

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER X OF THE REVISED GENERAL ORDINANCES
OF THE TOWNSHIP OF WEST ORANGE, ENTITLED
“ANIMALS”, ADDING SECTION 10-15, ET SEQ., TO
PERMIT THE MANAGED CARE OF FERAL CATS**

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, in the County of Essex, State of New Jersey, that Chapter X of the Revised General Ordinances of the Township of West Orange, entitled “Animals”, shall be amended and supplemented to add Section 10-15, et seq., to be entitled “Managed Care of Feral Cats”, and to provide for and permit implementation of a Trap-Neuter-Return (TNR) program in the Township of West Orange (also referred to as “the Municipality”) for the purpose of controlling and reducing the population of feral cats, benefitting public health, improving the quality of life for residents, and ensuring the humane treatment of feral cats, that program to be a pilot program subject to at least annual review.

Section 1. The Revised General Ordinances of the Township of West Orange are amended and supplemented to read as follows:

CHAPTER X. ANIMALS

10-15 MANAGED CARE OF FERAL CATS

10-15.1 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 and the past, words in the plural number include the singular, and words in the singular number include the plural.

Animal Control Agency means any agency or person, including an animal control officer, authorized by law to implement animal control laws and provide animal care and control on behalf of the Municipality.

Animal Welfare Organization means any nonprofit organization whose purpose includes promotion of animal welfare and that has been granted 501c3 nonprofit status by the Internal Revenue Service.

Caretaker means any person who regularly provides food and water to a feral cat colony.

Eartip means a mark identifying a feral or stray cat as having been sterilized, specifically the removal of a quarter inch off the tip of the cat's left ear in a straight line cut while the cat is anesthetized.

Feral cat means a cat that is not socialized to humans and is not an owned cat.

Feral cat colony and **colony** mean a group of feral or stray cats that congregate at or about the same location, and share a common food source.

Foster home means a household in which a cat or kitten is temporarily placed for the purpose of providing indoor shelter, care and, if necessary, socialization before permanent placement in an adoptive home.

Kitten means a member of the species *felis catus* under the age of eight weeks.

Nuisance means conduct by feral or stray cats that disturbs the peace, including (a) habitually or continually howling or making loud noises and (b) habitually and significantly damaging or destroying property.

Owned cat means a cat that is a companion to a person, is regularly fed and sheltered at premises accessed, owned, or controlled by that same person.

Shelter means a structure that provides feral and stray cats with protection from cold, rain and other weather-related elements.

Sponsor means any Animal Welfare Organization having experience and expertise in organizing and operating feral cat colonies and in working with volunteers to maintain such feral cat colonies in a comprehensive and healthful manner and which agrees to comply with the requirements of sponsorship set forth in this Ordinance, provides written notice to the Municipality that it desires to serve as a Sponsor and is approved by the Municipality.

Sterilize means to spay or neuter.

Stray cat means a cat that is socialized to humans and is not an owned cat.

TNR means the method of managing feral and stray cats known as Trap-Neuter-Return.

TNR Program means a program pursuant to which feral and stray cats are trapped, sterilized, vaccinated against rabies, eartipped, returned to the location where they were captured and provided with long-term care by a Caretaker in

accordance with this Ordinance.

10-15.2 Management of Feral Cat Colonies.

A TNR Program shall be permitted and Caretakers shall be entitled to maintain feral cat colonies in accordance with the terms and conditions of this Ordinance.

- (a.) No feral cat colony feeding site may be located within 200 feet of a school or child day care center.
- (b.) Feral cat colony feeding sites may not be located on the property of any person or business without the approval of the respective property and business owners, including the governing body of a private association in the case of condominiums and the landlord in the case of apartment complexes.
- (c.) Feral cat colony feeding sites shall not be located on any public property owned by the Township of West Orange, the West Orange School District, or other governmental unit, without the written permission of the appropriate official(s) responsible for authorizing such permission and managing such property.

10-15.3 Sponsorship of TNR Program. Any Animal Welfare Organization that agrees and is able to comply with the requirements of this Ordinance shall be eligible to act as a Sponsor of the TNR Program upon written approval of the Municipality. Any Animal Welfare Organization wishing and intending to undertake the responsibilities of sponsorship shall provide to the Municipality a written letter of intention containing its address or location, telephone number and, if applicable, electronic mailing address.

