

ORDINANCE #29-22
**AN ORDINANCE AMENDING CHAPTER IX, "ANIMAL CONTROL",
OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF SAYREVILLE TO ADD
SECTION 9-14 "FERAL CAT PROGRAM"**

BE IT AND IT IS HEREBY ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the county of Middlesex, that the Revised General Ordinances of the Borough of Sayreville are hereby amended as follows:

19.14 FERAL CAT PROGRAM.

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

ANIMAL CONTROL PROVIDER

Any agency contracted or selected by the Borough and/or the TNR Committee to coordinate and monitor the TNR Program.

CAREGIVER

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

ANIMAL CONTROL OFFICER

Any person employed or appointed by the Borough who is authorized to investigate violations of laws and regulations concerning animals, and to issue citations in accordance with this Code.

DOMESTICATED CAT

A cat that is socialized to humans and is appropriate companion for humans.

EAR TIPPING

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

FEEDING

To give, place, expose, deposit, distribute or scatter any edible material.

FERAL CAT

A cat which is completed or substantially unsocialized to humans. The usual and constituent temperament of a feral cat is extreme fear and resistance to contact with humans. Feral cats are either born in the wild, the offspring of tame or feral cats and not socialized; or formerly tame cats that have been abandoned and have reverted to an untamed state.

FERAL CAT COLONY

An individual feral cat or group of cats which congregate together outside as a unit. Any non-feral cats that congregate with a multiple-cat colony shall be deemed part of it.

NUISANCE

Disturbing the peace by habitually or continually howling, crying or screaming, or the unreasonable destruction, desecration of property against the wishes of the owner of the property.

OWNER

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

STRAY CAT

A cat which is regularly of 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

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

TAME CAT

A cat which is socialized to humans and is appropriate as a companion for humans.

TNVR

Trap, neuter, vaccinate and return.

CREATION OF TNR COMMITTEE

There is hereby created the Borough of Sayreville TNR Committee which shall perform those functions related to the Borough's TNR Program, as specified in this Ordinance. The Committee shall consist of members; and the members shall include the Borough Animal Control Officer, and citizens appointed by the Mayor with the advice and consent of the Borough Council. The Mayor shall appoint the Chairperson for the TNR Committee and shall designate one (1) current Council Member as Liaison.

TNR PROGRAM

A program pursuant to which feral and stray cats are trapped, neutered or spayed, vaccinated against rabies, ear tipped and returned to the location where they congregate.

B. Feral Cat Colonies.

(1) Feral cat colonies shall be permitted and caregivers shall be entitled to maintain them in accordance with the terms and conditions of this section.

(2) No feral cat colony shall be permitted to be located within 1,000 feet of the property line of any public or private school located in the Borough of Sayreville.

(3) The Borough of Sayreville shall have no liability with regard to the operation and maintenance of any cat colony permitted by this section and all caregivers shall agree to defend and indemnify the Borough of Sayreville in regards to their maintenance of a cat colony.

(4) Any cat colony that existed prior to the adoption of the ordinance establishing this section and for which the Borough also received a nuisance complaint prior to the adoption of the ordinance, shall first require written approval of all property owners located within five hundred (500) feet of the colony prior to it being permitted to be maintained by a caregiver in accordance with the terms and conditions of this section.

C. Animal Control Responsibilities. It shall be the duty of the animal control provider to:

(1) Provide training for the cat colony caregivers;

(2) Help to resolve any complaints over the conduct of a cat colony caregiver or of cats within a colony; and

(3) Be responsible for any cost as provided in the Borough agreement with reference to the TNR Program.

D. TNR Committee responsibilities. It shall be the duty of the TRN Committee to:

(1) Help resolve any complaints over the conduct of a colony caregiver or of cats within a colony;

(2) Maintain records provided by colony caregivers on the registration, size and location of the colonies, as well as the vaccination and spay/neuter records of cats in the caregiver's colonies;

(3) Report semiannually in writing to the Code Official 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 previous six-month period, the number of kittens born to colony cats and their disposition, the number of cats and kittens spayed and neutered and the number of cats and kittens placed in permanent homes as companion cats.

(4) Provide the semi-annual report forms to caregivers and provide assistance upon request by the caregiver in the preparation of the forms.

(5) To contract and hire the Animal Control Provider.

E. Feral cat caregiver responsibilities.

(1) It shall be the duty of feral cats caregivers to:

(a) Register the feral cat colony with the TNR Committee:

(b) Take steps to vaccinate the colony population for rabies and update the required vaccination protocols whenever possible; take steps to get all cats in the colony population spayed/neutered by a licensed veterinarian;

(c) Maintain digital photos of each cat in the colony and copies of documents evidencing that the cats have been vaccinated, spayed/neutered and ear tipped; providing food, water and, if feasible, suitable shelter for colony cats;

(d) Observe the colony cats and keep a record of any illnesses or unusual behavior noticed in any colony cats;

(e) Obtain the written approval of the owner of any property to which the caregiver requires access to provide colony care;

(f) Take steps, in the event that kittens are born to a colony cat, 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;

(g) Report semi-annually in writing to the TNR Committee 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 spayed and neutered and the number of cats and kittens placed in permanent homes as companion cats.

