

Ordinance

No. 19-2018

AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CAT PROGRAM (CCP) IN THE BOROUGH OF WESTVILLE

WHEREAS, the Borough of Westville (hereinafter referred to as "Borough") desires to implement a program in the Borough for the purpose of reducing the population of feral and free roaming cats, benefitting the public health, improving the quality of life for residents and enduring the humane treatment of community cats; and

WHEREAS, the attached Community Cat Ordinance outlines the policies and procedures for a Community Cat Program ("CCP"); and

WHEREAS, the Borough desires to adopt the attached Community Cat Ordinance for the implementation of a CCP in the Borough.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Westville, County of Gloucester and State of New Jersey that the governing body does hereby adopt the attached Community Cat Ordinance for the implementation of a Community Cat Program ("CCP") in the Borough of Westville.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon formal approval by the Westville Borough Council and publication as required by law.

Introduced: November 7, 2018

Adopted: December 12, 2018

BOROUGH OF WESTVILLE

**Russell W. Welsh, Jr.
MAYOR**

ATTEST:

**Kathleen Carroll
DEPUTY MUNICIPAL CLERK**

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ARTICLE I GENERAL PROVISIONS

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, harborer, 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.

ARTICLE II MANAGEMENT OF COMMUNITY CATS

PURPOSE: To permit the implementation of a community cat program (CCP) in the Borough of Westville, 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.

IMPLEMENTATION: The Borough of Westville 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.

COMMUNITY CATS:

A. The Borough establishes the following community cat requirements:

1. 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.
2. 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.
3. 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

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before dark. Feeding areas must be maintained in a clean and sanitary condition.

4. Community cat caregivers shall make reasonable attempts to remove young kittens from the field for domestication.

B. Community cats meeting the requirements of this section are exempt from any licensing, stray, and at-large provisions of this ordinance.

C. The Animal Control Officer, as designated by the Borough of Westville, 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.

D. 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 designated Animal Control Officer.

E. Healthy community cats that have been trapped by the designated Animal Control Officer 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 designated Animal Control Officer, acting in good faith and upon reasonable belief, may humanely euthanize the cat upon the advice of a licensed veterinarian.

F. Nuisance Abatement and Resolution

A community cat that:

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

The designated Animal Control Officer shall investigate an alleged violation of this section upon the receipt of two (2) sworn affidavits of complaint in a form provided by the designated Animal Control Officer, signed by two (2) unrelated County 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.

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The designated Animal Control Officer, 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.

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.

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.

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 Board