

**AN ORDINANCE AMENDING CHAPTER 10, SECTIONS 15.1 and 15.9 OF THE
REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(Correction to Ordinance Permitting the Managed Care of Feral Cats)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 10 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to correct a small error in the previously passed Ordinance establishing Code provisions governing the managed care of feral cats to exclude stray cats from the enforcement provision of the ordinance as feral cats and stray cats are not considered the same category of cats.

II. CHAPTER 10, SECTION 15.1 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

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

III. CHAPTER 10, SECTION 15.9 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

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) (i) 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

IV. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

V. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

VI. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

Victor Cirilo, Council President

Karen J. Carnevale, Municipal Clerk

Robert D. Parisi, Mayor

Introduced: May 3, 2016

Adopted: May 24, 2016

Victor Cirilo
Council President

Honorable Robert D. Parisi
Mayor

Introduced:

Adopted:

Approved as to form on the basis of the facts provided:

Richard D. Trenk
Township Attorney

Legislative History

This ordinance is drafted to correct an error from the previously passed ordinance governing the managed care of feral cats. Specifically, the previously passed ordinance included “stray cats” under some definitions and the enforcement provision which inadvertently affected the Township’s Department of Health to collect and return stray cats. Thus, the revisions contained herein are meant to merely limit some of the provisions to only feral cats.

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