

TOWNSHIP OF MAPLE SHADE

Ordinance 2022-09

ORDINANCE OF THE TOWNSHIP OF MAPLE SHADE AMENDING CHAPTER 94 OF THE TOWNSHIP CODE CAPTIONED “ANIMALS”

WHEREAS, the Township of Maple Shade has been experiencing numerous problems and property owner complaints concerning cat colonies and with residents caring for feral cats which roam and stray onto private property; and

WHEREAS, in order to address this issue, the Township Governing Body has determined to implement a Community Cat Program (CCP) in the Township of Maple Shade, New Jersey 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.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Maple Shade, County of Burlington, State of New Jersey, as follows:

Section 1: Chapter 63 of the Township Code captioned “Animals” is hereby amended to include the following as Article III captioned “Management of Cat Colonies”:

63-37 Definitions:

Animal Services

Shall mean the Township’s Animal Control contractor or other representative as designated by the Township Manager.

Community Cat

Any free roaming feral cat that may be cared for by one or more residents of the immediate areas and which has no discernible form of ownership identification.

Community Cat Caregiver

A person who may provide care including food, water, shelter or medical care to a community cat. A community cat caregiver shall be considered to be the owner, custodian, harbinger, controller or keeper of a community cat.

Community Cat Colony

A group of cats that congregate, more or less, together as a unit.

Domesticated Cat

A cat that is socialized to humans and is appropriate as a companion for humans

Ear tipping

The removal of the ¼ inch tip of a 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.

Enforcement Agencies

Shall include

Feral Cat

A cat that:

- a. Is born in the wild or is the offspring of an owned or feral cat and is not socialized; or
- b. Is a formerly owned cat that has been abandoned and is no longer socialized
- c. Any non-feral cat that congregates with a colony shall be deemed to be a part of the colony

Nuisance

Disturbing of 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

TNR

Trap, neuter, release

TNR Program

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

63-38. Implementation and Administration

The Township's Animal Services shall administer and implement the programs set forth in this chapter in accordance with applicable guidelines and standards as set forth in the state and local law.

63-39. General Regulations for Community Cats

- A. The Township establishes the following community cats' 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 at their cost 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 and have the cat euthanized at the caregiver's cost. 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 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 Chapter.

C. Animal Services or the Code Enforcement Officer 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 concern.

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 Township or its representatives

E. Healthy community cats, if they stray off the property of the Caregiver/Property Owner shall be impounded. Should a healthy community cat have strayed off of the Caregiver's property and be impounded, prior to being returned to caregiver's property or released to a Caregiver, such cat shall be sterilized, ear tipped while under anesthesia by a licensed veterinarian and vaccinated for rabies, at the Caregiver's cost. If the Caregiver refuses to pay this cost, the cat shall be taken to an Animal Shelter. If the same community cat is impounded more than one (1) time, in addition to the penalty to be assessed for violation of this code, the Caregiver shall indicate in writing to the Township whether the cat is to be returned to the Caregiver or to a Shelter. If the community cat is then returned to the Caregiver and the community cat is subsequently impounded again, it shall not be returned to the Caregiver but instead taken to an Animal Shelter. 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 Animal Services, acting in

good faith and upon reasonable belief, shall humanely euthanize the cat upon advice of a licensed veterinarian.

F. Nuisance abatement and resolution.

1. A community cat that a) habitually howls, squawks or causes other objectionable noise resulting in a serious annoyance to a reasonable person shall be deemed to be committing an act in violation of this section; or b) disturbs the peace by habitually or repeatedly destroying, desecrating or soiling public or private property shall constitute a public nuisance.
2. Animal Services and/or the Township of Maple Shade Code Enforcement Officer shall investigate an alleged violation of this section upon the receipt of a sworn complaint in a form provided by Animal Services and signed by the individual making the complaint and who resides where the violation occurred or in close vicinity of the alleged violation. For the enforcement of Subsection F(2) herein, the complaint 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 Caregiver, if known, and a description of the animal, if known.
3. Animal Services and/or the Township of Maple Shade Code Enforcement Officer, upon receipt of the sworn complaint, shall issue a citation to the Caregiver of any animal alleged to be in violation of the subsection, or remove the animal from the property if no owner is located.

63-40. Enforcement

- A. The Township through its Enforcement Agencies or Animal Control 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 disease
 - b. The right to seize/remove a cat from a colony that is creating a nuisance as defined above and the Caregiver has been given ten (10) days to remove and relocate the cat and has failed to do so.

63-41. Violations and Penalties

Any person(s) who is found to be in violation of the provisions of this ordinance shall, upon conviction thereof, be subject to the following:

- A. Warning
- B. 2nd offense: \$250.00
- C. Each subsequent offense: \$500.00

Section 2. Current Article III captioned “Feeding of Uncontained Wildlife” shall be redesignated as Article IV with the existing subsections renumbered as follows:

§ 63-37 **Purpose** renumbered as §63-46

§63-38 **Definitions and word usage** renumbered as §63-47

§63-39 **Prohibited Conduct** renumbered s §63-48

§63-40 **Enforcement** renumbered as §63-49

§63-41 **Violations and Penalties** renumbered as §63-50

Section 3. All Ordinances or parts of Ordinances that are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 4. If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a Court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Ordinance.

Section 5. This Ordinance shall only take effect after final adoption and publication as required by law.

Introduction: August 8, 2022

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Kauffman	x		x			
Schmidt			x			
Volpe		x	x			
Wiest			x			
Nunes			x			

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Maple Shade Township Council at a meeting held on September 8, 2022.

Andrea T. McVeigh, Township Clerk

Adopted: September 8, 2022

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Kauffman	x		x			
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Wiest						x
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