

ORDINANCE 2014-32

A ORDINANCE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 38A OF THE CODE OF THE TOWNSHIP OF BARNEGAT ENTITLED "CATS"

NOW, THEREFORE BE IT ORDAINED BY the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that Chapter 38A of the General Code of the Township of Barnegat is hereby amended and supplemented as follows:

SECTION 38A-1 Entitled "Definitions" is hereby amended as follows:

"ABANDONED" 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" 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" Any person who provides food, water or shelter to or otherwise cares for a cat or cats.

"DOMESTICATED CAT" A cat is socialized to humans and is appropriate as a companion for humans.

"EAR MARKED" A tagged, notched or tipped left ear as performed by a licensed veterinarian.

"FERAL CAT" A cat that is not socialized to humans and is not appropriate as a companion for humans.

"FERAL CAT COLONY" 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" Shall include, but not be limited to, disturbing the peace by:

1. Habitual or continual howling, crying or screaming by a cat or cats;
or
2. The habitual and significant desecration or soiling of personal and/or real property by a cat or cats without permission of the owner of the property.

"OWNER" Any person, firm, corporation, partnership, association, trust, estate or any other legal entity.

SECTION 38A-12 Entitled "Responsibilities of owners of domesticated cats" is hereby inserted as follows:

Owners of domesticated cats shall:

- A. Provide appropriate and adequate food, water and shelter for their cats, pursuant to N.J.S.A. 4:22-26;
- B. Exercise reasonable care to guard against the cat creating a nuisance;
- C. Not permit a sexually intact (not spayed or neutered) domesticated cat to roam unsupervised; and
- D. Not abandon a domesticated cat, pursuant to N.J.S.A. 4:22-6

SECTION 13 Entitled "Feral cat colonies" is hereby inserted as follows:

Feral cat colonies shall be permitted, and caregivers shall be required to maintain them in accordance with the terms and conditions of this article.

SECTION 13.1 Entitled "Management of Feral Cats" is hereby inserted as follows:

- A. Notwithstanding anything to the contrary in this chapter, this article is intended to govern all matters which relate to the management of feral cats.
- B. For the purposes of this article, the following terms shall have the meaning set forth in this article. 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.

SECTION 13.2 Entitled "Feral cat caregiver responsibilities" is hereby inserted as follows:

Caregivers are responsible for the following:

- 1. Taking steps that are reasonably likely to result in the vaccinations of the colony population for rabies, and making reasonable efforts to update the vaccinations on cats that can be recaptured;
- 2. Taking steps that are reasonably likely to result in the spay/neuter of 100% of a colony population. Procedures are to be done by a recognized veterinarian;
- 3. Providing the description of each cat in the colony and copies of documents evidencing that the cats have been vaccinated and spayed/neutered;
- 4. Providing food, water and, if feasible, shelter for colony cats;

5. Observing the colony cats at least twice per week and keeping a record of any illness or unusual behavior noticed in any colony cats;
6. Obtaining the approval of the owner of any property to which the caregiver requires access to provide colony care;
7. 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;
8. obtaining proper medical attention to any colony cat that appears to require it;

SECTION 13.3 Entitled "Colony cat requirements" is hereby inserted as follows:

1. The left ear of a colony cat that has been spayed or neutered and vaccinated shall be ear marked;
2. If possible, an electronic animal identification device (EAID) shall be inserted into the cat by a licensed veterinarian, in accordance with professional medical standards

SECTION 13.4 Entitled "Disposition of colony cats" is hereby inserted as follows:

1. An animal Control Officer who has trapped a cat whose left ear has been ear marked, 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.
2. 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;
3. If the cat does not have an EAID, and the cat is obviously a domestic cat, then the Animal Control Officer 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 cannot be located.

SECTION 13.6 Entitled "Enforcement" is hereby inserted as follows:

The Township shall have the following rights:

1. 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.
2. The right to seize or remove a cat from a colony that is creating a nuisance, as defined above, and the caregiver has been given thirty (30) days to remove and relocate the cat, and have failed to do so.

3. 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 Animal Control officer has not been able to obtain a replacement or substitute caregiver within sixty (60) days of the Township's notice of the caregiver's failure to comply with this article.
4. the right to seize or remove cats from a colony if it is determined that there is a public health threat, including but not limited to, zoonotic diseases, feline FIV or leukemia.

SECTION 13.6 Entitled "Nuisance complaint investigation" is hereby inserted as follows:

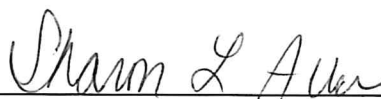
The requirements of this article notwithstanding, Animal Control Officers and Police Officers may investigate any nuisance complaint.

SECTION 13.7 Entitled "Violations and penalties" is hereby inserted as follows:

Any person who violates any one or more provisions of this article shall be subject to a fine of not more than \$500 for each separate offense and/or confinement in the Ocean County jail for a period of not more than ninety (90) days. In the case of a continuing violation or violations, a fine of not more than \$500 may be assessed for each day that said violations are not corrected. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

NOTICE

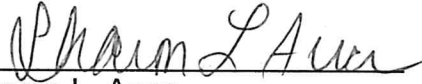
NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on the first reading by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey on **November 17, 2014 at 6:30 p.m.**, at the Barnegat Township Municipal Complex located at 900 W. Bay Avenue, Barnegat New Jersey. The Ordinance will be considered for second and final reading at a meeting of the Township Committee on **December 15, 2014 at 6:30 p.m.** or as soon thereafter as the matter may be reached and considered, at the Barnegat Township Municipal Building located at 900 W. Bay Avenue, Barnegat New Jersey. At that time the public is invited to ask questions, raise objections or provide public comment with regard to the proposed adoption of this Ordinance.



Sharon L. Auer
Acting Municipal Clerk

CERTIFICATION

I, Sharon L. Auer, Acting Municipal Clerk of the Township of Barnegat, County of Ocean State of New Jersey do hereby certify that the foregoing ordinance was duly adopted on second reading by the Barnegat Township Committee at their meeting held on the 15th day of December 2014.

A handwritten signature in cursive script, reading "Sharon L. Auer", written over a horizontal line.

Sharon L. Auer
Acting Municipal Clerk