10-15.4 Sponsor Requirements. It shall be the duty of a Sponsor to:

- (a.) register all feral cat colonies managed by Caretakers pursuant to the requirements of Section 15.6;
- (b.) ensure the ongoing compliance of Caretakers of registered colonies with the requirements of Section 15.5;
- (c.) maintain records provided by Caretakers on the size and location of registered colonies, as well as vaccination and sterilization records of cats in the colonies;

- (d.) help to resolve any complaints over the conduct of Caretakers of registered colonies or of cats belonging to registered colonies;
- (e.) report annually to the Municipality on the following:
 - (i.) number of colonies in the Municipality that are registered with the Sponsor;
 - (ii.) total number of cats in colonies in the Municipality that are registered with the Sponsor;
 - (iii.) number of cats sterilized and vaccinated pursuant to the TNR Program in the past year; and
 - (iv.) number of cats and kittens removed for purposes of foster or adoptive placement in the past year.

10-15.5 Caretaker Requirements. It shall be the responsibility of a Caretaker to:

- (a.) submit all feral cat colonies managed by the Caretaker for registration with a Sponsor pursuant to the requirements of Section 15.6;
- (b.) make reasonable efforts to trap all cats in a registered colony and have all trapped cats sterilized, vaccinated against rabies and eartipped by a licensed veterinarian;
- (c.) make reasonable efforts to recapture all cats to update rabies vaccinations as required by law;
- (d.) keep and maintain vaccination, sterilization, and medical records for all trapped cats and provide the Sponsor with copies of vaccination and sterilization records for all trapped cats;
- (e.) provide or arrange for the provision of adequate food and water on a regular basis to colony cats and make reasonable efforts to ensure adequate shelter for colony cats, but food may not be placed outside before dawn and must be removed by dusk at

each colony feeding site the food to remain out for no more than 2 hours during that period;

- (f.) make reasonable efforts to trap and obtain proper medical attention for any colony cat that appears to require it;
- (g.) make reasonable efforts to remove and find permanent adoptive homes or foster homes for kittens born to colony cats;
- (h.) make reasonable efforts to work with the Sponsor to resolve any complaints over the conduct of the Caretaker or of colony cats managed by the Caretaker;
- (i.) report annually in writing to the Sponsor on the status of the Caretaker's colony, including:
 - (i.) total number of cats in the colony and total number of cats in the colony that are sterilized;
 - (ii.) number of cats in the colony sterilized and vaccinated pursuant to the TNR Program in the past year;
 - (iii.) number of cats that have died or otherwise ceased to be a part of the colony in the past year;
 - (iv.) number of kittens born to colony cats in the past year and their disposition: and
 - (v.) number of cats and kittens removed for purposes of foster or adoptive placement in the past year.

10-15.6 Feral Cat Colony Registration. Upon registration of a feral cat colony, the Caretaker shall provide his or her Sponsor with:

- (a.) address, telephone number and, if applicable, electronic mailing address of the Caretaker;
- (b.) location of the colony;
- (c.) total number of cats in the colony;

- (d.) total number of cats in the colony that are sterilized, total number of cats in the colony that are vaccinated against rabies, and records of such vaccinations and sterilizations.

10.15.7 Withdrawal of Caretaker or Sponsor.

- (a.) In the event that a Caretaker of a registered colony is unable or unwilling to continue in that role, he or she shall notify his or her Sponsor in writing and shall make reasonable efforts to secure a replacement Caretaker.
- (b.) In the event that a Sponsor is unable or unwilling to continue to perform its role, it shall provide sixty (60) days written notice to the Municipality and shall make reasonable efforts to secure a replacement Sponsor.

10-15.8 Disposition of Colony Cats. An Animal Control Agency that has trapped or received an eartipped cat from within the Municipality shall take reasonable steps to notify all Sponsors of the description and sex of the cat and of the address or location where the cat was captured. Sponsors shall have up to ten (10) business days after notification to arrange for the cat to be retrieved. If the cat is retrieved by arrangement of a Sponsor and the Caretaker of the colony from which the cat was removed can be located with reasonable efforts, the cat shall be returned to the Caretaker.

