

ORDINANCE NO. HO-16-01
BOARD OF HEALTH
BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY

**AN ORDINANCE AMENDING, REVISING AND SUPPLEMENTING CERTAIN
SECTIONS OF THE NORTH PLAINFIELD BOROUGH CODE
AS TO CHAPTER V, ANIMAL CONTROL, MOST NOTABLY,
TO AMEND, REVISE AND SUPPLEMENT SECTION 5-2, ENTITLED
“LICENSING AND REGULATION OF CATS” AND CREATING A NEW CODE
SECTION RELATED TO A TRAP, NEUTER, RETURN EXCEPTION FOR
FERAL CATS**

WHEREAS, the Borough of North Plainfield wishes to revise certain provisions of the current Borough Code of the Borough of North Plainfield as it relates to animal control.

NOW, THEREFORE, BE IT ORDAINED by the Borough of North Plainfield, County of Somerset, State of New Jersey that the Borough wishes to amend, revise and supplement the Borough Code of the Borough of North Plainfield, most notably Chapter V, “Animal Control” as follows:

SECTION ONE. Chapter V of the Borough Code, entitled “Animal Control,” is hereby amended, revised and supplemented by making the following changes to Section 5-2 of the Code, entitled “Licensing and Regulations of Cats”, as follows:

§5-2 LICENSING AND REGULATIONS OF CATS.

§ 5-2.1 “Definitions” shall now read:

As used in this Section:

Caregiver shall mean any person who provides food, water or shelter to or otherwise cares for a feral cat that has been Trap, Neuter, Return or is in the process of being Trap, Neuter and Return.

Feral Cat shall mean a cat who is not socialized to humans and not owned cat by any individual or entity.

Owner shall mean every person having a right of property (or custody) in any cat and every person who has a cat in his or her keeping, with the exception of a feral cat who is Trap, Neuter, Return (“TNR”) or is in the process of being Trap, Neuter, Return. [or who harbors or maintains a cat or knowingly permits a cat to remain on or about any premises occupied by that person.] The owner of a cat shall be considered the initial owner of its kittens. [A person who continually feeds a stray cat shall be considered its owner.]

Stray Cat shall mean a cat who is socialized to humans and is not an owned cat.

Trap, Neuter, Return (“TNR”) shall mean the process by which feral cats are trapped, neutered or spayed, vaccinated against rabies, ear-tipped and returned to the location where they congregate.

§ 5-2.2 “Abandonment” shall now read:

No person shall abandon any cat, no matter what its age or condition, within the Borough. Trap, Neuter, Return of a feral or stray cat shall not constitute abandonment pursuant to this section.

§ 5-2.3 “Running at Large Unlawful” shall now read:

No owner shall permit or allow any cat of licensing age to run at large. Nothing in this Section shall be construed to apply to feral cats.

§ 5-2.5 (a) “Vaccination and Licensing Requirements” shall now read:

- a. No person shall own, keep, harbor or maintain any cat of licensing age within the Borough unless the cat is vaccinated against rabies and licensed. All such cats shall be vaccinated by a duly licensed veterinarian in accordance with the regulations promulgated by the New Jersey Department of Health. A feral cat who is Trap, Neuter, Return or are in the documented process of being Trap, Neuter, Return is exempt from the licensing requirement.

§ 5-2.7 “Exclusions” shall now read:

The foregoing vaccination and licensing requirements shall not apply to cats held by a State or Federally licensed research facility or a veterinary establishment where cats are received or kept for diagnostic, medical, surgical, or other treatment, or licensed animal shelters, pounds, kennels or pet shops. The foregoing licensing requirement shall not

apply to feral cats who are Trap, Neuter, Return or are in the documented process of being Trap, Neuter, Return.

§5-2.9 “Application for License” shall now read:

Any person who owns, keeps, harbors or maintains a cat of licensing age, must apply and procure annually from the licensing authority, a license and official registration tag with license number for each cat so owned, kept, harbored or maintained. Licenses and registration tags shall not be transferable. This requirement shall not apply to feral cats who are Trap, Neuter, Return or are in the documented process of being Trap, Neuter, Return.

§ 5-2.16 “Proof of Licensing” shall now read:

The owner shall place and maintain upon each such cat a collar, harness, or other device with the registration tag securely fastened thereto. No person, except a municipal officer in the performance of his/her duties, shall remove a registration tag from the collar of any cat without the consent of the owner nor shall any person attach a registration tag to a cat for which it was not issued. Proof of licensing shall be produced by any person owning, keeping, maintaining or harboring a cat upon the request of any authorized agent of the Borough. This requirement shall not apply to feral cats who are Trap, Neuter, Return or are in the documented process of being Trap, Neuter, Return.

§5-2.19 “Annual Canvas of Cats” shall now read:

The authorized agent of the Borough shall cause an annual canvass to be made of all cats owned, kept, or harbored within the limits of the Borough and shall report to the Licensing Authority and to the Board of Health of the Borough the result thereof, setting forth in separate columns the names and addresses of persons owning, keeping, or harboring such cats, the number of licensed cats owned, kept, or harbored by each of the persons, together with the registration numbers of each of the cats, and the numbers of unlicensed cats owned, kept, or harbored by each of the persons, together with a complete description of each of the unlicensed cats. The provisions of this section shall not be construed to require a canvass to be made of feral cats.

§5-2.20 “Impoundment and Recovery of Cats” shall now read:

a. An authorized agent may take cats into custody and impound and later destroy them, release them to the owner, or offer them for adoption, as provided within this Section, in the following situations:

1. The owner does not produce a current license or registration tag for a cat which is required to be licensed; or,
2. A cat is suspected to be a stray, abandoned, diseased, injured, or to have bitten a person or other animal pursuant to *N.J.S.A. 26:4-82*.

