

The Borough of Point Pleasant Beach

Ocean County, New Jersey

ORDINANCE 2008-38 Management of Feral Cats

AN ORDINANCE OF THE BOROUGH OF POINT PLEASANT BEACH,
COUNTY OF OCEAN AND STATE OF NEW JERSEY AMENDING CHAPTER XXII OF THE
ORDINANCES OF THE BOROUGH TO PERMIT THE MANAGED CARE OF FERAL CATS

WHEREAS the Mayor and Council of the Borough of Point Pleasant Beach are aware of the problems in the Borough caused by a large feral cat population; and
WHEREAS, feral cats are cats that are significantly or completely unsocialized and not adoptable as companion animals; and
WHEREAS, there are no facilities in the Borough of Point Pleasant Beach("Borough") or the County of Ocean to address issues created by feral cats; and
WHEREAS, the population of feral cats has been increasing in the Borough; and
WHEREAS, communities throughout the United States have determined that the practice of trapping and euthanizing feral cats is not effective in reducing their numbers; and
WHEREAS, a present goal of Trap-Neuter-Return (TNR) is to decrease the number of cats in the environment and thereby reduce feral cat predation on wildlife; and
WHEREAS, programs for the managed care of feral cat colonies that include trapping, neutering and returning such cats to their habitats have proven to be effective in reducing the number of feral cats and is more humane than trapping and euthanizing; and
WHEREAS, TNR programs are beneficial to communities and the public health because cats in managed colonies are vaccinated against rabies, which has positive public consequences, and are spayed or neutered, thereby controlling the population;
WHEREAS the Mayor and Borough Council deem it in the public interest to amend its ordinances in order to meet these stated goals;
NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Point Pleasant Beach, County of Ocean and State of New Jersey that Chapter XXII of the Ordinances of the Borough of Point Pleasant Beach be amended to add an Article III as follows:

ARTICLE III

Section 1.

22-14. 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.

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

Animal Control Officer means any person employed or appointed by the Borough 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 means any person who provides food, water or shelter to or otherwise cares for a cat.

Domesticated cat means a cat that is socialized to humans and is appropriate as a companion for

humans.

Ear Marked means a tagged, notched or tipped left ear as performed by a licensed veterinarian.

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

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.

Owner means any person, firm, corporation, partnership, association, trust, estate, or any other legal entity.

Rescue group is a for-profit or not-for-profit entity or a collaboration of individuals with at least one of its purposes being the adoption or placement of cats in homes with humans to serve as companion animals.

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

TNR means, Trap, Neuter and Return.

TNR Program means 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 means those diseases transmittable to humans from animals, including parasitic, bacterial, fungal and viral diseases.

Section 2.

22-15. Responsibilities of owners of domesticated cats.

22-15.1 Owners of domesticated cats shall provide appropriate and adequate food, water and shelter for their cats.

22-15.2 The Owner of a domesticated cat shall exercise reasonable care to guard against the cat creating a nuisance.

22-15.3 The owner of a sexually intact (not spayed or neutered) domesticated cat shall not permit his/her cat to roam unsupervised.

22-15.4 An owner shall not abandon a domesticated cat.

Section 3.

22-16. Feral Cat colonies.

22-16.1 Feral Cat colonies shall be permitted and Caregivers shall be entitled to maintain them in accordance with the terms and conditions of this Ordinance.

22-16.2 Sponsorship of Colony TNR Programs.

The Point Pleasant Beach Animal Welfare Committee is approved as Sponsor. Other persons may apply to the Borough to serve as colony TNR program sponsors ("Sponsors"). Any person or entity so applying shall comply with the requirements of this article for sponsors and execute a Point Pleasant Beach Animal Welfare Committee-approved sponsor contract. Any person intending to undertake the responsibilities of sponsor shall advise the Point Pleasant Beach Animal Welfare Committee in writing and provide his/her/its address and telephone number.

22-16.3 Sponsor requirements.

