

WEST DEPTFORD TOWNSHIP

ORDINANCE # 2018-12

AN ORDINANCE AUTHORIZING THE IMPLEMENTATION OF A TRAP NEUTER RELEASE (TNR) PROGRAM IN THE TOWNSHIP OF WEST DEPTFORD

WHEREAS, the Township of West Deptford (hereinafter referred to as "Township") desires to implement a program in the Township for the purpose of reducing the population of feral and free roaming cats, benefitting the public health, improving the quality of life for residents and ensuring the humane treatment of community cats; and

WHEREAS, the County of Gloucester (hereinafter referred to as "County") has prepared a Model Trap Neuter Vaccinate Release Municipal Ordinance to:


1. Prohibit abandonment and roaming of reproductively intact pets off the owner's property.
2. Require anyone who feeds cats to get them fixed and vaccinated which will reduce the number of potential rabies vector cats and lower the potential for human exposure.
3. Establish acceptable feeding practices (and penalties for non-compliance) to prevent creation of health hazards and attraction of wildlife.
4. Increase knowledge of how many cats are in the municipality and track rabies vaccinations.
5. Define and require nuisance abatement to provide a means to address concerns of residents; and

WHEREAS, the Township desires to incorporate the County elements into its Trap Neuter Release (TNR) Program by adopting the attached Trap Neuter Release Program as prepared by the County.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of West Deptford, County of Gloucester and State of New Jersey that the governing body does hereby adopt the attached Trap Neuter Release (TNR) Program to be implemented in the Township of West Deptford.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon formal adoption by the West Deptford Township Committee and publication as required by law.

TOWNSHIP OF WEST DEPTFORD



DENICE DICARLO, Mayor

Attest:



LEE ANN DEHART, Registered Municipal Clerk

INTRODUCED at a meeting of the Township Committee of the Township of West Deptford, held on Wednesday, July 2, 2018.

ROLL CALL VOTE				
	AYES	NAYS	ABSTAIN	ABSENT
Denice DiCarlo	✓			
Megan Kerr	✓			
James Mehaffey	✓			
Adam Reid	✓			
James Robinson	✓			
TALLY:	5			

ADOPTED at a meeting of the Township Committee of the Township of West Deptford, held on July 18, 2018.

ROLL CALL VOTE				
	AYES	NAYS	ABSTAIN	ABSENT
Denice DiCarlo	✓			
Megan Kerr	✓			
James Mehaffey	✓			
Adam Reid	✓			
James Robinson	✓			
TALLY:	5			

TRAP NEUTER RELEASE (TNR) PROGRAM

DEFINITIONS.

As used in this article, the following terms shall have the meanings indicated:

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 (N.J.S.A. 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 and care for homeless animals in the home of an individual or in other facilities, with the intent of placing the animals in responsible, more permanent homes as soon as possible.

ANIMAL RESCUE ORGANIZATION FACILITY — The home or other facility in which an animal rescue organization houses and cares for an animal.

ANIMAL SHELTER — The County of Gloucester facility where dogs, cats or other animals are received, housed, given medical and other care, offered for adoption, or transferred to animal rescue organizations.

AT LARGE — That an animal is off the property of its owner and i) the animal has entered upon the property of another person without authorization of that person; or ii) the animal has entered onto public property, street or right-of-way, unless that animal is restrained by its owner, or a person caring for the animal on behalf of the owner, 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 person caring for the animal on behalf of the owner. Nothing in this definition is intended to prevent dogs being on training leashes or on retractable leashes or being engaged in other appropriate activities under adequate, responsible adult supervision where care is taken to assure control as needed is available to prevent violations of this article.

CAT — A member of the species *Felis Catus*.

CAT OF LICENSING AGE — Any cat which is not a community cat which has attained the age of seven months or, if age cannot be determined, a cat which possesses a set of permanent teeth. (ONLY IF LOCAL CODE REQUIRES CAT LICENSING)

COMMUNITY CAT — Any free-roaming cat that may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat may or may not be feral. Community cats shall be distinguished from other cats by being sterilized, vaccinated against rabies, microchipped, ear tipped. Community cats are exempt from licensing, as well as stray and at large provisions of this article but are subject to nuisance provisions herein.

