it at the sole cost of the Caregiver
 - H. Obtaining the approval of the owner of any property, to which the Caregiver requires access to provide colony care.
 - I. In the event that kittens are born to a colony cat, taking all reasonable, good faith steps that will result in the removal of the kittens from the colony after they have been weaned, and the placement of kittens in permanent homes, with proof of spay/neuter, at no cost to the Borough.
 - J. Not introducing any cats from outside the already existing colony into the colony.
 - K. Reporting semi-annually in writing to the Mayor and Council on the status of the colony, including date, 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 the colony cats, and their disposition and the number of cats placed for adoption or in permanent homes as companion cats along with proof of spay/neuter.
 - L. Undergo training for themselves and their responsible substitutes in the proper management of a colony as developed by the Animal Control.
 - M. Prior to any TNR activities, Caregiver must personally notify all neighbors of affected property(ies) within two (2) square blocks of the proposed location of a colony. Said notice must include the following information, the address of the proposed colony, statement that said neighbors have no objection to the placement and location of a cat colony at the stated address, neighbors name and address and signature. A copy of the notice must be presented to the Mayor and Council of the Borough of Roselle Park for formal approval prior to establishment of a colony.
 - N. All feces must be removed within 48 hours

SECTION 5. Colony Cat Requirements

- A. The left ear of a colony cat that has been spayed or neutered and vaccinated shall be eartipped.

SECTION 6. Registration of Feral Cat Colonies

- A. Feral Cat Colonies must be licensed and registered annually. Colonies within the Municipality that are not registered with the Mayor and Council are not entitled to any benefits or protections set forth in this Ordinance.

SECTION 7. Disposition of Colony Cats

- A. An Animal Control Officer who has trapped a cat whose left ear has been tipped wearing a license tag shall contact the Caregiver responsible for the cat.
- B. Once contacted, the Caregiver shall be responsible for retrieving the cat from the Shelter within seven (7) business days of notification or shall surrender the cat to the

Shelter and pay any required release fees if the Caregiver does not intend to retrieve the cat. Caregivers are responsible for all fees.

SECTION 8. Violations and Penalties

- A. Any person who shall violate any provisions of this Ordinance, upon conviction thereof, shall be punishable as provided in the Borough of Roselle Park Code, Chapter VIII Animal Control, Section 8-11.8 Violation and Penalties, Feeding Prohibited and Animal Nuisances.
- B. Each violation of any of the provisions of this Chapter and each day the same is violated shall be deemed and taken to be a separate and distinct offense.
- C. Nothing shall interfere with the Borough's ability to:
 - 1. Seize/remove a cat from a colony that is creating a nuisance as defined above if the Caregiver has failed to cure the nuisance within thirty (30) days of being advised in writing of its existence, which period may be extended at the Borough's discretion if progress is being made to cure the nuisance.
 - 2. Seize/remove a Feral Cat Colony when the Caregiver regularly fails to comply with the requirements of Section 5 if Caregiver has failed to correct the situation within thirty (30) days of being given notice in writing delineating the failure with specificity. Said period may be extended at the Borough's discretion if progress is being made to correct the violations(s).
 - 3. No provisions in this Ordinance are intended to interfere with the ability of Animal Control Officers ability to comply with N.J.S.A. 4:19-15.16 or other existing law.

SECTION 9. Program Review

The Animal Control Officer shall conduct a periodic review of the program and recommend any revisions which may be required to the Governing Body.

SECTION 10. The Mayor and Council strongly encourages Caregiver(s) of any Feral Cat Colony(ies) to work with all animal rescue groups for the purpose of maximizing relocation and adoption of impacted cats.

SECTION 11. If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

SECTION 12. All Ordinances or parts of Ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

SECTION 13. This amendment to the Code of the Borough of Roselle Park shall become effective upon publication and in accordance with law.

Introduced: February 6, 2014

Adopted:

Mayor

Attest: _____
Borough Clerk

Record of Vote- Introduction

Record of Vote-Adoption

Yakubov				
Hokanson				
Casais				
Storey				
Kelly				
Elmarassy				

Yakubov				
Hokanson				
Casais				
Storey				
Kelly				
Elmarassy				