(h) Obtain proper medical attention for any colony cat that appears to require it;

(i) Undergo training for themselves and their responsible substitutes in the proper management of a colony as developed and verified by the animal control provider;

(j) Set up consistent and monitored feeding schedules. Feeding shall be limited to daylight hours. All remaining food must be removed daily;

(k) "Ear tip" all cats with a single cut preferably on the left ear;

(2) All costs and expenses associated with maintaining a feral cat colony shall be borne solely by the feral cat caregiver and the Borough of Sayreville shall not provide any financial resources or funds to caregivers who maintain a cat colony.

F. Exemptions from restrictive ordinances. The following sections of the Borough Code shall not apply to feral cat colonies managed by the TRN 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.

G. Cat colony caregiver registration-ownership exemption. Any person undertaking the duties and responsibilities of a cat colony caregiver shall first be registered with the TNR Committee at no cost. A registered caregiver shall not be considered an owner in or be subject to regulations governing ownership or control of an animal, except as specified in this subsection.

H. Ordinance enforcement. The Borough shall retain the following rights:

(1) The right to seize or remove from a colony, cats that have not been vaccinated against rabies and which are demonstrating signs of the disease.

(2) The right to seize or remove from a colony a cat that is creating a nuisance after the caregiver and sponsor have been given 60 days to resolve the complaint or 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 section and the TRN Committee has not been able to obtain a replacement or substitute caregiver within 60 days of the Borough's notice to the TRN Committee of the caregiver's failure to comply with this subsection.

(4) The right to replace or remove a caregiver who fails to comply with the responsibilities and requirements of this section after reasonable notice is provided to the caregiver of noncompliance.

I. Nuisance Complaints. The requirements of this subsection notwithstanding, Animal Control Officer and the Borough Police Department or other appropriate Borough official may investigate any nuisance complaint. If a Animal Control Officer, Police Department or Borough Official determines that an ear-tipped feral colony cat is causing a nuisance as defined in this section, the Animal Control Officer, Police Department or Borough Official shall contact the TNR Committee and allow the TNR Committee 60 days to resolve the Complaint or remove the cat before further action is taken. The caregiver or TRN Committee must begin nuisance abatement procedures within 48 hours after being notified of a nuisance and must take all reasonable and necessary steps to resolve the nuisance in a short a time period as possible, not to exceed 60 days. If the TRN Committee fails to resolve the nuisance or remove the cat within the 60 days, the Animal Control Officer may remove the cat. If an Animal Control Officer, Police Department or Borough Official reasonably determines that a cat is injured or poses a significant threat to the public health, the Animal Control Officer, Police Department or Borough Official may reduce the time that the TNR Committee 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

II. , Police Department or Borough Official may remove the cat, but within 24 hours must provide the TRN Committee with notice of the cat's whereabouts and allow the TNR Committee an opportunity to retrieve the cat for treatment, return or relocation.

J. Enforcement and Fines.

(1) This section shall be enforced by the Code Official, Police Department and any other Department or Borough official that may hereinafter be designated by the Township Administrator.

(2) If it is determined by the Code Official, Police Department or Borough Official that an owner has abandoned a domesticated cat, then the owner shall be subject to a maximum penalty of \$100.00 per violation; each and every day in which a violation of this section exists shall constitute a separate violation.

K. Study and review. This section shall be reviewed after a period of one year from the date of adoption of this section to permit the Borough to study the effectiveness of the TNR Program and to review the continuance of this subsection.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, that Chapter 9, of the Revised General Ordinances of the Borough of Sayreville, shall also be amended to reflect such change; and

BE IT FURTHER ORDAINED that the Mayor and Borough Council of the Borough of Sayreville, in the County of Middlesex, may review Chapter 9, Entitled "Animal Control" Section 9-3.9 one (1) year from the date of adoption of this Ordinance for further revisions.

INTRODUCED/APPROVED ON FIRST READING

DATED: September 12, 2022

Jessica Morelos, R.M.C.
Clerk of the Borough of Sayreville

Eunice K. Dwumfour, Councilwoman
(Public Safety Committee)
Borough of Sayreville

ADOPTED ON SECOND READING

DATED: September 27, 2022

Jessica Morelos, R.M.C.
Clerk of the Borough of Sayreville

Eunice K. Dwumfour, Councilwoman
(Public Safety Committee)
Borough of Sayreville

APPROVAL BY THE MAYOR ON THIS ____ DAY OF _____, 2022.

Victoria Kilpatrick, Mayor
Borough of Sayreville

APPROVED AS TO FORM:

MICHAEL DUPONT, ESQ., Borough Attorney