

**Revised 7/27/09**

**Ord. #16-2009**

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MOUNT OLIVE TO PERMIT THE MANAGED CARE OF FERAL CATS**

**WHEREAS**, Mount Olive has a feral cat population that is continually reproducing; and

**WHEREAS**, feral cats are cats who are significantly or completely unsocialized and not adoptable as companion animals; 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**, programs for the managed care of feral cat colonies that include trapping, neutering, vaccinating, and returning such cats to their habitats have proven to be effective in reducing the number of feral cats; 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 and reducing nuisance behaviors; and

**WHEREAS**, the Council and Mayor of Mount Olive deem it in the public interest to amend its ordinances in order to meet these stated goals.

**NOW THEREFORE BE IT ORDAINED** by the Township Council of the Township of Mount Olive that Chapter 106 of the Ordinances of Mount Olive Township be amended to add an Article V as follows:

**ARTICLE V: Management of Stray and Feral Cats**

**106-28. 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.

Animal Control Officer means any person employed or appointed by the Township 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.

Eartipping means straight-line cutting of the tip of the left ear of a cat by a licensed veterinarian while the cat is anesthetized.

Feral Cat means a cat who is completely or substantially unsocialized to humans. The usual and consistent temperament of a feral cat is extreme fear and resistance to contact with humans. Feral cats are (i) born in the wild, (ii) offspring of tame or feral cats and not socialized, or (iii) formerly tame cats who have been abandoned and have reverted to an untamed state.

Feral Cat colony means a group of cats that congregates together outside as a unit. Although not every cat in a Colony may be feral, any non-feral cats who congregate with a colony shall be deemed 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 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.

Sponsor means an individual or organization which registers with the Mt. Olive health department, oversees the implementation of TNR in Mt. Olive, keeps track of caregivers and feral cat colonies, and works to resolve feral cat nuisance complaints.

Stray Cat means a cat who 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 the owner.

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

Tame cat means a cat who is socialized to humans and is appropriate as a companion for humans.

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.

Township means Mount Olive Township in the County of Morris.

106-29. Feral Cat colonies.

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

106-30. Sponsorship of Colony TNR Programs.

The Mt. Olive TNR Project, which is a sub-project of the New Jersey Animal Rights Alliance's Project TNR, is approved as Sponsor. Other persons and organizations may apply to the Health Department to serve as colony TNR program sponsors ("Sponsors"). Any person or entity so applying shall comply with the requirements of this article. Any person intending to undertake the responsibilities of sponsor shall advise the Mt. Olive Township Health Department in writing and provide his/her/its address and telephone number.

106-31. Sponsor requirements.

It shall be the duty of the sponsor to:

- a. Obtain and maintain liability insurance for all TNR-related activities, name Mt. Olive Township as an additional insured, and agree in writing to hold Mt. Olive Township harmless against liability resulting from the actions or failures to act of sponsors, trappers, and caregivers;
- b. Review and approve of colony caregivers;
- c. Help to resolve any complaints over the conduct of a colony caregiver or of cats within a colony;
- d. 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;
- e. Obtain a colony license for each colony pursuant to section 106-33; and
- f. Report annually to the Township on the following:
  - i. number of colonies in the Township;
  - 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.

106-32. Feral Cat Caregiver requirements.

Caregivers shall:

- a. Register the Feral Cat colony with the Sponsor;
- b. Take all reasonable steps to vaccinate the colony population for rabies and update the vaccinations;
- c. Take all reasonable steps to get all cats in the colony population spayed/neutered by a licensed veterinarian;
- d. Take all reasonable steps to have an electronic animal identification device (EAID) inserted into each cat by a veterinarian in accordance with professional medical standards. The Sponsor shall be the named contact for purposes of the EAID.
- e. Provide the sponsor with descriptions of each cat in the colony and copies of documents evidencing that the cats have been vaccinated, spayed/neutered, and eartipped;
- f. Provide food, water and, if feasible, suitable shelter for colony cats;
- g. Observe the colony cats and keep a record of any illnesses or unusual behavior noticed in any colony cats;
- h. Obtain the approval of the owner of any property to which the Caregiver requires access to provide colony care;

