

AN ORDINANCE TO AMEND “CHAPTER 78, ANIMALS” WITHIN THE TOWNSHIP OF BLOOMFIELD, ESSEX COUNTY, NEW JERSEY:

BE IT ORDAINED, by the Board of Health of the Township of Bloomfield, County of Essex, State of New Jersey that “Chapter 78, Animals” is hereby amended as follows:

ARTICLE IV, Managed Care of Feral Cats

§ 78-42. Definitions.

For the purpose of this Article, the following terms shall have the meanings 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 of the cat.

Animal Control Officer means any person employed or appointed by the Township who is authorized to investigate violations of laws and regulations concerning animals, and to issue citations in accordance with New Jersey law and this Article.

Caregiver means any person other than an owner who provides food, water or shelter to or otherwise cares for a stray or feral cat. For the purposes of this Article a Sponsor is not considered a caregiver, unless one entity performs both roles.

Department means the Bloomfield Township Department of Health & Human Services.

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 means a cat that exists in a wild or untamed state, either due to birth or reversion to a wild state from domestication. The usual and consistent temperament of a feral cat is extreme fear and resistance to contact with humans. Feral cats are completely or substantially unsocialized to humans.

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 a part of it.

Nuisance, for purposes of this Article, means conduct by stray or feral cats that disturbs 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.

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

Rescue group is a for-profit or not-for-profit 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 means an individual or entity who/which agrees to comply with the requirements for sponsors as specified in §78-44(E), (F)

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.

TNVR means Trap, Neuter, Vaccinate and Return.

TNVR 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.

§ 78-43. Responsibilities of owners of domesticated cats.

A. Owners of domesticated cats shall provide appropriate and adequate food, water and shelter for their cats.

B. The owner of a domesticated cat shall exercise the necessary care to guard against the cat creating a nuisance.

C. The owner of a domesticated cat whether sexually intact (not spayed or neutered) or not shall not permit his/her cat to roam unleashed off the property of the owner.

D. An owner shall not abandon a domesticated cat.

§ 78-44. Feral Cat Colonies Permitted.

A. This Article applies only to feral cats in annually registered feral cat colonies and does not supersede or modify in any way the other provisions of Chapter 78 or provisions of Chapters 282 or 322 of The Code of The Township of Bloomfield.

B. Feral Cat colonies shall be permitted and Sponsors and Caregivers shall be entitled to maintain and care for them in accordance with the terms and conditions of this Article.

C. Using a Department approved notification process Sponsor and/or Caregiver must notify all contiguous residential units, two (2) deep, and the owners of such units of proposed TNVR

activities. Proof of such notification must be submitted to the Department prior to commencing with TNVR activities. The Board of Health shall have the authority to permit or forbid the proposed TNVR activity.

D. All colonies must be limited to no more than ten (10) cats over the age of four months. It shall be the Sponsor's responsibility to make a reasonable effort to rehome all cats under four months of age. If a colony of cats to be trapped contains more than ten in number, the additional and least healthy over ten shall be humanely euthanized. All cats in a colony must be of the nature to be revaccinated.

E. Sponsorship of Colony TNVR Programs. Any person or entity who/which agrees to comply with the requirements of this Article for Sponsors and executes a Department approved *Sponsor Contract* shall be eligible to act in that capacity. Any person intending to undertake the responsibilities of Sponsor shall advise the Department in writing and provide his/her/its address and telephone number.

F. Sponsor Requirements. It shall be the duty of the Sponsor to:

1. Using a Department approved application process, review and approve/disapprove of individuals or entities desiring to become colony Caregivers;
2. Provide all caregivers with Department approved training in TNVR and Caregiver responsibilities prior to their commencing with Caregiver responsibilities;
3. Trap all cats of a colony that is to be cared for by a Caregiver and inform the Department of the number of cats trapped;
4. Take all appropriate and available steps to vaccinate the colony population against rabies and update the vaccinations as warranted;
5. Take all appropriate and available steps to have the colony population spayed or neutered by a licensed veterinarian;
6. Have the left ear of all colony cats ear marked by a licensed veterinarian or other approved individual;
7. Have a microchip, also known as an electronic animal identification device (EAID) inserted into the cat by a licensed veterinarian or other approved individual in accordance with professional medical standards. The Sponsor shall be the named contact for purposes of the EAID.
8. Obtain proper medical attention for any colony cat that appears to require it;
9. Provide the Department and Caregiver with a color photograph and physical description of each cat in the colony and copies of documents demonstrating that all cats have been vaccinated against rabies, spayed or neutered, ear marked and inserted with a EAID no later than fourteen (14) days after cats are released;

10. Help to resolve any complaints over the conduct of a colony Caregiver or of cats within a colony;
11. 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
12. Report annually to the Department on the following:
 - i. number of colonies in the Township under their supervision;
 - ii. total number of cats in each colony;
 - iii. total number of cats and kittens new to each colony;
 - iv. total number of cats and kittens dying in each colony;
 - v. number of cats spayed and neutered pursuant to the TNVR program and
 - vi. number of cats and kittens placed in permanent homes.
 - vii. annual costs incurred by Sponsor for carrying out Sponsor responsibilities

