

**TOWNSHIP OF MAURICE RIVER**

**ORDINANCE NO. 688**

**AN ORDINANCE OF THE TOWNSHIP OF MAURICE RIVER,  
CUMBERLAND COUNTY, AMENDING CHAPTER V, ANIMAL CONTROL AND  
LICENSING REGULATIONS, OF THE REVISED GENERAL ORDINANCES  
OF THE TOWNSHIP OF MAURICE RIVER, TO ADD SECTION 5-21  
FREE-ROAMING CAT MANAGEMENT**

**WHEREAS**, Chapter V Animal Control and licensing regulations, of the Revised General Ordinances of the Township of Maurice River, was previously adopted by the Township Committee; and

**WHEREAS**, free-roaming or feral cats have become a serious problem within Maurice River Township and the current Chapter V does not address free-roaming or feral cats; and

**WHEREAS**, the Township Committee of Maurice River Township has determined that it is in the best interest of Maurice River Township and its residents to regulate and control free-roaming cats.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED, THAT THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MAURICE TOWNSHIP, COUNTY OF CUMBERLAND, STATE OF NEW JERSEY, DOES HEREBY AMEND CHAPTER V, ANIMAL CONTROL AND LICENSING REGULATIONS SO AS TO ADD A NEW SECTION 5-21, FREE-ROAMING CAT MANAGEMENT, AS FOLLOWS:**

- A. DEFINITIONS.** Animal Control Officer or ACO: a person 18 years of age or older who has satisfactorily completed the course of study approved by the Commissioner of Health and Senior Services of the State of New Jersey and the Police Training Commission as prescribed by paragraphs (1) through (3) of subsection a. of section 3 of N.J. P. L.1983, c. 525 (C.4:19-15.16a); or who has been employed in the State of New Jersey in the capacity of, and with similar responsibilities to those required of, a certified animal control officer pursuant to the provisions of N.J. P.L.1983, c. 525 for a period of three years before January 17, 1987.

Free-Roaming Cat: Any free-roaming or feral cat that may be cared for by one or more residents of the immediate area and which has no discernible form of ownership identification.

Free Roaming Cat Caregiver: A person who provides care, including food, water, shelter or medical care to a free-roaming cat. A free-roaming cat caregiver shall not be considered to be the owner, custodian, harbinger, controller, or keeper of a free-roaming cat.

Free Roaming Cat Colony: A group of outside cats that congregates, more or less, together as a unit.

Free Roaming Cat Management: A program in which any person, known or unknown, who engages in Trapping, Neutering and Returning (TNR) a free-roaming cat to a colony. Management of the colony shall include, but not be limited to, trapping,

sterilizing, vaccinating, ear-tipping, microchipping, and returning a free-roaming cat to its colony of origin, from which it was trapped. Managing shall also include, providing adequate food, water, medical care and shelter for the cats within the colony being managed. Assuming temporary custody of any cat within the colony from time to time may also be necessary to providing adequate care.

Continuously (Or Persistently): Non-stop utterances for 30 consecutive minutes with interruption of less than 30 seconds at a time.

Ear Tipping/ Ear-Tipped: The removal of the ¼" tip of free-roaming cat's left ear, performed while the cat is under anesthesia by a licensed veterinarian and designed to be an indication that the free-roaming cat has been sterilized and vaccinated for rabies.

Feral Cat: 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.

Foster Home: Placement of a cat after the 7 day holding period by an animal rescue organization with a caretaker, who may be an individual or group, for the purpose of providing temporary care for a cat, without the caretaker assuming ownership, and with the intent that the caretaker relinquishes the cat to the animal rescue organization or a suitable owner upon one being located. {A foster home may provide care to a cat without the effect of the fostered cat counting toward a municipality's household pet limit (should one exist); however, a foster home must comply with all other provisions of this ordinance.}

Harbor: The act of caring for and keeping an animal or the act of providing a premises or residence to which the animal returns for food, shelter, or care, where the caregiver is providing the primary source of sustenance for the animal for at least 7 days. Free-roaming cat caregivers do not harbor free-roaming cats for the purpose of this ordinance but are subject to the provisions of the ordinance pertaining to free-roaming cats.

Microchip: An electronic identification device inserted into an animal, typically on the back between the shoulder blades, by a veterinarian in accordance with professional medical standards.

Municipality: Maurice River Township, Cumberland County, New Jersey.

