

ORDINANCE # 2019-01

AN ORDINANCE ADOPTING A TRAP, NEUTER, RETURN (TNR) PROGRAM FOR FERAL CATS.

Be it ordained by the Board of Health of the Borough of North Arlington, Bergen County, New Jersey, that Ordinance # 2019-01 is hereby added to the Borough Code and shall provide as follows:

1. DEFINITIONS AS USED IN THIS ORDINANCE

Animal Control Provider shall mean any agency contracted or hired by the Borough to coordinate and monitor the TNR program.

Caregiver shall mean any person who provides food, water or shelter to or otherwise cares for a cat.

Code Official shall mean any person or agency employed by the Board of Health or appointed by the Borough who is authorized to investigate violations of laws and regulations concerning cats, and to issue citations in accordance with New Jersey law and this Code.

Ear Notching shall mean a straight-line cutting of the tip of the left ear of a cat by a licensed veterinarian while the cat anesthetized.

Feeding shall mean to give, place, expose, deposit, distribute or scatter any edible material.

Feral Cat shall mean a cat which is completely or substantially non-socialized to humans. Feral cats are either born in the wild, the offspring of tame or feral cats and not socialized, or formerly tame cats who have been abandoned and have reverted to an untamed state.

Feral Cat Colony shall mean an individual feral cat or a group of cats which congregate together outside as a unit. Any non-feral cats who congregate with a multiple-cat colony shall be deemed part of it.

Nuisance shall mean disturbing the peace by habitually or continually howling, crying or screaming, or the unreasonable destruction, desecration or soiling of property against the wishes of the owner of the property.

Owner shall mean any person, firm, corporation, partnership, association, trust, estate, or any other legal entity.

Stray Cat shall mean a cat which 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 shall mean a shelter that provides protection from rain, sun, and other elements that is adequate to protect the health of the cat.

TNR shall mean trap, neuter and return.

2. FERAL CAT COLONIES

a) The Borough reserves the right to limit the amount of colonies based on proximity to:

- Schools
- Residences
- Playgrounds
- Other Colonies
- Municipal and County recreational sites

Permission to have a feral cat colony will be reviewed on a case by case basis.

b) The maximum number of cats per registered colony is not to exceed six (6)

c) The colony Caregiver must be 21 years or older, and a permanent resident of North Arlington.

- d) Applications for a Borough permit will be made available to residents of North Arlington desirous of establishing and maintaining a Feral Cat Colony in an approved location within the the Borough of North Arlington.
- e) All criteria as set forth in this Ordinance must be met for review and approval of the Board of Health and Animal Control.
- f) Any violation of the rules and regulations set forth in this Ordinance may result in immediate termination of the permit.

3. CAREGIVER RESPONSIBILITIES

- a) The colony Caregiver must be the property owner of the land on which the Feral Cat Colony will exist or they must obtain the written approval of the owner of any property to which the Caregiver requires access to provide colony care.
- b) The colony Caregiver must maintain the said colony in a clean, humane and organized fashion including, but not limited to, food, water and a sanitary place for bodily functions.
- c) The colony Caregiver must register each colonized cat with the Health Department and pay a registration fee of \$5.00 per cat per calendar year.
- d) All colonized cats must be spayed/neutered, vaccinated for rabies and Ear Notched by a licensed veterinarian.
- e) The colony Caregiver must maintain digital photos of each cat in the colony and copies of documents evidencing that the cats have been vaccinated, spayed/neutered and Ear Notched, provided food, water, suitable shelter, if feasible, and a sanitary place for bodily functions for colony cats.
- f) The colony Caregiver must observe the colony cats and keep a record of any illnesses or unusual behavior noticed in any colony cats.