It shall be the duty of the sponsor to:

- a. Review and approve of colony caregivers;
- b. Help to resolve any complaints over the conduct of a colony caregiver or of cats within a colony;
- c. Maintain records provided by colony caregivers on the size and location of the colonies as well as the vaccination and spray/neuter records of cats in the sponsor's colonies; and
- d. report annually to the Borough on the following:
 - i. number of colonies in the Borough;
 - ii. total number of cats in colonies;
 - iii. number of cats and kittens spayed and neutered pursuant to the TNR program; and
 - iv. number of cats and kittens placed in permanent homes
- e. use due consideration to avoid the taking of rare, threatened or endangered species under the Endangered and Non-game Species Conservation Act, N.J.S.A. 23:2A-1, et seq.

22-16.4 Feral Cat Caregiver requirements.

Caregivers are responsible for the following:

- a. registering the Feral Cat colony with the Sponsor;
- b. 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;
- c. taking steps that are reasonably likely to result in the spay/neuter, by a licensed veterinarian, of at least ninety percent (90%) of the colony population;
- d. providing the sponsor with descriptions of each cat in the colony and copies of documents evidencing that the cats have been vaccinated and spayed/neutered;
- e. providing food, water and, if feasible, shelter for colony cats;
- f. observing the colony cats at least twice per week and keeping a record of any illnesses or unusual behavior noticed in any colony cats;
- g. obtaining the approval of the owner of any property, to which the Caregiver requires access to provide colony care;
- h. 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;
- i. reporting annually in writing to the 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
- j. obtaining proper medical attention to any colony cat that appears to require it.

22-16.5 Colony Cat requirements.

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

22-16.6 Disposition of Colony Cats.

- a. An Animal Control Officer who has trapped a cat whose left ear has been tipped or which bears some other distinguishing mark indicating that it belongs to a feral cat colony shall scan the cat for an EAID. If an EAID is found, the officer shall be responsible for contacting the sponsor or other person named as owner of the cat.
- b. If the Owner or Sponsor is not able to immediately take custody of the cat, the officer shall return the cat to the appropriate colony.

c. If the cat does not have an EAID then the Animal Control Officer shall contact the Sponsor so the cat can be properly placed in a colony. If the cat is obviously a domestic cat the sponsor shall arrange for care for the cat until the owner is located and may determine the disposition of the cat in those circumstances where the domestic cat's owner can not be located.

Section 4.

22-17. Ordinance Enforcement.

22-17.1 The Borough shall have the following rights:

- a. 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.
- b. the right to seize or remove a cat from a colony that is creating a nuisance as defined above and the Caregiver and Sponsor have been given 60 days to remove and relocate the cat and have failed to do so.
- c. the right to seize or remove a colony of cats when the Caregiver regularly fails to comply with the requirements of this Article and the Sponsor has not been able to obtain a replacement or substitute Caregiver within 60 days of the Borough's notice to the sponsor of the Caregiver's failure to comply with this Ordinance.

22-17.2 The requirements of this Ordinance notwithstanding, Animal Control Officers and Police Officers may investigate any Nuisance complaint.

Section 5.

All ordinances or parts of ordinances inconsistent with this ordinance are repealed to the extent of such inconsistency.

Section 6.

If for any reason any section of this ordinance shall be declared unconstitutional or illegal by any court of competent jurisdiction, the remaining sections hereof shall remain in full force and effect.

Section 7.

This ordinance shall take effect upon final passage and publication according to law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the Borough Council of the Borough of Point Pleasant Beach, in the County of Ocean, held on the 19th day of August , 2008 and will be considered for second reading and final passage at the regular meeting of said governing body to be held on the 16th day of September 2008 at 7:30 p.m. in the Council Chambers, Borough Hall, 416 New Jersey Avenue, Point Pleasant Beach, New Jersey at which time and place any person desiring to be heard will be given an opportunity to be so heard. Maryann Ellsworth, R.M.C.

Municipal Clerk