COMMUNITY CAT CAREGIVER

Any organization or person authorized by the municipality or Sponsor who, in accordance with a Community Cat Colony Program to trap, neuter, vaccinate for rabies, ear tip and return community cats:

1. Neuters, vaccinates for rabies, microchips, ear tips and returns one or more community cats;
2. Provides care, including food, shelter or medical care to the cat; or
3. Has temporary custody of the cat.
4. Monitors the authorized cat colony for new cats and maintains overall awareness of the status of the cat colony and the condition of the cats therein.

A Community Cat Caregiver shall not be considered to own, possess, keep or harbor a community cat.

COMMUNITY CAT COLONY — A single community cat or a group of community cats that congregate together outside 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 part of it. A community cat colony is Sponsored and maintained by a Community Cat Caregiver authorized by the municipality.

EAR TIPPING — The straight-line cutting of the tip of one ear of a cat while the cat is anesthetized. Ear tipping the left ear is the best and universally accepted practice; although in the past cats may have been ear-tipped on the right ear.

FERAL CAT — A cat that is unsocialized to humans and has a temperament of extreme fear of, and resistance to, contact with humans. Feral cats are included in the definition of "community cats" as community cats may or may not be feral. Feral cats are:

- A. Born in the wild;
- B. Offspring of socialized or feral cats and not socialized; or
- C. Formerly socialized cats that have been abandoned and have reverted to an unsocialized state.

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 10 days, whichever time is shorter. Community Cat Caregivers do not harbor community cats for the purposes of this article, but are subject to the provisions of the article pertaining to community cats.

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

NEUTER — To neuter an animal means to have a licensed veterinarian surgically sterilize the animal. For the purposes of this article, "neuter" shall mean to neuter a male animal or spay a female animal.

NUISANCE —

- A. Disturbing the peace by:
 - (1) Habitual or continuous howling, barking, crying or screaming;
 - (2) The habitual and significant destruction, accumulation of feces, desecration or soiling of property against the wishes of the owner of the property, in particular, the creation of conditions leading to the breeding of fleas or flies, odors or noises;
 - (3) Habitually chasing or otherwise molesting passersby;

- (4) Habitually trespassing upon public or private grounds;
- (5) As defined and prohibited herein and below;
- (6) Or as the case may be under existing local ordinance defining a nuisance.

B. For the purpose of this article, "habitually" means occurring on at least two separate occasions within a time period of one month; except that barking, 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 purpose of this article, "persistently" or "continuously" shall mean nonstop utterances for 30 consecutive minutes with interruption of less than 30 seconds at a time.

OWNER —

- A. Any person, household, firm, corporation, or other organization who:
 - (1) Possesses, harbors, keeps, has control of, a legal title to, a property interest in, or permanent custody of any animal regulated by this article; or
 - (2) For three days or more has temporary custody of, keeps, possesses, regularly feeds or provides shelter, or exercises control over any cat
- B. 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.
- C. A Community Cat Caregiver is not an owner of community cats for the purposes of this article but is subject to the provisions pertaining to Community Cat Caregivers.

SPONSOR — An individual or group of individuals or a not-for profit animal welfare organization which, after recognition by the municipal governing body, oversees the implementation and management of Community Cat Colonies, exercises oversight of Community Cat Colonies authorized by the municipality, coordinate Caregivers, offers services to Caregivers and community cat colonies, and works to resolve community cat nuisance complaints in accordance with the provisions of this article, and keeps both the municipality and Gloucester County Animal Control advised regarding the condition of the colonies under their oversight.

STRAY — Any animal that is found to be at large, whether lost by its owner or otherwise, or that is on public or private property, the common areas of apartments, condominiums, mobile home parks or other multi-residential premises, and that does not have an 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 article.

TRAP-NEUTER-VACCINATE-RETURN PROGRAM (TNVR) — A program pursuant to which community cats are humanely trapped, spayed or neutered, vaccinated against rabies utilizing the three-year vaccine, and returned to the exact location at which they were trapped. A cat will receive a microchip as part of a TNVR program.

HUMANE TRAP — Any trap used to capture stray dogs or cats that is constructed so that it does not harm the animal.

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

GENERAL PROVISIONS.

- A. No person shall keep an animal on a property in a manner that causes one or more of the following: unsanitary conditions; accumulation of feces; infestation by insects or rodents; physical conditions that unreasonably endanger the health or safety of humans, other domestic animals, or wildlife.
- B. No person shall maintain or feed any animal, domesticated or wild, in a manner that causes one or more of the following: unsanitary conditions; accumulation of feces; infestation by insects or rodents; physical conditions that endanger the health or safety of humans.
- C. Community Cat Colonies shall be permitted, and Caregivers shall be entitled to maintain them, in accordance with the terms and conditions of this article.
- D. TNVR programs shall be permitted, in accordance with the terms and conditions of this article. However, the TNVR program shall not supersede nor take the place of the provisions, right and responsibilities of Animal Control Officer under N.J.S.A. Title 4 and NJ Administrative Code Chapter 8:23A.
- E. Pet owners shall not permit reproductively intact cats to roam at large.

