

**ORDINANCE NO. 2403**

**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 his main purpose who 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. A Caregiver must provide written notice to the Mayor and Council that he desires to serve as a Caregiver and must meet all criteria set forth below for fulfilling the duties of a Caregiver.

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 by a veterinarian while the cat is anesthetized.

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

Feral Cat Colony means a single feral cat or a group of cats that congregates together.

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 caregiver or private organization assisting the caregiver.

**SECTION 2.** Feral Cat Colonies Permitted

Feral Cat Colonies are permitted and Caregivers are entitled to maintain them in accordance with the terms and conditions of this Ordinance.

**SECTION 3.** Feral Cat Colony Caregiver Requirements

It shall be the duty of the Caregiver to:

A. Ensure that he has the capacity to meet the requirements of Caregiver in this Section and Section 4 before registering a colony.

B. Ensure that he, or any individual or organization trapping cats on his behalf, obtains training from skilled animal rescue/protection organizations regarding methods to safely capture and hold feral cats.

C. Obtain information for himself and his responsible substitutes on the proper management of a colony, including any hand-outs developed by Animal Control.

D. Obtain the approval of the owner of any property to which the Caregiver requires access in order to trap cats or provide colony care.

E. Take 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.

F. Take all reasonable, good faith steps that will result in rabies vaccination and revaccination of all cats in the colony.

G. In the event that kittens are born to a colony cat, take 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.

H. Provide food, water and suitable shelter for feral and/or colony cats. Caregiver shall only make food available to the colony cats during daylight hours and shall remove all uneaten food within 2 hours of feeding, in order to reduce the attraction of nocturnal rabies vector species and avoid causing a public health nuisance or attracting vermin or other animals.

I. Observe the colony cats on a daily basis, and keep a record of any illnesses or unusual behavior noticed in any colony cats and report all illness to animal control immediately.

J. Obtain proper medical attention for any colony cat that appears to require it, at the sole cost of the Caregiver or private organization assisting the Caregiver.

K. Remove all visible feces within 48 hours.

L. Help to resolve any complaints over the conduct of the colony Caregiver or of cats within a colony.

M. Not introduce any cats from outside the already existing colony into the colony.

**SECTION 4.** Feral Cat Colony Registration Requirements

It shall be the duty of the Caregiver to:

A. Maintain records on the size and location of the colony, as well as the vaccination and spay/neuter records of cats in the colony.

B. Submit a registration application to the Mayor and Council for the Feral Cat Colony, which shall include:

1. The total number of cats in the colony
2. A description of each cat in the colony

3. Copies of documents evidencing that the cats have been vaccinated and spayed/neutered, with the understanding that if the Caregiver has been unable to catch a particular cat at the time of registration he shall note this in writing and submit the documents for such cat once they are available; and
4. A signed hold harmless agreement.

C. Report 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.

D. Feral Cat Colonies must be 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 5.** Colony Cat Requirements

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

**SECTION 6.** Disposition of Colony Cats

A. An Animal Control Officer who has trapped a cat whose left ear has been tipped 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 surrender fees if the Caregiver does not intend to retrieve the cat. Caregivers are responsible for all fees.

**SECTION 7.** 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 3 if Caregiver has failed to correct the situation within thirty (30) days of being given notice 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 8.** 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 9.** 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 adoption of kittens and tame cats.

**SECTION 10.** 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 11.** All Ordinances or parts of Ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

**SECTION 12.** This amendment to the Code of the Borough of Roselle Park shall become effective upon publication and in accordance with law.

Introduced: March 20, 2014

Adopted:

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
Borough Clerk