- g) The Caregiver should notify Animal Control in the case of kittens being born into the colony. Animal Control reserves the right to take possession of the mother (if possible) and kittens and place the kittens in homes, foster homes, or with animal shelters, rescue organizations or veterinary offices for the purpose of subsequent permanent placement.
- h) The colony Caregiver shall prevent any and all nuisances, as defined in this Ordinance, to any other properties, residents, and businesses within the Borough of North Arlington. The Borough reserves the right to issue a summons, or take any other appropriate action, if the Caregiver fails to prevent a nuisance within a reasonable amount of time.
- i) The colony Caregiver shall allow periodic inspection of the Feral Cat Colony at the discretion of the Borough Health Department and Animal Control.
- j) The colony Caregiver shall notify the Borough Health Department and Animal Control of the termination of the colony and will be responsible to trap and find a replacement Caregiver at the discretion of Animal Control.
- k) The colony Caregiver must submit a written monthly report to the Borough Health Department and Animal Control on the status of the colony, the total number of cats in 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 prior six-month period, the number of kittens born to colony cats and their disposition, the number of cats and kittens placed in permanent homes as companion cats.
- l) The colony Caregiver must obtain proper medical attention for any colony cat that appears to require it.
- m) The colony Caregiver must undergo training for themselves and their responsible substitutes in the proper management of a colony as developed and verified by Animal Control.

- n) The colony Caregiver is responsible for setting up consistent and monitored feeding schedules. Feeding shall be limited to daylight hours. All remaining food must be removed daily.
- o) None of the provisions of this Ordinance preclude a homeowner's right to safely and humanely trap any domestic animal on his/her property and have it removed by Animal Control. Any colony cat that is trapped on a neighboring private property will be treated as a stray and brought to the Animal Shelter of the Animal Control Provider. It is the responsibility of the Caregiver to provide documentation to prove ownership of and/or responsibility for cat and absorb reclaim fee, if any, in order to retrieve the animal from the shelter.

4. EXEMPTIONS FROM RESTRICTIVE ORDINANCES

The following sections of the Borough Code shall not apply to Feral Cat Colonies managed by the TNR Program or to any person or organization that is providing care for a Feral Cat Colony and is taking steps to trap and sterilize the animals:

Borough Code -- Chapter 369 -- Keeping of Animals

Borough Code -- Chapter 91-12 -- Disposition of Monies Received

Board of Health Ordinance -- #2-88 -- Licensing of Cats

Board of Health Ordinance -- #98-1 -- Controlling the Number of Pets

Board of Health Ordinance -- #2010-01 -- Prohibiting the Feeding of Wildlife and Stray Animals

5. ANIMAL CONTROL PROVIDER RESPONSIBILITIES

It shall be the duty of the Animal Control Provider to:

- a) Provide training for the cat colony Caregivers;
- b) Help to resolve any complaints over the conduct of a Feral Cat Colony Caregiver or of cats within a colony;

- c) Maintain records provided by the North Arlington Health Department on the registration, size and location of the colonies.
- d) To replace or remove a Caregiver who fails to comply with the responsibilities and requirements of this Ordinance after reasonable notice is provided to the Caregiver on non-compliance.

6. ENFORCEMENT

This Ordinance shall be enforced by the Code Official or Police Department and any other Department hereinafter designated by the Borough Administrator.

7. APPEARANCE SUMMONS

Any person specified in the Enforcement section of this ordinance having enforcement powers, with reasonable cause to believe that a person has violated this Ordinance, shall issue and serve upon such person an appearance summons for such violations.

8. PENALTIES FOR VIOLATIONS

The Borough reserves the right to issue a summons of a minimum penalty of \$25 and a maximum penalty up to \$500 if a Caregiver fails to follow the parameters of this ordinance within a reasonable amount of time or face further action.

9. STUDY AND REVIEW

Not later than 18 months after the Effective Date, the Borough shall study the effectiveness of the TNR Program and review the continuance of this Ordinance. This Ordinance, however, shall continue as provided until specifically rescinded or amended. The municipality, its elected officials

and governing boards reserve the right to review and amend this ordinance at any time per public notification.

10. HOLD HARMLESS CLAUSE

- a) Neither the Borough, its officers or employees, nor the persons or agencies authorized by the Board of Health to enforce the provisions of this Ordinance, shall be liable for the adoption or execution of this Ordinance.
- b) The Borough will be, by no means, liable for any action of a cat that is part of a TNR Colony.
- c) The Caregiver shall accept all liability in the case of a civil action being taken as to the actions of a cat in their colony.

11. EFFECTIVE DATE

This Ordinance shall take effect upon final passage according to law.

APPROVED: George McDermott
George McDermott, President

ATTESTED: Elaine Lubowiecki
Elaine Lubowiecki, Secretary

February 6, 2019