

## ORDINANCE NO. 2021-11

AN ORDINANCE OF THE BOROUGH OF KENILWORTH AMENDING THE EXISTING CHAPTER 75 "CATS",  
ESTABLISHING SECTION 16 "FERAL POPULATION MANAGEMENT", WITHIN THE BOROUGH OF  
KENILWORTH, COUNTY OF UNION, STATE OF NEW JERSEY

**Purpose:** The purpose of this Ordinance is to establish a program for the managed care of feral cats in the Borough of Kenilworth .

### AN ORDINANCE REGARDING THE MANAGED CARE OF FREE-ROAMING CATS

**WHEREAS**, the Mayor and Council of the Borough of Kenilworth are aware of the problems in the Borough caused by a large feral cat population; and

**WHEREAS**, feral cats are cats that are significantly or completely unsocialized and not adoptable as companion animals; and

**WHEREAS**, there are no facilities in the Borough of Kenilworth ("Borough") to address issues created by feral cats; and

**WHEREAS**, the population of feral cats has been increasing in the Borough; and

**WHEREAS**, a present goal of Trap-Neuter-Return (TNR) is to decrease the number of cats in the environment and thereby reduce feral cat predation on wildlife; and

**WHEREAS**, programs for the managed care of feral cat colonies that include trapping, neutering and returning such cats to their habitats have proven to be effective in reducing the number of feral cats and is more humane than trapping and euthanizing; and

**WHEREAS**, TNR programs are beneficial to communities and the public health because cats in managed colonies are vaccinated against rabies, which has positive public consequences, and are spayed or neutered, thereby controlling the population; and

**WHEREAS**, the Mayor and Borough Council deem it in the public interest to amend its ordinances in order to meet these stated goals;

**THEREFORE BE IT ORDAINED** by the Mayor and Council of the Borough of Kenilworth, County of Union and State of New Jersey that the following section be added to the Ordinances of the Borough of Kenilworth as follows:

#### DEFINITIONS

For the purpose of this Ordinance, the following terms shall have the meaning set forth in this Section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, words in the singular number include the plural, and words in the male gender include the female gender.

**Abandoned** means that an owner or caregiver has forsaken a domesticated cat entirely or has neglected or refused to provide care and support to the cat.

**Animal Control Officer** means 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 New Jersey law and this Code.

**Caregiver** means any person other than an owner who provides food, water or shelter to, or otherwise cares for a feral cat.

**Domesticated** cat means a cat that is socialized to humans and is appropriate as a companion for humans.

**Ear Marked** means a tagged, notched or tipped left ear as performed by a licensed veterinarian.

**Feral Cat colony** means a group of cats that congregates, more or less, together as a unit. Although not every cat in a Colony may be feral, any non-feral cats that congregate with a Colony shall be deemed to be part of it.

**Managed Cat colony**- spaying and neutering the cats to stabilize the population of the Feral Cat colony.

**Nuisance** means disturbing the peace by (a) habitually or continually howling, crying or screaming, or (b) the habitual and significant destruction, desecration or soiling of property against the wishes of the owner of the property.

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**Owner** means any person, firm, corporation, partnership, association, trust, estate, or any other legal entity.

**Rescue group** is a nonprofit entity, or a collaboration of individuals with at least one of its purposes being the adoption or placement of cats in homes with humans to serve as companion animals.

**Sponsor** is any animal welfare provider who agrees to comply with the requirements of this chapter for sponsors and provides written notice to and is approved by the Borough and the majority of any other approved sponsor(s).

**Stray Cat** means a cat that 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 its owner.

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

**TNR** means Trap, Neuter and Return.

**TNR Program** means a program pursuant to which feral and stray cats are trapped, neutered or spayed, vaccinated against rabies and returned to the location where they congregate.

**Zoonotic Disease** means those diseases transmittable to humans from animals, including parasitic, bacterial, fungal and viral diseases.

### RESPONSIBILITIES OF OWNERS OF DOMESTICATED CATS.

1. Owners of domesticated cats shall provide appropriate and adequate food, water and shelter for their cats.
2. The Owner of a domesticated cat shall exercise reasonable care to guard against the cat creating a nuisance.
3. The Owner of a sexually intact (not spayed or neutered) domesticated cat shall not permit his/her cat to roam unsupervised.
4. An Owner shall not abandon a domesticated cat.

It shall be the duty of the Sponsor to:

- a. Review and approve of colony caregivers.
- b. Help to resolve any complaints over the conduct of a colony caregiver or of cats within a colony;
- c. Maintain records provided by colony Caregivers on the size and location of the colonies as well as the vaccination and spay/neuter records of cats in the Sponsor's colonies; and
- d. Report annually to the Borough on the following:
  - i. number of colonies in the Borough;
  - ii. total number of cats in colonies;
  - iii. number of cats and kittens spayed and neutered pursuant to the TNR program; and
  - iv. number of cats and kittens placed in permanent homes.

- e. Register Feral Cat colonies as provided in Section 8.
- f. Equally responsible with that of the Animal Control Officer for humanely capturing, trapping, neutering, vaccinating, identifying and spaying or neutering feral cats.

### 5. Feral Cat Caregiver requirements.

Caregivers are responsible for the following.

- a. registering the Feral Cat colony with the Sponsor.

