

AN ORDINANCE AMENDING PART III, “BOARD OF HEALTH LEGISLATION”, CHAPTER 300 “ANIMALS”, OF THE MUNICIPAL CODE OF THE TOWNSHIP OF HILLSBOROUGH, COUNTY OF SOMERSET, STATE OF NEW JERSEY, WITH ADDITION OF A NEW ARTICLE V “FREE ROAMING CATS”

NOW, THEREFORE, BE IT ORDAINED by the Board of Health of the Township of Hillsborough, County of Somerset, State of New Jersey, that Part III, “Board of Health Legislation”, Chapter 300 “Animals”, of the Code of the Township of Hillsborough, Somerset County, New Jersey, is hereby amended as follows:

Section 1. Part III, “Board of Health Legislation”, Chapter 300 “Animals”, of the Code of the Township of Hillsborough, Somerset County, New Jersey, is hereby amended with the addition of a new Article V “Free Roaming Cats” as follows:

§ 300-26. Purpose.

The Hillsborough Township Board of Health desires to protect and promote the health of the residents of the Township by minimizing the proliferation of free roaming cat colonies which constitute a public health concern.

§ 300-27. Legislative Authority.

The Hillsborough Township Board of Health is empowered to enact health ordinances pursuant to N.J.S.A. 26:3-64 et seq.

§ 300-28. Definitions.

As used in this Article, the following terms shall have the following meanings:

ANIMAL CONTROL AUTHORITY

The Animal Control Officer, as designated and appointed by the Hillsborough Township Board of Health, shall be the Animal Control Authority. This may be, under different circumstances, either the Hillsborough Township contracted animal control officer, REHS staff with the Hillsborough Township Health Department or the Hillsborough Township Police.

CAT COLONY

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.

FREE ROAMING CATS

Cats that are not necessarily considered to be feral, but which frequently roam outdoors and interact with feral cats and wildlife. They may be outdoor cats with a specific owner, stray pets, feral, or may have originated in one household and are now fed or cared for by other households in the neighborhood.

KNOWINGLY FEEDING

The intentional feeding or unintentional feeding that has been identified as having provided food to a free roaming cat. Any person made aware of his/her intentional or unintentional feeding of any free roaming cat must administer the stated treatment to the free -roaming cat to be in compliance with this Article.

OWNER

When applied to the proprietorship of a cat shall, include every person having a right of property (or custody) in such cat and every person who has such cat in his/her keeping or who harbors or maintains a cat or knowingly feeds a cat or knowingly permits a cat to remain on or about any premises occupied by that person. A business or property owner shall be also considered an owner if they knowingly allow cat colonies to be maintained or permitted on the premises.

§ 300-29. Prohibited Conduct.

No person shall knowingly feed any free roaming cat in the Township of Hillsborough unless that cat is spayed or neutered as documented by a licensed veterinarian. Any person knowingly feeding any free roaming cat is required to verify these precautions have been taken for that cat or will be held in violation. Verification consists of documentation from a licensed veterinarian indicating proof of spay/neutering of the cat, a photograph of the cat, an ear notch on the cat, and proof that the cat has been vaccinated for rabies. The verification must specify the cat's gender, color, breed and free roaming status. Owners shall produce verification upon request from the Hillsborough Township Health Department or their representatives.

§ 300-30. Registration of Cat Colonies.

Owners of outdoor cat colonies must register their colony with the Hillsborough Township Health Department annually. To register, owner must photograph, spay or neuter, rabies vaccinate and ear notch all the cats maintained in their colony. Exemptions may be granted by the Hillsborough Health Department to owners who have made reasonable attempts to re-trap colony cats for rabies vaccination based on the level of health concern. There shall be no fee for registering a cat colony.

§ 300-31. Cat Colonies, Time Frame For Compliance.

At the discretion of the Hillsborough Health Department in the case of free roaming cat colonies, because it may be unreasonable to expect that compliance can be met for a large number of cats in a thirty-day period, any person knowingly feeding multiple cats in a free roaming cat colony must establish a schedule not to exceed ninety (90) days in agreement with the Township and the Township's designated Animal Control Officer for compliance of all cats in the colony.

§ 300-32. Colony Nuisance Cats.

No person owning, harboring, keeping or in charge of any cat shall cause, suffer or allow such cat to soil, defile, defecate, cause property damage, or interfere with the enjoyment of private or public property. Anytime the Hillsborough Health Department receives a nuisance complaint

about a colony cat the owner of such cat shall be responsible to rectify the complaint or remove the cat at their expense from the colony.

§ 300-33. Colony Abandonment.

An owner shall be guilty of animal abandonment if by direct or indirect means willfully or unwillingly abandons any cat or cat colony within the borders of Hillsborough Township. This includes but is not limited to the owner moving, being evicted, or abandoning the care of the colony. In the event of the owner's death, the land owner or property owner where the cat or cat colony is maintained shall be responsible for the colony.

§ 300-34. Enforcement.

This Article shall be enforced by the Health Officer of the Township of Hillsborough.

§ 300-35. Violations and Penalties.

First-time offenders in violation of this Article will receive a thirty (30) day warning to comply. Subsequent violations will be subject to the penalty without a warning period; and any person who violates or fails or refuses to comply with this Article shall be liable for a penalty of \$100 for the first offense; \$200 for the second offense; \$500 for the third offense; and \$1,000 for the fourth and any and all additional offenses. Each offense shall be per animal and/or per date in violation, and the offender shall be given thirty (30) days to comply.

Section 2. This Ordinance shall be construed so as not to conflict with any provision of State/Federal law. In the event of any inconsistency or conflict between the provisions of this Ordinance and State/Federal law, the provisions of State/Federal law shall apply.

Section 3. If any provisions of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.

Section 4. This ordinance shall take effect thirty days after the date of first publication in accordance with N.J.S.A. 26:3-69.