A feral cat who is Trap, Neuter, Return or is in the documented process of being Trap, Neutered and Returned is not required to be licensed, so may not be impounded for the failure of a caregiver to produce a license. A feral cat who is Trap, Neuter, Return or is in the documented process of being Trap, Neuter, Return is not a stray or abandoned cat.

b. If any cat is taken into custody whose owner or caregiver is known or which is wearing a registration tag, an authorized agent shall attempt to contact the owner or caregiver. If the cat is not claimed by the owner or caregiver or contact cannot be made with the owner or caregiver within forty-eight (48) hours of seizure, a notice in writing will be sent to the owner or caregiver stating that the cat has been seized and is subject to being offered for adoption or destroyed if not claimed within seven (7) calendar days after the service of the notice.

c. An authorized agent may cause a cat to be offered for adoption or destroyed in a humane manner and consistent with the provisions of *N.J.S.A. 4:22-19*, seven (7) calendar days after seizure, provided that:

1. The cat was not wearing a valid registration tag at the time of seizure and the owner or caregiver is unknown; or,
2. A notice was served as provided and the cat was not claimed; or,
3. The owner or person keeping or harboring a cat which was unlicensed at the time of seizure does not within a reasonable period of time produce a valid license and registration tag for the cat. This subsection does not apply to feral cats who are Trap, Neuter, Return or are in the documented process of being Trap, Neuter, Return, as they are exempt from the licensing requirement.

d. Whether or not the cat is claimed, the owner is responsible for:

1. All maintenance charges for the cat, not to exceed fifteen (\$15.00) dollars per day.
2. All expenses involved in euthanizing and preparing the cat for submission to appropriate authorities.
3. A caregiver of a feral cat that is Trap, Neuter, Return or is in the documented process of being Trap, Neuter, Return is not responsible for paying maintenance or euthanasia charges.

§5-4 ANIMAL WASTE DEPOSITED ON PRIVATE PROPERTY PROHIBITED; CLEANUP REQUIRED

§5-4.2 Exception for Seeing Eye Dogs, Feral Cats.

The provisions of this Section shall not apply to a guide dog accompanying any blind person or otherwise disabled person found to be physically incapable of compliance, or to feral cats who are Trap, Neuter, Return or are in the documented process of being Trap, Neuter, Return.

Underlines shall mean additions; [Brackets] shall mean deletions.

SECTION TWO. Chapter V of the Borough Code, entitled “Animal Control,” is hereby amended, revised and supplemented by adding a new Section as follows:

§ 5-7 TRAP, NEUTER, RETURN OF FERAL CATS

§ 5-7.1 Trap, Neuter, Return (“TNR”) of feral cats is permitted in North Plainfield.

A feral cat is an un-socialized cat who is unable to live indoors. Feral cats are domestic animals and, therefore, exempt from restrictive ordinances concerning wildlife. Feral cats who are managed through Trap, Neuter, Return (“TNR”) are neither owned animals nor stray animals, thus they are exempt from the code provisions which are intended for owned or stray animals. The following sections of Chapter V of the Borough Code listed below shall not apply to feral cats managed through TNR or to any person or organization that is providing care for one or more feral cats and has taken demonstrable steps to trap and sterilize the animal or animals:

§ 5-2.10 – 5-2.15 Licensing provisions;
§5-2.17 – 5-2.18 Licensing provisions; and,
§5-5 Wildlife Feeding.

§ 5-7.2 Abatement of nuisances

The person or entity employed by the Borough, or under contract with the Borough, to provide animal control services shall, upon receiving a complaint about a feral cat, or trapping a feral cat, attempt to determine if the cat has been Trap, Neuter, Return (TNR). If there is evidence that the cat is a TNR feral cat, including, but not limited to, information provided by the complainant, an ear-tip on the cat, and/or evidence that the cat is neutered, the animal control officer shall attempt to identify and contact the caregiver of the cat and shall, before impounding the cat, attempt to resolve the situation using best practice nuisance abatement procedures including, but not limited to, mediation, recommendations for or provision of deterrent and/or exclusionary devices, and/or recommendations for enclosing the cat.

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

1. Feral cats who are Trap, Neuter, Returned or in the process of being Trap, Neuter, Returned shall be exempt from these sections of Chapter V of the Borough's Ordinance.
2. All ordinances or portions of ordinances which are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.
3. If any provision or paragraph of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions or paragraphs of this Ordinance, except so far as the provision or paragraph so declared invalid shall be separable from the remainder or any portion thereof.
4. This Ordinance shall take effect, after final passage, twenty (20) days following action or inaction by the Mayor as provided by law or by an override of a mayoral veto by the council, whichever is applicable, and publication in accordance with law, unless a resolution is adopted, pursuant to *N.J.S.A. 40:69A-181(b)*, declaring an emergency and providing that this Ordinance shall take effect at an earlier date.

INTRODUCED: January 11, 2016
PASSED: January 11, 2016
PUBLISHED: January 13, 2016
ADOPTED: January 25, 2016

ROLL CALL: AYES: Merrill, Miller, Righetti, Schaefer, Singleterry, Stabile, La Ronde
NAYS: None
ABSTAIN: None
ABSENT: None

APPROVED BY THE MAYOR: Yes xxx No _____

The above is a true copy of the Ordinance adopted by the Borough of North Plainfield on 25 January, 2016.

ATTEST:

BOROUGH OF NORTH PLAINFIELD

Richard K. Phoenix, RMC
Borough Clerk
Secretary, Board of Health
Borough of North Plainfield
Date signed: 25 January, 2016

Lawrence La Ronde, Council President
Date signed: 25 January, 2016

Michael Giordano, Mayor

Date signed: 25 January, 2016