

ORDINANCE #2017-13

AN ORDINANCE AMENDING CHAPTER 6 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED “LICENSING OF DOGS” TO BE RETITLED AS “ANIMALS” AND SUPPLEMENTING TO CHAPTER 6 A NEW SECTION ENTITLED “FERAL CATS”

WHEREAS the Board of Commissioners of the Borough of Harvey Cedars is obligated from time to time to review and update existing ordinances that are inconsistent and/or outdated; and

WHEREAS the Board of Commissioners has an obligation to effectively and humanely control feral cat populations within its borders; and

WHEREAS it is the intent of this ordinance to update and re-adopt Chapter 6 of the Revised General Ordinances entitled “Licensing of Dogs” to be in compliance with current local practices and State statutes, and to establish a feral cat program “Trap Neuter and Return”.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of Harvey Cedars, as follows:

Section 1. Chapter 6 of the Revised General Ordinances of the Borough of Harvey Cedars, 1975, entitled “Licensing of Dogs” is hereby retitled and shall be known as Chapter 6 entitled “Animals”.

Section 2. Section 6-1 of the Revised General Ordinances of the Borough of Harvey Cedars, 1975, entitled “Running at Large” is hereby repealed in its entirety and is hereby replaced as Section 6-1 entitled “Definitions” as follows:

6-1 DEFINITIONS. As used in this chapter, the following terms shall have the meanings indicated.

Animal Control Agency means any agency or person, including an Animal Control Officer, authorized by law to implement animal control laws and provide animal care and control on behalf of the Borough.

Animal Welfare Organization means any charitable organization whose purpose includes the promotion of animal welfare and that has been granted 501(c)(3) nonprofit status by the Internal Revenue Service.

Caretaker means any person who regularly provides food and water to a feral cat colony.

Eartip or Ear-marked means a method of identifying a feral or stray cat by a notched or tipped left ear as performed by a licensed veterinarian.

Feral cat means a cat that is not socialized to humans and is not an owned cat.

Feral cat colony means a group of feral or stray cats that congregate, more or less, together as a unit and share a common food source.

Foster home means a household in which a cat or kitten is temporarily placed for the purpose of providing indoor shelter, care and, if necessary, socialization before permanent placement in an adoptive home.

Nuisance means conduct by feral or stray cats that disturbs the peace, including habitually or continually howling or making loud noises, and habitually and significantly destroying property.

Owned cat means a cat that is a companion to a person, is regularly fed and sheltered in the same person’s habitation and carries visible indicia of ownership, such as a collar or tag.

Shelter means a structure that provides feral and stray cats with protection from cold, rain and other weather-related elements.

Sponsor means any Animal Welfare Organization that agrees to comply with the requirements of sponsorship set forth in this chapter.

Stray cat means a cat that is socialized to humans and is not an owned cat.

TNR means the method of managing feral and stray cats known as “trap-neuter-return”.

TNR Program means a program pursuant to which feral and stray cats are trapped, sterilized, vaccinated against rabies, eartipped, returned to the location where they were captured and provided with long-term care by a Caretaker in accordance with this chapter.

Section 3. Section 6-2 of the Revised General Ordinances of the Borough of Harvey Cedars, 1975, entitled “Licensing” is hereby repealed in its entirety and is hereby replaced as Section 6-2 entitled “Dogs” as follows:

6-2 DOGS.

6-2.1 Running at Large - Prohibited. No person owning, keeping or harboring any dog shall suffer or permit it to run at large upon the public streets, or in any other public park, or in any public building or in any other public place within the borough.

6-2.2 Running Dogs on Beach. No person owning, keeping or harboring any dog shall permit it on leash, or otherwise, to run upon the beach bordering the Atlantic Ocean between May 30 and September 15 of each year.

6-2.3 Animal Control Officer Appointed. The Board of Commissioners shall have power to appoint an agency or one or more persons to be the Animal Control Officer who may seize and impound dogs running at large in violation of the provisions of this chapter.

No person shall hinder, molest or interfere with anyone authorized to perform any duty under this chapter, and anyone so authorized may go on any premises in pursuit of any dog running at large, except upon the premises of the owner of a dog if the owner is present and forbids same.

