

TOWNSHIP OF DENNIS

**COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

ORDINANCE NO. 2022-02

**AN ORDINANCE OF THE TOWNSHIP OF DENNIS AMENDING ARTICLE II,
CHAPTER 76 OF THE DENNIS TOWNSHIP CODE, GOVERNING CATS**

WHEREAS, Township of Dennis, a township form of government, is governed by statutes, specifically N.J.S.A. 40A:63-1, *et seq.* that allow the Township Committee to pass, adopt, amend and repeal any ordinance or, where permitted, any resolution for any purpose required for the government of the municipality or for the accomplishment of any public purpose for which the municipality is authorized to act under general law;

WHEREAS, Article II, Chapter 76 of the Revised General Ordinances of the Township of Dennis currently outlines the requirements for vaccination and registration of cats within the confines the Township of Dennis;

WHEREAS, Article II, Chapter 76 of the Revised General Ordinances of the Township of Dennis currently is silent as to how the feral cat population within the confines of the Township is regulated;

WHEREAS, the Township Committee believes it desirable, and in the best interest of the Township and its citizens to effectively and humanely control feral cat populations within its borders;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey as follows:

Section 1. Portions of Chapter 76 of the Township of Dennis Municipal Code are amended as follows (additions are underlined; deletions are [bracketed]):

Chapter 76. Cats

[HISTORY: Adopted by the Township Committee of the Township of Dennis 3-28-1994 as Ord. No. 94-257. Amendments noted where applicable.]

§ 76-1. Definitions.

For the purpose of this Chapter, 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, the 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

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

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 chapter.

DOMESTICATED CAT

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

FERAL CAT

A cat which is completely or substantially unsocialized to humans. The usual and consistent temperament of a feral cat is extreme fear and resistance to contact with humans. Feral cats are:

- a. Born in the wild;
- b. Offspring of tame or feral cats and not socialized; or
- c. Formerly tame cats who have been abandoned and have reverted to an untamed state.

FERAL CAT COLONY

A group of cats that congregate together outside as a unit. Although not every cat in a colony may be feral, any nonferal cats who congregate with a colony shall be deemed part of it.

NUISANCE

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.

OWNER

Any person, fine, corporation, partnership, association, trust, estate, or any other legal entity.

RESCUE GROUP

A not-for-profit entity or 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.

STRAY CAT

A cat who 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 the owner.

SUITABLE SHELTER

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

TAME CAT

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

TNR

Trap, neuter and return.

TOWNSHIP

Dennis Township in the County of Cape May.

VACCINATION

Treatment with a vaccine to produce immunity against a disease

§ 76-2. Vaccination and registration required; tags

- A. Any person owning or caring for any cat within the confines of Dennis Township will be required to have the cat vaccinated for rabies and shall register such cat with the Township's Clerk's office, providing proof of such vaccination, name, address, and phone number of owner, description of cat and the location of where the cat resides.
- B. All such cats shall be required to have the appropriate tag or other form of identification suitable to indicate or provide information to ensure a valid rabies vaccination.

§ 76-3. Feral cat colonies.

Feral cat colonies are not permitted within the confines of the Township.

§ 76-4. Disposition of colony cats.

When an Animal Control Officer has trapped a feral cat, the officer shall take the cat to a shelter or holding facility and scan the cat for an EAID. If an EAID is found which further identifies the cat, the officer shall contact the person named as owner of the cat with this information.

§ 76-5. Enforcement.

The New Jersey State Police, Township Code Enforcement and the Animal Control Officer are hereby authorized to enforce the provisions of this Chapter. The Township shall have the following rights:

- a. The right to seize or remove cats from a feral colony which have not been vaccinated against rabies and which are demonstrating the disease.
- b. The right to seize or remove a cat from a feral colony which is creating a nuisance as defined above, after the caregiver has been given 30 days to remove and relocate the cat and has failed to do so. The caregiver must begin nuisance abatement procedures within 48 hours after being notified of a nuisance by the Animal Control Officer or Township Code Enforcement and must take all reasonable steps to resolve the nuisance in as short a time period as possible, not to exceed 30 days.
- c. The Township may, designate, but resolution, a specific rescue group to assist with the enforcement for the purposes of adoption or placement of cats in homes with humans to serve as companion animals.

§ 76-6. Nuisance complaints.

The requirements of this Chapter notwithstanding, Animal Control Officers, Code Enforcement Official, or State Police Officer may investigate any nuisance complaint. If an Animal Control Officer, Code Enforcement Official, or State Police Officer determines that a feral colony cat is causing nuisance as defined by this Chapter, the Animal Control Officer, Code Enforcement Officer, or State Police Officer shall contact the owner of the property. For the purposes of this Chapter, each feral colony cat that is causing nuisance as defined by this Chapter shall constitute its own individual nuisance complaint. The owner shall begin nuisance abatement procedures within 48 hours and make all reasonable efforts to resolve the nuisance in as short a time period as possible, not to exceed 30 days. If the owner fails to resolve the nuisance within 30 days, the Animal Control Officer or Township designee may remove the colony. If an Animal Control Officer, Code Enforcement Official, or State Police Officer reasonably determines that cat or cats are injured or pose a significant threat to public health, that official may reduce the time that the owner has to resolve the complaint, as necessary to protect the cat and public health, before taking further action. In the case of an emergency, the Animal Control Officer, Code Enforcement Official, or State Police Officer may remove the cat or cats, but within 24 hours the Township must provide the owner with notice of the cat's whereabouts and allow the owner an opportunity to retrieve the cat for treatment, return, or relocation.

§ 76-7. 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 reasonable care to guard against the cat creating a nuisance.
- C. The owner of a sexually intact (not spayed or neutered) domesticated cat shall not permit his/her cat to roam unsupervised.
- D. An owner shall not abandon a domesticated cat.

76-8. Violations and penalties.

[Any person found guilty of violating the provisions of this chapter may, upon conviction, be subject to a fine for the first offense of \$25, \$50 for second offense and \$100 for the third and each subsequent offense.]

- A. Any person who refuses or fails to comply with any provision of this article shall be liable for the following penalties:
 - 1. Not less than \$50 for the first offense.
 - 2. Not less than \$100 for the second offense.
 - 3. Not less than \$150 for the third offense.
- B. Except as otherwise provided in this Chapter, any person who continues to fail or refuses to comply with this Chapter after a conviction of a third offense shall be liable for subsequent penalties of not more than \$2,000 or imprisonment or community service for not more than 90 days, at the discretion of any judge hearing a complaint brought pursuant to this Chapter.

§76-9. Conflict with other legislation.

To the extent any existing ordinance may conflict with any of the terms of this Chapter, this Chapter shall control.

Section 2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 4. This Ordinance shall take effect within twenty (20) days of final passage and publication, as provided by law.

Zeth A. Matalucci, Mayor

Scott J. Turner, Deputy Mayor

Thomas Van Artsdalen, III, Committee Member

Matthew Cox, Committee Member

Frank L. Germanio, Jr., Committee Member

The foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Dennis on January 25, 2022. Publication will be held on January 28, 2022 and a Public Hearing will be held at a meeting of the said Township Committee to be held on February 08, 2022 at 5:30 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

ATTEST _____
Jacqueline B. Justice, RMC/Clerk