COMMUNITY CAT MANAGEMENT INITIATIVES.

- A. The municipality believes that the safest place for pet cats is indoors. The municipality also recognizes that community cats, as defined in this article, are not, in the vast majority of cases, suitable to be taken indoors as pets, and their home is outdoors. The municipality further recognizes the need for new, more effective and humane approaches to addressing the public health challenges presented by Community Cats.
- B. To that end, the municipality finds that pro-active Community Cat policies are part of the solution to reducing the numbers of Community Cats in the municipality and the high rate of euthanasia of feral cats in animal shelters.
- C. Community Cat Colonies shall be permitted in the municipality as part of a community cat management program in accordance with the following provisions:

SPONSORS OF COMMUNITY CAT COLONIES. The municipality may select a non-profit 501(c)(3) animal welfare organization to serve as the Sponsor of the Community Cat Program. The Sponsor shall oversee the activities of Community Cat Caregivers in accordance with a memorandum of understanding between the municipality and the Community Cat Caregivers. Individuals and organizations may apply to the Sponsor to serve as Caregivers.

- A. **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 municipality and the Gloucester County Animal Shelter on the following: i. number of colonies in the municipality; ii. total number of cats in colonies; iii. number of cats and kittens spayed and neutered pursuant to the TNVR 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.
- B. **Community Cat Caregivers.** Community Cat Caregivers must ensure community cats are sterilized, vaccinated against the threat of rabies, microchipped, and ear-

tipped, and must cooperate with the municipality and the Sponsor to abate any nuisance.

- C. **Caregiver requirements.** Caregivers are responsible for the following: a. registering the Community Cat Colony with the Sponsor; b. taking steps that are reasonably likely to result in the vaccination of the colony population for rabies utilizing the three-year vaccine 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 pictures of each cat in the colony and records 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 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.
- D. **Location of community cat colonies.** All managed Community Cat Colonies must be maintained in compliance with trespassing and property laws. Community Cat Colonies shall not be located in an area where the establishment of a Community Cat Colony would likely create a nuisance for adjacent property owners; or proximate to environmentally sensitive areas critical to endangered or threatened wildlife species.
- E. **Requirements for exemptions from certain provisions of this article.** All cats that are part of an municipally approved TNVR or Community Cat Colony program pursuant to this article must be sterilized, vaccinated against the threat of rabies, microchipped, 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 article.

TRAPPING OF CATS BY NON-COMMUNITY CAT CAREGIVERS.

- A. Trapping of community cats by those who are not Community Cat Caregivers as defined in this article, Sponsors, ACO's, 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 TNVR. Persons who trap free-roaming cats for the purpose of TNVR must comply with the provisions of this article.

DISPOSITION OF EAR-TIPPED COMMUNITY CATS.

- A. **INJURED OR SICK EAR-TIPPED CATS TRAPPED BY AN ACO.** If an ACO traps an injured or sick ear-tipped cat that requires medical attention, the ACO shall scan the cat for a microchip. If a microchip is found which identifies the cat or cat's colony, the officer shall contact the Sponsor or Community Cat Caregiver of the cat who shall then arrange for medical attention. If the injured or sick cat does not

- have a microchip and cannot otherwise be identified by the ACO, the ACO shall contact the Sponsor who will arrange for the cat to receive medical attention and return the cat to the appropriate colony or place the cat in another appropriate placement.
- B. EAR-TIPPED CATS INADVERTENTLY TRAPPED BY AN ACO. An ACO who traps an apparently healthy ear-tipped cat shall immediately release the cat at the place it was trapped.
- C. EAR-TIPPED CATS DELIBERATELY TRAPPED BY AN ACO; Community Cat Caregiver/ Sponsor responsible for nuisance abatement. An ACO who deliberately traps an ear-tipped cat shall scan the cat for a microchip. If a microchip is found which identifies the cat or cat's colony, or if the officer is able to identify the cat by another means, the officer shall contact the Sponsor or Community Cat Caregiver of the cat with a description of the cat, the microchip number, the location where the cat was trapped, and the nuisance complaint which caused the animal control officer to set the trap.
- D. The requirements of this article notwithstanding, ACO's 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 contact the Sponsor. The Sponsor shall begin nuisance abatement procedures within 48 hours and make all reasonable efforts to resolve the nuisance in as short a time period as possible, not to exceed 30 days. If the Sponsor fails to resolve the nuisance or remove the cat within 30 days, the ACO may remove the cat.
- E. If an ACO or police officer reasonably determines that a cat is injured or poses a significant threat to public health or safety, the officer may reduce the time that the Sponsor 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 ACO or police officer may remove the cat, but within 24 hours, the ACO must provide the Sponsor with notice of the cat's whereabouts and allow the Sponsor an opportunity to retrieve the cat for treatment, return, or relocation.