Neuter or Spay: To have a licensed veterinarian surgically sterilize the animal.

Persistently (Or Continuously): Non-stop utterances for 30 consecutive minutes with interruption of less than 30 seconds at a time.

Nuisance: Disturbing the peace by:

1. Habitual Howling, crying or screaming continuously for at least 30 minutes, occurring at least three separate times within a period of eight hours.

2. Disturbs the peace by habitually or repeatedly desecrating or soiling, destroying public or private property or directly or detrimentally affecting a person shall constitute a public nuisance.

Owner: Any person, household, firm, corporation, or other organization who, except a foster home, possesses a legal title to, a property interest in, or permanent custody of any animal regulated by this ordinance.

A person must be age 18 or older to be considered the legal owner of an animal. If a person under age 18 is considered the custodian or caretaker of the animal, the parent or legal guardian shall be considered the legal owner of the animal. A free-roaming cat caregiver is not an owner of free-roaming cats for the purposes of this ordinance but is subject to the provisions pertaining to free-roaming cat caregivers.

Pound: Establishment for the confinement of dogs or other animals seized either under the provisions of this act or otherwise.

Proper Shelter: a structure that:

1. It provides at all times:
  - a) adequate ventilation to allow the free-roaming cat, domestic companion animal, or service animal to remain dry and maintain a normal body temperature.
  - b) Access to water in a sanitary and liquid state.
  - c) Exposure to natural or artificial light according to a regular cycle of day and night.
  - d) Sufficient space so that the free-roaming cat, domestic companion animal, or service animal can easily turn around in a full circle and lie down on the animal's side with limbs outstretched.
  - e) When the animal is in a normal sitting position in the proper shelter, the top of the head of the animal cannot touch the ceiling of the proper shelter;
2. It is maintained in a manner to minimize the accumulation of any waster, other debris, precipitation, or other moisture inside, surrounding, and underneath any area or structure providing proper shelter, and to provide reasonable protection from flooding;
3. It is soundly constructed to prevent the sagging or collapse of any part of the structure or protection, and is maintained in a good repair with no exposed sharp points or edges;
4. It remains in an upright position at all times;
5. In the event of adverse environmental conditions, it is an enclosed structure that has:
  - a) A solid roof, solid walls with a single opening no larger than necessary to allow the free-roaming cat, domestic companion animal, or service animal to comfortably enter and exit the structure, and a floor that is not the ground.
  - b) Insulation, dry bedding, and a windbreak at the entrance that are sufficient to keep the free-roaming cat, domestic companion animal, or service animal dry and maintain the animal's normal body temperature.

6. In the event of adverse environmental conditions, it provides free-roaming cat, domestic companion animal, or service animal with adequate shade or other cooling area by natural or artificial means to allow the animal to maintain a normal body temperature.

Severe Injury: Any physical injury that results in one or more broken bones or one or more lacerations requiring sutures, or an injury requiring reconstructive or plastic surgery.

Stray: Any animal found to be at-large, whether lost by its owner or otherwise, or that is on the common areas of apartments, condominiums, trailer parks or other multi-residential premises, and that does not have identification tag and for which there is no identifiable owner. The term "stray" shall not be applied to free-roaming cats managed in accordance with this ordinance.

**B. RESPONSIBILITIES OF CAREGIVER:**

1. The caregiver shall provide free-roaming cats with sufficient food; sufficient water; proper shelter and protection from weather; veterinary care as needed to prevent suffering; and humane care and treatment.
2. The caregiver shall exercise reasonable care to guard against the animal creating a nuisance.

**C. FREE- ROAMING CAT MANAGEMENT PROGRAM:** Maurice River Township believes that the safest place for pet domesticated cats is indoors. Maurice River Township also recognizes that feral and free-roaming cats, as defined in this chapter, are not, in the majority of cases, suitable to be taken indoors and kept as pets because their home is outdoors. The Township further recognizes the need for innovation in addressing the issues presented by feral or free-roaming cats. To that end, the Township finds that properly managed free-roaming cat colonies are part of the solution to reducing the numbers of feral cats in the Township and the rate of cats euthanized in area shelters.