G. Feral Cat Caregiver requirements. Caregivers are responsible for the following:

1. Seeking approval to act as a Caregiver by applying for participation in the program with a Sponsor or the Department;
2. Obtaining training as described in § 78-44(F)(2) prior to commencing with Caregiver responsibilities;
3. Registering Feral Cat colonies with the Sponsor annually;
4. Providing food and water on a daily basis, including times in which Caregiver is away, and if feasible providing shelter for colony cats;
5. Observing the colony cats at least twice per week and keeping a record of any illnesses or unusual behavior noticed in any colony cats and reporting this information to the Sponsor;
6. Obtaining the approval of the owner of any property, to which the Caregiver requires access to provide colony care;
7. In the event that kittens are born to a colony cat, the Caregiver shall inform the Sponsor who shall take reasonable steps likely to result in the removal of the kittens from the colony after they have been weaned, and the placement of the kittens in homes or foster homes for the purpose of subsequent permanent placement;
8. Reporting annually in writing to the Sponsor on the status of the colony, including data on the number of cats in the colony, the number of cats that died or otherwise ceased being a part of the colony during the year and the number of kittens born to colony cats;

9. In the event that a Caregiver fails to provide adequate care to a colony or cat thereof, the Sponsor shall further educate the Caregiver on the responsibilities as noted in this Article. If the Caregiver continues to fail to provide adequate care the provisions of §78-46(B) shall apply.
- H. All managed feral cat colonies existing prior to effective date of this Article shall come into compliance with this Article within 60 days. The provisions of § 78-44 (C) shall not apply to such colonies.

§ 78-45. Additional Requirements.

- A. At no time shall any Caregiver, Sponsor or entity who is not an employee of the Township of Bloomfield represent themselves as acting for or on behalf of the Township of Bloomfield.
- B. All Sponsors will obtain liability insurance of a minimum of \$1,000,000 per incident and \$3,000,000 aggregate and name the Township of Bloomfield and Bloomfield Board of Health as additionally insured. Proof of such must be submitted to the Department annually.
- C. Sponsor funding may necessitate restricting the number of colonies which may be selected for TNVR and as such, applying to be a Caregiver does not guarantee acceptance into the program within a given timeframe.

§ 78-46. Withdrawal from Program.

- A. In the event that a Sponsor is unable or unwilling to continue to perform said role it shall so advise the Department in writing 14 days prior to the effective date of resignation from the program. The Sponsor shall make a reasonable effort to find a replacement Sponsor. If no suitable replacement Sponsor is found the Department shall have the right to seize and determine a humane disposition for the colony.
- B. In the event that a Caregiver is unable or unwilling to continue to perform said role it shall so advise the Sponsor. The Sponsor shall work with the Caregiver in obtaining a replacement Caregiver. The Caregiver shall then give the new Caregiver permission to access said property for purposes of continuing to care for the colony. If such permission is not granted or if a replacement Caregiver cannot be obtained within thirty (30) days the Department may take appropriate measures to humanely euthanize the colony.

§ 78-47. Disposition of Colony cats.

- A. An employee of the Department who has trapped a cat whose left ear has ear marked or which bears some other distinguishing mark indicating that it belongs to a feral cat colony shall scan the cat for an EAID. If an EAID is found, the Department shall be responsible for contacting the Sponsor or other person named as owner of the cat.

- B. If the Owner or Sponsor is not able to immediately take custody of the cat, the Department shall transport the cat to the Bloomfield/Bukowski Animal Shelter. The Owner or Sponsor shall be responsible for retrieving the cat from the Shelter within seven (7) business days or advising the Shelter if the Owner or Sponsor does not intend to retrieve the cat.

§ 78-48. Article Enforcement.

- A. The Department shall have the following rights:

- 1. The right to seize or remove cats from a colony that have not been vaccinated against rabies, are demonstrating signs of the disease, is causing a public health threat, has not been ear marked, inserted with an EIAD or neutered/spayed.
- 2. The right to direct that a cat that is creating a nuisance as defined above be removed if the Caregiver or Sponsor have failed to adequately resolve the nuisance within ten (10) days after being given written notice thereof. In the event that the Department directs the Sponsor to remove the cat the Sponsor shall have five (5) days to do so. Failure of the Sponsor to remove the cat within said time period (or such long time as the Department may specify) shall constitute grounds for the Department to remove the cat.
- 3. At any time, request and inspect any colony or records thereof at the discretion of the Department.
- 4. At any time that there should be no Sponsor or no suitable Sponsor the Department may defer all applications and requests to care for a colony as a Caregiver until such suitable Sponsor is found.

- B. A Sponsor shall have the following rights:

- 1. When informed of a nuisance situation, the right to review the matter with the Department within three (3) days. If the Sponsor is not able to satisfy the Department that a nuisance is not occurring the Sponsor shall have not less than ten (10) days to comply with the Department's direction with respect to correcting the nuisance. If the Sponsor fails to do so the Department shall have the right described in section § 78-48(A)(1),(2).