6-2.4 Dog Licensing Fees. All dogs kept or maintained by their owners in the borough shall be licensed and registered if over seven months of age.

Dog licenses shall be issued by the borough clerk in accordance with State statutes and upon payment of the following fees for each dog:

Municipal License Fee	\$6.80
NJ Registration Fee	\$1.00
NJ Pilot Clinic Fund	\$.20
NJ Pet Population Control	\$3.00 (non-spayed/non-neutered only)

6-2.5 Seeing Eye Dogs; Exception. The provisions of this section shall not apply to “seeing-eye” dogs properly trained to assist blind persons when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place.

6-2.6 Expiration of License. The license and registration tag provided for in subsection 6-2.4 hereof expires on December 31 in each year. The fee for the renewals thereof shall be the same as for the original license and tag.

6-2.7 Newly Acquired Dogs. Any person who shall bring or cause to be brought into this borough any unlicensed dog and shall keep the same or permit the same to be kept within this borough for a period of more than ten days shall immediately apply for a license and registration tag for each such dog in accordance with subsection 6-2.4 hereof.

Section 4. Section 6-3.2 paragraph a. of the Revised General Ordinances of the Borough of Harvey Cedars, 1975, entitled “Violation; Penalty” is hereby amended as follows:

a. For violation of any provision of this section, the penalty upon conviction, shall be a fine of fifty (\$50.00) dollars for each and every subsequent violation.

Section 5. Section 6-4 of the Revised General Ordinances of the Borough of Harvey Cedars, 1975, entitled “Feral Cats” is hereby supplemented as follows:

6-4 FERAL CATS.

6-4.1 TNR Program Established. The Borough has an obligation to effectively and humanely control feral cat populations within its borders. Therefore, a Trap-Neuter-Return (“TNR”) program is hereby created for the purpose of reducing the population of feral cats, which shall benefit and protect the public health, welfare, and safety, and for the further purpose of the humane treatment of feral cats.

6-4.2 Feral Cat Colonies. A TNR Program shall be permitted and Caretakers shall be entitled to maintain feral cat colonies in accordance with the terms and conditions of this section.

6-4.3 Sponsorship of TNR Program. Friends of Southern Ocean County Animal Shelter Inc. agrees to comply with the requirements of this chapter and shall act as a Sponsor of the TNR Program, and shall provide the Borough with a written letter of intention containing its address, telephone number and electronic mailing address. The Borough may authorize additional Animal Welfare Organizations as sponsorship entities as it deems appropriate by resolution of the Board of Commissioners.

6-4.4 Sponsor Requirements. It shall be the duty of a Sponsor to:

- a. Make reasonable efforts to maintain records provided by Caretakers on the size and location of colonies, as well as records of cats in the colonies.
- b. Help to resolve any complaints over cats belonging to registered colonies.

6-4.5 Caretaker Requirements. It shall be the responsibility of a Caretaker to:

- a. Make reasonable efforts to work with the Sponsor to trap all cats in a colony and have all trapped cats sterilized, vaccinated against rabies, microchipped and eartipped by a licensed veterinarian.
- b. Provide or arrange for the provision of adequate food and water on a regular basis and make reasonable efforts to ensure adequate shelter for colony cats.
- c. In the event kittens are born to a colony cat, the caregiver shall take reasonable steps likely to result in the removal of 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.
- d. Make reasonable efforts to work with the Sponsor to resolve any complaints over colony cats managed by the Caretaker.
- e. Obtain proper medical attention to any colony cat that appears to require it.

6-4.6 Disposition of Colony Cats. An Animal Control Service that has trapped or received an eartipped cat from within the Borough can immediately return that cat to the Sponsor or Caregiver Colony versus impounding the cat at the shelter.

Section 6. If any provision, section, subsection, or paragraph of this ordinance shall be declared to be unconstitutional, invalid or inoperative, in whole or in part, by a Court of competent jurisdiction, such provision, section, subsection, or paragraph shall, to the extent that it is not unconstitutional, invalid or inoperative, remain in full force and effect, and no such determination shall be deemed to invalidate the remaining provisions, subsections, or paragraphs of this ordinance.

Section 7. This Ordinance shall take effect upon final adoption after publication in accordance with law.

ADOPTED ON: June 2, 2017