

ORDINANCE 7-2018

AN ORDINANCE OF THE BOROUGH OF WOODBURY HEIGHTS AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF WOODBURY HEIGHTS TO ESTABLISH A SECTION ENTITLED "COMMUNITY CAT ORDINANCE"

WHEREAS, as in many municipalities, the Borough of Woodbury Heights is burdened with addressing the challenges associated with stray and feral cat populations throughout the community; and

WHEREAS, this Ordinance promotes a long term goal to reduce the growth of stray and feral cat populations, and to stop the spread of disease and reduce the numbers of feral cats through natural attrition;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Woodbury Heights, Gloucester County, and State of New Jersey, that the Code of the Borough of Woodbury Heights is hereby amended and supplemented to establish a Section 51B thereof entitled "Community Cat Ordinance" as hereinafter provided:

ARTICLE I-General Provisions

Section I. DEFINITIONS.

COMMUNITY CAT: "Community Cat" means any free-roaming, feral, or barn cat that may be cared for by one or more residents of the immediate area and which has no discernible form of ownership identification.

COMMUNITY CAT CAREGIVER: "Community Cat Caregiver" means a person who may provide care, including food, water, shelter or medical care to a community cat. A community cat caregiver shall not be considered to be the owner, custodian, harbinger, controller, or keeper of a community cat.

COMMUNITY CAT COLONY: "Community Cat Colony" means a group of cats that congregates, more or less, together as a unit.

EARTIPPING: "Eartipping" means the removal of the ¼ inch tip of community cat's left ear, performed while the cat is under anesthesia by a licensed veterinarian and designed to be an indication that the community cat has been sterilized and vaccinated for rabies.

FERAL CAT: "Feral Cat" means a cat that (i) is born in the wild or is the offspring of an owned or feral cat and is not socialized or (ii) is a formerly owned cat that has been abandoned and is no longer socialized.

Section II- MANAGEMENT OF COMMUNITY CATS

- A. **PURPOSE:** To permit implementation of a community cat program (CCP) in the Borough of Woodbury Heights, New Jersey for the purpose of reducing the population of feral and free roaming cats, benefitting public health, improving the quality of life for residents, and ensuring the humane treatment of community cats.
- B. **IMPLEMENTATION:** the appropriate "Borough Official" as such term is defined in Section 51-6 shall administer and implement the programs set forth in this Chapter in accordance with applicable guidelines and standards as set forth in state and local statute.
- C. **COMMUNITY CATS:**
 - I. The Borough establishes the following community cat requirements:
 - a. Community cats may be cared for on the private property of the caregiver or upon the property of another with the permission of the owner or property manager.
 - b. All community cat caregivers shall make reasonable efforts to have all free-roaming cats within their care sterilized, vaccinated against rabies, and ear-tipped for easy identification.
 - c. All community cat caregivers are required to make reasonable efforts to provide certain necessities to each community cat under his/her care on a regular/ongoing basis, including, but not limited to, proper nutrition, adequate quantities of visibly clean and fresh water and medical care as needed. If medical care is unavailable or too expensive, the community cat caregiver must not allow the cat to suffer. Feeding is permitted during daylight hours only. Food must be offered to cats in a container and shall not be dumped on the ground. Any food remaining after cats have eaten must be removed before dark. Feeding areas must be maintained in a clean and sanitary condition.
 - d. Community cat caregivers shall make reasonable attempts to remove young kittens from the field for domestication.
 - II. Community cats meeting the requirements of this section are exempt from any licensing, stray, and at-large provisions of this ordinance.
 - III. The Borough Official shall have the right to remove or authorize the removal of any free-roaming cat or community cat because of immediate public health or safety concerns.
 - IV. No community cat shall be released at any governmentally owned or managed park, natural area, area deemed as environmentally sensitive land or on any easement adjacent to such lands without approval from the Borough Official.
 - V. Healthy community cats that have been trapped by the Borough Official in accordance with this Section, shall be considered to be "on the property of the owner" and thus not stray (off the property of the owner) to be impounded. Healthy community cats shall be immediately returned to the location at which they were found, released to a caregiver or adopted. Prior to being returned to the location at which they were found or released to a caregiver, community cats shall be sterilized, ear tipped while under anesthesia by a licensed veterinarian, and vaccinated for rabies. Notwithstanding the foregoing, whenever such cat is visibly injured or diseased and appears to be suffering and it reasonably appears that such cat cannot be

