

CITY OF SEA ISLE CITY

NEW JERSEY

ORDINANCE NO. 1487 (2010)

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF SEA ISLE CITY, CHAPTER 3-18 "WILDLIFE FEEDING" WHICH IS BEING AMENDED TO BETTER PROTECT THE ANIMALS AND THE PEOPLE OF THIS COMMUNITY

WHEREAS The City of Sea Isle City deems it necessary to establish a Trap, Neuter, Return program (TNR)

WHEREAS the City of Sea Isle City deems it in the best interest to control the cat population and yet still allow the cats to get the care they need;

WHEREAS the City of Sea Isle City is making an exception for non-profit foundations to care for stray cats;

WHEREAS the City of Sea Isle City will allow such a foundation to acquire a permit and provide an annual report;

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Sea Isle City, County of Cape May and State of New Jersey as follows:

SECTION I. Chapter 3 Section 18.1 of the Revised General Ordinances of the City of Sea Isle City, entitled "Definitions" is hereby amended to delete the existing section in its entirety and replace this section as follows.

Deleted Section:

3-18.1 Definitions. As used in this section:

Feed shall mean to give, place, expose, deposit, distribute, or scatter any edible material with the intention of feeding, attracting, or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

Person shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

Wildlife shall mean all animals that are neither human nor domesticated.

REPLACEMENT SECTION:

3-18.1 Purpose

The City of Sea Isle City, like many neighboring communities throughout the State of New Jersey, has an obligation to effectively and humanely control stray cat populations within its borders. The City recommends to institute a Trap, Neuter and Return Program (TNR) in an effort to reduce the stray cat population over time without the necessity of wholesale capture and euthanization. The City recognizes that this approach must be balanced against the City's obligations in connection with a portion of the City having been identified as a nesting area for certain endangered or threatened avian species. Any portion of the City consisting of such a designation may not become or remain an area for the release of said cats. This will hold true for any future designated area for any endangered or threatened species. The City has prepared this ordinance to provide for the reduction of certain stray cat colonies through TNR. It is the City's intention to establish a permit for non-profit foundations to establish TNR work. There will be no fee for the permit but proof of existing foundation is required. The permit will be issued yearly and will require an annual report to be submitted for the past year before a current permit can be issued. The City of Sea Isle City shall incur no additional financial obligation for permitting a foundation of this type. Any and all responsibilities for insurance and all costs will be the sole obligation of the foundation.

SECTION II. Chapter 3 Section 18.2 of the Revised General Ordinances of the City of Sea Isle City, entitled "Prohibited Conduct" is hereby amended to delete the existing section in its entirety and replace this section with "Definitions" as follows.

DELETED SECTION:

3-18.2 Prohibited Conduct.

No person shall feed, in any public park or on any other property owned for operated by the City of Sea Isle City, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks, or rehabilitation centers, or unconfined wildlife at environment education centers).

REPLACEMENT SECTION:

3-18.2 Definitions. As used in this section:

Caregiver shall mean a volunteer, uncompensated person who agrees to serve to facilitate the TNR program within the City of Sea Isle City in accordance with this ordinance and any rules and regulations that may be established by the City. A caregiver shall not be deemed an employee of the City and shall hold such volunteer position at the pleasure of the City and being removed from or precluded from holding such a volunteer position is the sole discretion of the City.

City shall mean Sea Isle City.

Ear Tipping shall mean the marking of a cat's ear through a surgical procedure preformed by qualified personnel.

Feed shall mean to give, place, expose, deposit, distribute, or scatter any edible material with the intention of feeding, attracting, or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

Stray Cat shall mean any cat that is not licensed in accordance with the City ordinance and is free to roam as part of an identifiable colony of such cats, which may consist of several cats or a single cat.

Foundation shall mean any non-profit organization.

Person shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

TNR shall mean, trap, neuter, and return.

TNR Program shall mean a program pursuant to which feral and stray cats are trapped, neutered or spayed, vaccinated against rabies, ear-tipped and returned to the location where they congregate.

Wildlife shall mean all animals that are neither human nor domesticated.