Free Roaming Cats colonies shall be permitted in the Township as part of a free-roaming cat management program in accordance with the following provisions:

1. Free- Roaming Cat Caregivers must ensure free-roaming cats are sterilized, vaccinated against the threat of rabies, ear-tipped, and microchipped, and must cooperate with the Municipality to abate any nuisance.
2. The location of free-roaming cat colonies must be maintained in compliance with property laws.
3. To be exempt from certain provisions of this Chapter all cats that are part of an approved free-roaming cat management program pursuant to this Chapter must be sterilized, vaccinated against the threat of rabies, ear-tipped, and microchipped for easy identification. If these requirements are met the free-roaming cat is exempted from licensing, if applicable, stray and at-large provisions of this ordinance.
4. Free-Roaming cat caregivers shall make reasonable attempt to remove young kittens from the field for

domestication as well as not add additional cats to their existing colony.

**D. EAR-TIPPED FREE- ROAMING CATS:**

1. An ACO who has trapped a cat whose ear has been tipped or which bears some other distinguishing mark indicating that it belongs to a free-roaming cat colony shall transport the cat to the contracted municipal shelter, where the cat will be scanned for a microchip. If a registered microchip is found, the registered owner or caregiver will be contacted and advised that the cat is located at the Cumberland County SPCA.
2. The owner or caregiver shall be responsible for retrieving the cat from the municipal shelter within 7 days or advising the shelter if the owner or caregiver does not intend to retrieve the cat. If no identification, microchip or information of caregiver is available to receiving shelter at the minimum of stray hold period of 7 days; then it is at the sole discretion of the receiving shelter to determine the outcome of the cat retrieved which may include transfer, euthanasia, foster care, and/or adoption.

**E. RESOLUTION OF COMPLAINTS-PROCEDURES:**

1. The requirements of this article notwithstanding, ACOs and law enforcement may investigate any nuisance complaint. If an ACO or law enforcement officer determines that an ear-tipped free-roaming cat is causing a nuisance as defined by this article, the ACO or law enforcement officer shall attempt to contact the caregiver or owner. The caregiver or owner shall begin nuisance abatement procedures within 48 hours of notification and make all reasonable efforts to resolve the nuisance as quickly as possible, not to exceed thirty (30) days. If the caregiver or owner fails to resolve the nuisance or the caregiver cannot be identified, the animal control officer may remove the cat.
2. Factors to be considered during the nuisance abatement process shall include:
  - a) Recognition of the value of wildlife;
  - b) Recognition of the value of free-roaming cat management program;
  - c) The availability of equipment and strategies to minimize nuisance behavior.

**F. ENFORCEMENT OF FREE-ROAMING CAT MANAGEMENT PROGRAM: The Township shall have the following rights:**

- a) The right to seize or remove cats from a colony which is demonstrating signs of a life-threatening disease.
- b) The right to seize or remove a cat from a colony which is creating a nuisance as defined in this ordinance, after the free-roaming cat caregiver has been given thirty (30) days to abate the nuisance or remove and relocate the cat and failed to do so.
- c) The right to seize or remove a cat or colony of cats when the free-roaming cat caregiver regularly fails to comply with the requirements of this Chapter and the caregiver has not been able to obtain a replacement or substitute caregiver within thirty (30) days of the Township or animal control officer having given notice to the caregiver. If one or more cats are in danger due to a caregiver's lack of compliance, the caregiver or

owner may work with other local caregivers to find a suitable replacement caregiver or relocate the cats.

- G. **ABANDONMENT OF CATS:** No person may desert or abandon any cat at any public or private location. The practice of caring for a free-roaming cat in accordance with the provisions of this ordinance do not constitute desertion or abandonment of the free-roaming cat. However, the placement of a cat at a free-roaming cat colony by a person other than the free-roaming cat caregiver constitutes abandonment. Any person who is found to be in violation of the provisions of this section shall be subject to a fine not to exceed \$1,000.00 for each offense of abandoning one cat and \$100.00 per additional cats.
  
- H. **DURATION OF ORDINANCE:** This ordinance shall remain in full force and effect for a period of five (5) years from its formal adoption by the Maurice River Township Committee. Thereafter, this ordinance shall have no further force or effect.

**BE IT FURTHER ORDAINED AND ENACTED** by the Township Committee of the Township of Maurice River, County of Cumberland and State of New Jersey, this Ordinance shall take affect immediately upon the adoption and publication of notice of adoption as prescribed by law.

Introduced: July 18, 2019

Public Hearing: August 15, 2019 at 7:30 pm