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

- (1) Health and safety of the public, and other domestic animals and/or pets
- (2) Impact on threatened or endangered species, and the general health of wildlife.
- (3) Recognition of the value of Community Cat Colonies and TNVR in managing community cat colonies;
- (4) The availability of devices and strategies to minimize nuisance behavior by community cats that may have caused the complaint.

ENFORCEMENT OF COMMUNITY CAT COLONIES AND/OR TNVR PROGRAM.

The municipality and Gloucester County Animal Control shall have the following rights:

- A. The right to seize or remove cats from a colony or the release location which have not been vaccinated against rabies and which are demonstrating signs of rabies or other zoonotic diseases.

- B. The right to seize or remove a cat from a colony or release location, which is creating a nuisance as, defined in this article, after the Community Cat Caregiver and Sponsor have been given 30 days to abate the nuisance or remove and relocate the cat and have failed to do so. The Caregiver must begin nuisance abatement procedures within 48 hours after being notified of a nuisance by an ACO and must take all reasonable steps to resolve the nuisance in as short a time as possible, not to exceed 30 days.
- C. The right to seize or remove a cat or colony of cats when the Community Cat Caregiver regularly fails to comply with the colony care requirements of this article and the Sponsor has not been able to obtain a replacement or substitute Caregiver within 30 days of the notice to the Caregiver and Sponsor of the failure to comply with this article. If one or more cats are in danger due to a Caregiver's lack of compliance, the Sponsor may work with other local Caregivers to find a suitable replacement Caregiver or relocate the cats.
- D. Ordinance Enforcement: The municipality 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 30 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 30 days of the municipality's notice to the sponsor of the Caregiver's failure to comply with this Ordinance. The requirements of this Ordinance notwithstanding, Animal Control Officers and Police Officers may investigate any Nuisance complaint and take enforcement action they deem necessary to protect the public health and safety.

NUISANCES; PROHIBITED ACTS.

- A. Habitual or continuous howling, crying or screaming: No person shall permit habitually howling, crying or screaming which would annoy or disturb a reasonable person. An "annoyance or disturbance," for the purpose of this section, shall be defined as howling, crying or screaming continuously for a period of **10 minutes or more or intermittently for 30 minutes** or more. A violation of this section shall subject the owner of the offending cat to the penalties for a violation of this chapter;
- B. The habitual and significant destruction, accumulation of feces, desecration or soiling of property against the wishes of the owner of the property, in particular, the creation of conditions leading to the breeding of fleas or flies, odors or noises is prohibited;
- C. Habitually chasing or otherwise molesting passersby is prohibited;
- D. Habitually trespassing upon public or private grounds is prohibited;
- E. Or, as the case may be under existing local ordinance defining a nuisance;
- F. Damage to property prohibited: No person owning or in control of a cat shall allow it to damage any lawn, shrubbery, flowers or grounds of any public park, public building or other public place within the Township or upon any private property, or destroy or damage any structure or equipment on any public park, public building, other public place or upon any private property;

- G. Non-altered, non-sterilized, or non-vaccinated cat running at large is prohibited: It shall be a violation of this chapter for the owner of any cat or approved TVNR community cat, where such **cat has not been spayed/neutered and vaccinated** (and proof is shown thereof by the owner) and licensed (except as set forth above for licensing exemption) in accordance with requirements of this chapter and properly displaying a tag as required, to allow such cat to run at large within the Township/Municipality.

PENALTIES

Any person found to be in violation or found to have failed to comply with any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not less than \$100 and not more than \$1000. Each day of such violation or failure to comply shall constitute a separate offense and, therefore, are not subject to merger either for the purposes of the violation or imposition of fines and penalties.

Repeal

All ordinances at variance with this chapter are hereby repealed.