SECTION III. Chapter 3 Section 18.3 of the Revised General Ordinances of the City of Sea Isle City, entitled "Enforcement" is hereby amended to delete the existing section in its entirety and replace this section with "Prohibited Conduct" as follows.

DELETED SECTION:

3-18.3 Enforcement.

This section shall be enforced by the Police Department and/or other municipal officials of the City of Sea Isle City.

REPLACEMENT SECTION:

3-18.3 Prohibited Conduct.

No person shall feed, in any public park or on any other property owned or operated by the City of Sea Isle City, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks, or rehabilitation centers, or unconfined wildlife at environment education centers), except for non-profit foundations.

These foundations, with a program to care for stray cats shall have the opportunity to apply for a permit from the City of Sea Isle City. This program will allow for the trapping, neutered, vaccination and release back to the streets. Once released, volunteers from this foundation will continue to feed and provide care for these cats. No individual (s) will be permitted to indiscriminately feed or care for these animals. Feeding of these animals shall occur on public land in a manner that is not to interfere with the use of public land or on private property, with written permission from the owner and in such a way as to not create a nuisance to the neighborhood. It shall be the sole responsibility of the foundation

for all costs associated with this program. It shall be the responsibility of the foundation to carry any insurance that would be necessary to perform this program, and the City accepts no responsibility for this program. However the City does see a need and desire to take care of these stray cats. The foundation would be responsible for any complaints made with respect to stray cats or cause and effect of caring for stray cats. An annual report will be provided to the City detailing the number of colonies in the City, the number of cats in each colony, number of cats spayed or neutered, and the number of cats and kittens placed into permanent homes, so that the City and the foundation may work together in caring for these animals. No person shall interfere, hinder or tamper with equipment of a licensed non-profit foundation.

SECTION IV. Chapter 3 Section 18.4 of the Revised General Ordinances of the City of Sea Isle City, entitled "Violations and Penalties" is hereby amended to delete the existing section in its entirety and replace this section with "Enforcement; Responsibilities of Foundation Volunteers" as follows.

DELETED SECTION:

3-18.4 Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this section shall be ordered to cease the feeding immediately. Any person(s) who is found to be in violation of the provisions of this section shall also be subject to a fine for each offense of not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars. Each day the offense continues is considered a new offense and is subject to penalties for each offense.

REPLACEMENT SECTION:

3-18.4 Enforcement; Responsibilities of Foundation Volunteers

This section shall be enforced by the Police Department and/or other municipal officials of the City of Sea Isle City. Any person or foundation volunteer determined to be in violation of subsections a through h below shall be issued a written warning and be allowed a period of time in the discretion of the City, but not longer than 90 days, to come into compliance, or provide satisfactory evidence of working to achieve compliance. Failure to comply shall result in a violation of this ordinance, which may result in the issuance of a citation. Caregivers of stray cat colonies shall implement proper management and sterilization practices.

- a. Sterilize (spay/neuter) all adult cats that can be captured.
- b. Vaccinate, as required by law, all cats that can be captured against rabies, at least a one year vaccine; and any other infectious disease as mandated by law.
- c. Make every attempt to remove kittens from the colony before eight weeks of age for domestication and placement.
- d. Make every attempt to remove sick or injured cats from the colony for immediate veterinarian care or humane euthanasia.
- e. Assure responsibility and arrangements for feeding the cat colony regularly throughout the year, including weekends, holidays and vacations of the stray cat caregiver. Feeding on caregiver's property of stray cats managed by such caregiver shall not constitute a violation of the prohibition of this ordinance.
- f. Make every attempt to ear tip all cats with a single cut on the left ear.
- g. Maintain proof of sterilization, vaccination, ear tipping and medical records for all cats. These records must be provided to the City upon request.
- h. Execute all documents required by the City which may be established by this ordinance of the City of Sea Isle City.

SECTION V. Chapter 3 Section 18.5 of the Revised General Ordinances of the City of Sea Isle City is hereby amended to add this section entitled "Violations and Penalties" as follows.