- i. In the event that kittens are born to a colony cat, take steps to remove the kittens from the colony after they have been weaned, and place the kittens in homes, foster homes, or with animal shelters, rescue organizations or veterinary offices for the purpose of subsequent permanent placement;
- j. Report 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 who 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
- k. Obtain proper medical attention for any colony cat who appears to require it.

#### 106-33. Licensing requirement for colony cats

The licensing requirements of Article IV of Chapter 106 of the Ordinances of Mount Olive Township shall not apply to feral cats who are cared for by persons or organizations approved by the Sponsor to manage a feral cat colony in accordance with this Article.

The sponsor shall obtain one colony license for all TNR'd cats at a single property. A physical description of each cat on the property shall be provided, along with proof of rabies vaccination and spay/neuter. The license fee shall not exceed \$25 per year for each property.

#### 106-34. Exemption from rabies certification tag requirement

The requirement of section 303-3 of the Ordinances of Mount Olive Township, requiring a rabies certification tag to be affixed to a collar, shall not apply to feral cats who are cared for by persons or organizations approved by the Sponsor to manage a feral cat colony in accordance with this Article.

#### 106-35. Disposition of Colony Cats.

An Animal Control Officer who has trapped a cat whose left ear has been tipped shall contact the Sponsor so that the Sponsor can identify the cat and return the cat to the colony from which the cat originated. If the officer does not know the appropriate colony and the Sponsor cannot identify the colony, the officer shall take the eartipped cat to a shelter or holding facility and scan the cat for an EAID. If an EAID is found which further identifies the cat or the cat's colony, the officer shall contact the sponsor or other person named as owner of the cat with this information.

#### 106-36. Ordinance Enforcement.

The Township shall have the following rights:

- a. The right to seize or remove cats from a colony who have not been vaccinated against rabies and who are demonstrating signs of the disease.
- b. The right to seize or remove a cat from a colony who is creating a nuisance as defined above, after the Caregiver and Sponsor have been given sixty (60) days to remove and relocate the cat and have failed to do so. The Caregiver or Sponsor must begin nuisance abatement procedures within forty-eight hours after being notified of a nuisance by the Animal Control Officer, and

must take all reasonable steps to resolve the nuisance in as short a time period as possible, not exceed sixty (60) days.

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 Township's notice to the sponsor of the Caregiver's failure to comply with this Ordinance. If one or more cats are in imminent danger due to a Caregiver's lack of compliance, the Sponsor shall replace the caregiver within twenty-four (24) hours.

106-37. The requirements of this Ordinance notwithstanding, Animal Control Officers and Police Officers may investigate any Nuisance complaint. If an Animal Control Officer or Police Officer determines that an ear-tipped feral colony cat is causing a nuisance as defined by this ordinance, the Animal Control Officer or Police Officer shall contact the Sponsor. The Sponsor shall begin nuisance abatement procedures within forty-eight (48) hours and make all reasonable efforts to resolve the nuisance in as short as time period as possible, not to exceed sixty (60) days. If the Sponsor fails to resolve the nuisance or remove the cat within sixty (60) days, the Animal Control Officer may remove the cat. If an Animal Control Officer or Police Officer reasonably determines that a cat is injured or poses a significant threat to public health, 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 Animal Control Officer or Police Officer may remove the cat, but within 24 hours the Township 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.

106-38. 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.

106-39. To the extent any existing ordinance may conflict with any of the terms of this ordinance, this ordinance shall control.

106-40. This ordinance shall take effect upon final passage according to law.

ATTEST:

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Steven W. Rattner  
Mount Olive Twp. Council President

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Lisa M. Lashway  
Mount Olive Township Clerk