10-15.9 Ordinance Enforcement Nothing in this Ordinance shall interfere with the right of the Municipality or an Animal Control Agency to:

- (a.) investigate any nuisance complaint allegedly caused by a feral or stray cat or feral cat colony;
 - (i.) If it is found that a feral or stray cat or feral cat colony within the Municipality is causing a nuisance, the Animal Control Agency or the Municipality shall provide all Sponsors with written notice delineating the nuisance and location of the cat or colony with specificity.
 - (ii.) If a cat or cats belonging to a registered feral cat colony is causing a nuisance, then the Sponsor of the

colony shall have forty-five (45) days from the date that written notice was provided pursuant to Section 15.9 (a) (1) to cure the nuisance. If the Sponsor fails to cure the nuisance within forty-five (45) days, an Animal Control Agency or the Municipality shall have the right to remove the offending cat or cats.

- (b.) seize and remove a registered feral cat colony if the Caretaker regularly fails to comply with the requirements of Section 15.5 and the Sponsor does not correct the situation within forty-five (45) days of being given written notice by the Municipality delineating the Caretaker's failures with specificity;
- (c.) reassign sponsorship of a Sponsor's registered feral cat colonies if the Sponsor regularly fails to comply with the requirements of Section 15.4 and the Sponsor does not correct the situation within forty-five (45) days of being given written notice by the Municipality delineating its failures with specificity.

10-15.10 Caretaker Exemption A Caretaker in compliance with this Ordinance shall be exempt from all other ordinances of the Municipality that impose requirements on cats that are owned, kept, harbored, or in the custody of a person and, to the extent necessary to comply with the requirements of this Ordinance, from the Ordinance prohibiting the feeding of wild animals.

10-15.11 Grace Period

- (a.) If an Animal Control Agency or the Municipality locates or otherwise becomes knowledgeable about an unregistered feral cat colony, reasonable efforts shall be made by the Animal Control Agency or the Municipality to provide written notice to the Sponsor of the registration requirements of Sections 15.5(a) and 15.6 of this Ordinance.
- (b.) Upon receipt of written notice as set forth in Section 15.11 (a), a Caretaker of an unregistered feral cat colony shall have thirty (30) days to comply with Sections 15.5(a) and 15.6 of this Ordinance. During the thirty (30) day period, no cat from the colony shall be removed by an Animal Control Agency or the Municipality for reason of causing a nuisance.

- (c.) Upon registration within the thirty (30) day period, a Caretaker in receipt of written notice as set forth in Section 15.11(a) shall be entitled to the protections of Sections 15.8, 15.9(a), and 15.10. If the Caretaker fails to register the colony within the thirty (30) day period, the Caretaker shall not be entitled to any protections under this Ordinance until registration is complete.

Section 2. The remainder of Chapter X remains unchanged.

Section 3. If any part of this Ordinance is determined to be invalid, such part shall be severed and its invalidity shall not affect the remaining parts of this Chapter.

Section 4. Any and all parts of ordinances which are inconsistent with any of the terms and provisions of this Ordinance shall be and the same are hereby repealed as to and to the extent of such inconsistency.

Section 5. This Ordinance shall take effect upon final passage and publication as required by law.

Robert D. Parisi, Mayor

Karen J. Carnevale, Municipal Clerk

Victor Cirilo, Council President

Introduced: January 5, 2016

Adopted: February 9, 2016

Legislative History

This is new Legislation and an amendment to the Revised General Ordinances of the Township, specifically to the section on Animals, Chapter X, establishing a pilot program to control the Township's feral cat population through a trap, neuter and return program subject to regular and at least annual review. This Ordinance contemplates minimal to no added cost to the animal control function of the Health Department and will be principally performed by one or more not for profit entities, operating as an Animal Welfare Organization(s), which, along with the Caretakers working as volunteers on their behalf, shall be exempt from the usual municipal regulatory requirements for cats, including the prohibition against feeding wild animals.

The intent of the Ordinance is to permit these Organizations and their volunteer workers to manage feral cat colonies in a manner which will promote sterilization and vaccination of feral cats, thereby reducing their overall population and the spread of dangerous disease. The program is to operate in a manner which will be humane for the cats, avoid nuisance to the Township's residents and produce reliable records to assist the governing body in determining the effectiveness of the program and whether or not it should be modified, or continued at all.