

TOWNSHIP OF CLARK
Ordinance No. 22-15
Adopted September 19, 2022

Introduced: September 6, 2022 Public Hearing: September 19, 2022

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 306, ARTICLE V, OF
THE CODE OF THE TOWNSHIP OF CLARK ENTITLED WILDLIFE FEEDING
CREATING A NEW SUBSECTION B ENTITLED COMMUNITY CATS.**

BE IT ORDAINED, by the Governing Body of the Township of Clark, County of Union, New Jersey, that Chapter 306, Article V, entitled Wildlife Feeding is hereby Supplemented and Amended to include a new Subsection B entitled "Community Cats," and includes the following:

SECTION 1:

306-30 Purpose.

The purpose of this article is to create and implement a Community Cat Program (CCP) in the Township of Clark for the purpose of reducing the population of Feral and Free Roaming Cats, benefitting the public health, improving the quality of life for residents, and ensuring the humane treatment of community cats.

Findings.

It has been well established that the creation of a Community Cat Program will reduce the population of Feral and Free Roaming Cats, benefitting the public health, improving the quality of life for residents, and ensuring the humane treatment of community cats.

Definitions.

For the purpose of this Article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

COMMUNITY CAT

Any free-roaming, feral or barn cat that may be cared for by one or more residents of the immediate area and which has no discernable 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 caregiver shall not be considered to be the owner, custodian, harbinger, controller, or keeper, of a community cat.

COMMUNITY CAT COLONY

A group of Community Cats that congregates, more or less, together as a unit.

EARTIPPING

The removal of the one-quarter (1/4) inch tip of the Community Cat's left ear, performed while the Community 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.

FERAL CAT

A cat that (i) is born in the wild or is the offspring of an owned or feral cat and is not socialized or (ii) is a formally owned cat that had been abandoned and is no longer socialized.

SECTION 2: 306-31 COMMUNITY CAT REQUIREMENTS

- A. Community Cats may be cared for on private property of the caregiver or upon property of another with the written permission of the owner or property manager.
- B. All Community Cat Caregivers shall make reasonable efforts to have all free-roaming cats within their care sterilized, vaccinated against rabies, and ear-tipped for easy identification.

- C. 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 Community Cat to suffer.
- D. Community Cat Caregivers shall make reasonable attempts to remove young kittens from the field for domestication.
- E. Feeding Community Cats is permitted during daylight hours only, for a two (2) hour period of time. Food must be offered to cats in a container and shall not be dumped on the ground. Any food remaining after the Community Cats have eaten, must be removed before dark or at the conclusion of the two (2) hour period of time for feeding.
- F. Community Cats meeting the requirements of this section are exempt from any licensing provisions.
- G. Animal Services or the Board of Health shall have the right to remove or authorize the removal of any Community Cat due to immediate public health or safety concerns.
- H. No Community Cat shall be released at any governmentally owned or managed park, natural area, area deemed as an environmentally sensitive land or on any easement adjacent to such lands without written approval from the Township of Clark.
- I. Healthy Community Cats that have been trapped by Animal Services in accordance with this Ordinance, shall be considered to be "on the property of the owner" and thus not stray (off the property of the owner) to be impounded. Healthy Community Cats shall be immediately returned to the location at which they were found or released to a Caregiver. Notwithstanding the foregoing, whenever such Community Cat is visibly injured or diseased and appears to be suffering and it reasonably appears that such Community Cat cannot be expeditiously cured and returned to the field, the Community Cat shall be transferred to a humane society or private animal nonprofit organization or placed in foster care, then the Animal Service, acting in good faith and upon reasonable belief, may humanely euthanize the Community Cat upon the advice of a licensed veterinarian.

SECTION 3: 306-32 Enforcement

The Township of Clark Health Department and the Police Department are each given full power and authority to enforce this Article. Any other person may also enforce this Article by filing a complaint with the Township Health Department. Any person found to be in violation of this Article shall be ordered to cease the feeding immediately.

SECTION 4 306-33 Violations and penalties.

Any person(s) who is found to be in violation of the provisions of this Article shall be subject to the following penalties:

- A. First offense. For a violation of a provision of this Article, the violator of said provision will be issued a written warning.
- B. Second offense. Subsequent to the issuance of a written warning, for a violation of a provision of this Article, the violator of said provision will be issued a summons and subject to a fine not less than \$100 nor more than \$500 and/or to a period of community service not to exceed 30 days.
- C. Third and subsequent offense(s). For any subsequent violation of the provisions of this Article, the violator of said provision will be issued a summons and subject to a fine not less than \$100 nor more than \$1,000 and/or to a period of community service not to exceed 90 days.
- D. Failure to remove such materials or device or to make such modifications within 24 hours after notice from the Township shall constitute a separate violation of this Article.

SECTION 5:

CONSTRUCTION: Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and words importing one gender shall include all other genders.

SECTION 6:

INCONSISTENCY: Should any provision of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of said prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

SECTION 7:

SEVERABILITY: In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

SECTION 8:

PURPOSE OF CAPTIONS: Captions contained in this ordinance have been inserted only for the purpose of facilitating reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION 9:

EFFECTIVE DATE: This ordinance shall take effect immediately upon final adoption and publication in accordance with the laws of the State of New Jersey.

Effective Date: October 12, 2022

ATTEST:


EDITH L. MERKEL, RMC
Township Clerk

APPROVED:


ANGEL ALBANESE
Council Vice President


SALVATORE BONACCORSO
Mayor

Ord22/9-622-15Ch306ArtVSubsectionBCommunityCats

	Motion to	Second	Motion to	Second				
	Introduce		Adopt		Aye	Nay	Abstain	Absent
Hund					✓			
Mazzarella				✓	✓			
Minniti								✓
O'Connor			✓		✓			
Smith					✓			
Toal					✓			
Albanese					✓			
Entire Council	✓	✓						
TOTAL					6			1