expeditiously cured and returned to the field, transferred to a humane society or private animal nonprofit organization or placed in foster care, then the Borough Official, acting in good faith and upon reasonable belief, may humanely euthanize the cat upon the advice of a licensed veterinarian.

VI. Nuisance Abatement and Resolution

A community cat that:

- a. Habitually howls, squawks or causes other objectionable noise resulting in a serious annoyance to a reasonable person, shall be deemed to be committing an act in violation of this section; or
- b. Disturbs the peace by habitually or repeatedly destroying, desecrating or soiling public or private property shall constitute a public nuisance.

The Borough Official shall investigate an alleged violation of this section upon the receipt of two (2) sworn affidavits of complaint in a form provided by the Borough, signed by two (2) unrelated Borough residents living in separate dwellings in the close vicinity of the alleged violation. For the enforcement of paragraph (2) herein, one (1) of the affidavits may be provided by a person who works for a recognized business or agency that regularly or frequently provides service in the close vicinity of the alleged violation. The affidavit shall specify the address or location of the alleged violation, the nature, time and date(s) of the act, the name and address of the owner or custodian, if known, and a description of the animal, if known.

The Borough Official, upon the receipt of two (2) sworn affidavits of complaint as provided for in this section, may issue a citation to the owner or custodian of any animal alleged to be in violation of this section.

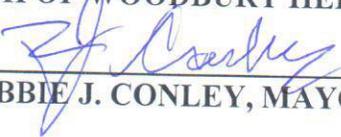
Section III. **INCONSISTENT ORDINANCES REPEALED.** All ordinances or parts of other Ordinances in conflict with the provisions of this Ordinance shall, to the extent of the conflict, be, and are hereby repealed, provided that nothing herein shall in any way excuse or prevent prosecution of any previous existing violation of any Ordinance superseded hereby.

Section IV. **SAVING CLAUSE.** Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by the Ordinance.

Section V. In the event that any section, paragraph, sentence, clause or phrase of this Ordinance shall be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this Ordinance are hereby declared to be severable.

Section VI. **PASSAGE AND PUBLICATION.** This Ordinance shall be in full force and effect from its passage of publication by the Clerk as provided by law and shall continue in effect and operation until lawfully repealed by the Borough of Woodbury Heights.

BOROUGH OF WOODBURY HEIGHTS

By: 
ROBBIE J. CONLEY, MAYOR

ATTEST:


JANET PIZZI, BOROUGH CLERK

CERTIFICATION

The foregoing Ordinance was introduced at a Regular Meeting of Borough Council of the Borough of Woodbury Heights held on the 28th day of March, 2018, and will be considered for final passage and adoption at a Regular Meeting at which time any person interested therein will be given an opportunity to be heard. Said meeting to be held on 25th day of April, 2018, at the Borough Hall, 500 Elm Ave, Woodbury Heights, New Jersey.


JANET PIZZI, BOROUGH CLERK

ORDINANCE 7-2018 AN ORDINANCE OF THE BOROUGH OF WOODBURY HEIGHTS
AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF WOODBURY
HEIGHTS TO ESTABLISH A SECTION ENTITLED "COMMUNITY CAT ORDINANCE"

Notice is hereby given that the foregoing Ordinance was finally adopted following a public hearing by the Borough Council at the Regular Meeting of the Borough of Woodbury Heights, County of Gloucester, State of New Jersey, at a meeting held on the 25th day of April 2018, at 7:30 p.m. in the Municipal Building, 500 Elm Avenue, Woodbury Heights, NJ 08097.

Janet Pizzi, Clerk/Administrator