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- b. taking steps that are reasonably likely to result in the vaccination of the colony population for rabies and making reasonable efforts to update the vaccinations on cats that can be recaptured.
- c. taking steps that are reasonably likely to further the objective of the spay/neuter of at least ninety percent (90%) of the colony population.
- d. providing the Sponsor with descriptions of each cat in the colony and copies of documents evidencing that the cats have been vaccinated and spayed/neutered
- e. providing food, water and if feasible shelter for colony cats
- f. observing the colony cats at least twice per week and keeping a record of any illness or unusual behavior noticed in any colony cats
- g. obtaining the approval, in writing, of the owner of any property, to which the caregiver requires access to provide colony care
- h. in the event kittens are born to a colony, the caregivers shall take reasonable steps likely to result in the removal of the kittens from the colony after they have been weaned, and placement of the kittens in homes or foster homes for the purpose of subsequent permanent placement or with the sponsor for subsequent permanent placement
- i. reporting annually in writing to the Sponsor on the status of the colony, including data on the number and gender of all cats in the colony, the number of cats that died or otherwise ceased being a part of the colony during the year, the number of kittens born to colony cats and their disposition, and the number of cats and kittens placed in permanent homes as companion cats; and
- j. obtaining proper medical attention to any colony cat that appears to require it
- k. taking reasonable steps to prevent cats from creating a nuisance to adjacent properties

### 6. Colony Cat Requirements

- a. The left ear of a colony cat that has been spayed or neutered and vaccinated shall be ear-tipped
- b. An electronic animal identification device (EAID) shall be inserted into the cat by a veterinarian in accordance with professional medical standards. The colony number shall be used for purposes of the EAID

### 7. Disposition of Colony Cats

- a. An animal control officer or sponsor who has trapped a cat whose left ear has been tipped or which bears some other distinguishing mark indicating that it belongs to a feral cat colony shall scan any cat trapped or picked up for an EAID. If an EAID is found, the officer shall return the cat to its colony or its owner. If an EAID is not found the officer shall contact the sponsor and the sponsor or any other person named as the owner of the cat
- b. If the owner or sponsor is not able to immediately take custody of the cat, the officer shall return the cat to the appropriate colony
- c. If the cat does not have an EAID then the animal control officer shall contact the sponsor so that the cat can be properly placed in a colony. If the cat is obviously a domestic cat the sponsor shall arrange for care of the cat until the owner is located and may determine the disposition of the cat if those circumstances where the domestic cat's owner can not be located. If the cat does not have an EAID and the owner cannot be located, then the sponsor will nevertheless treat the cat as a stray with a seven (7) day holding period.

### 8. Registration of Feral Cat colonies.

- a. The sponsor shall register Feral Cat colonies maintained by approved Caregivers. Feral Cat Colonies within the Borough that are not registered by the Sponsor are not entitled

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to any benefits or protections set forth in this Ordinance. No colonies may be established except in accordance with this Ordinance. On an annual basis the sponsor shall provide the Borough of Kenilworth with a colony management plan for the Borough containing all registered Feral Cat colonies with information on the number of cats, anticipated rate of attrition and the length of project, efforts to deter predation and to prevent immigration of more cats into each colony. The list of registered Feral Cat colonies and the annual colony management plan shall be filed with the Borough administrator.

### ORDINANCE ENFORCEMENT

1. The Borough shall have the following rights:
  - a. the right to seize or remove cats from a colony that have not been vaccinated against rabies and which are demonstrating signs of the disease.
  - b. the right to seize or remove a cat from a colony that is creating a nuisance as defined above and the Caregiver and Sponsor have been given 30 days to remove and relocate the cat and have failed to do so.
  - c. the right to seize or remove a colony of cats when the caregiver regularly fails to comply with the requirements of this Article and the Sponsor has not been able to obtain a replacement or substitute Caregiver within 30 days of the Borough's notice to the sponsor of the Caregiver's failure to comply with this Ordinance.
2. The requirements of this Ordinance notwithstanding, Animal Control Officers and Police Officers may investigate any Nuisance complaint.

All ordinances or parts of ordinances inconsistent with this Ordinance are repealed to the extent of such inconsistency.

### Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.

### Effective Date

This Ordinance shall take effect twenty (20) days after the first publication thereof after final passage as provided by law.

Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION				
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.
X		X				KAY CECERI			X		
	X	X				MARK DAVID	X		X		
		X				JOSEPH FINISTRELLA			X		
		X				GERRY LAUDATI			X		
		X				SCOTT PENTZ		X	X		
		X				FRED PUGLIESE			X		
						MAYOR KARLOVITCH					
Introduced: July 14, 2021			I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.								
Final Adoption: August 25, 2021											
Laura Reinertsen, Borough Clerk											

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In consideration for being permitted to participate in the Borough of Kenilworth Trap-Neuter-Return ("TNR") program, which, without limitation, shall entail the trapping, handling, neutering, vaccinating, caretaking and transporting of feral and stray cats the "Services"), I understand and hereby agree to the following terms and conditions:

### RELEASE

#### ASSUMPTION OF RISK

I am voluntarily participating in the Borough TNR program with full knowledge of the risks and dangers involved and hereby agree to accept any and all risks of injury, death, or damage to myself and/or my personal property. I understand that I may come into contact with, and otherwise interact with, animals. Further, I understand that the Services entail risk of personal injury and damage to personal property including, without limit:

- Injuries related to trapping, transporting and handling feral and/or stray cats.
- Exposure of animals at home to disease and/or parasites.
- Injuries related to lifting animals, food, litter, or equipment
- Exposure to cleaners, latex gloves, bleach, parasite control products
- Exposure to or incidents relating to the public (outbursts, inappropriate contact).
- Slips/trips/falls on the street during trapping activities or resulting from wet floors or equipment.
- Internal or external parasites (i.e., ticks, fleas, ringworm); and
- Zoonotic illnesses (human illnesses contracted from animals).

#### INDEMNIFICATION

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Attest

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Attest