ADDED SECTION:

18.5 Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this section shall be ordered to cease the feeding immediately. Any person(s) who is found to be in violation of the provisions of this section shall also be subject to a fine for each offense of not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars for a first offense and not more than two hundred fifty (\$250.00) dollars and community service for a period not to exceed 20 hours for a second or subsequent offense. Each day a particular violation continues shall constitute a separate offense. Any foundation that does not have a current permit will be subject to all penalties set forth in this ordinance.

SECTION VI. Chapter 3 Section 18.6 of the Revised General Ordinances of the City of Sea Isle City is hereby amended to add this section entitled "Registration of Feral Cat Colonies" as follows.

ADDED SECTION:

18.6 Registration of Stray Cat Colonies

Each stray cat colony will be registered by the foundation with the City of Sea Isle City, at the time the permit is issued. An annual report will also be supplies at that time. The report will contain information such as but not limited to, number of colonies, number of cats in each colony, number of cats spayed or neutered, vaccinations given, ear tipping, and any other medical procedures performed. No stray cat colony shall be permitted to be established or continue with its already established status in the area mentioned in Section 18-3.1 entitled Purpose, the north end beach where endangered or threatened avian species gather, or in any other area that might be of danger to an endangered or threatened species. If there shall be an established colony in any such area a Sea Isle City representative will effectuate the capture of all stray cats and transport same to the County Animal Shelter for handling in accordance with the interlocal agreement between the City of Sea Isle City and the county applicable to such animals.

SECTION VII. Chapter 3 Section 18.7 of the Revised General Ordinances of the City of Sea Isle City is hereby amended to add this section entitled "Ear Tipping" as follows.

ADDED SECTION:

18.7 Ear Tipping

Ear tipping will be used on stray captured cats in order to be identified as a spayed or neutered and vaccinated member of a managed colony.

SECTION VIII. Chapter 3 Section 18.8 of the Revised General Ordinances of the City of Sea Isle City is hereby amended to add this section entitled "Adoption of Rules and Regulations" as follows.

ADDED SECTION:

Adoption of Rules and Regulations

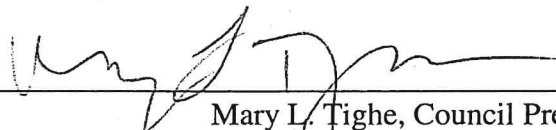
The City of Sea Isle City shall have the authority to adopt further rules and regulations applicable to the TNR Program to the extent that the same are consistent with and do not modify the provisions of the ordinance as needed.

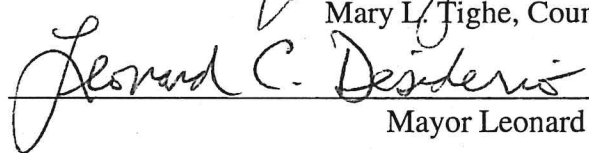
SECTION IX. Severability. If for any reason any section of this Ordinance shall be declared illegal by any Court of competent jurisdiction, the remaining section of the Ordinance shall remain in full force and effect notwithstanding.

SECTION X. Repealer. Any Ordinance or provision thereof inconsistent with this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION XI. Publication. This Ordinance shall take effect immediately upon the adoption and publication in accordance with the law.

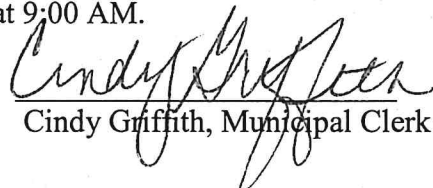
City of Sea Isle City



Mary L. Tighe, Council President


Mayor Leonard C. Desiderio

I HEREBY CERTIFY THAT the foregoing ordinance was duly passed by the City Council of the City of Sea Isle City, New Jersey, on first reading at the regular meeting of said Council held on the 27th day of July, 2010, and was taken up for second reading, public hearing and final passage at the regular meeting of said Council to be held on the 10th day of August, 2010, in the Public Safety Building, 233 John F. Kennedy Blvd., Sea Isle City, New Jersey at 9:00 AM.



Cindy Griffith, Municipal Clerk

CITY OF SEA ISLE CITY
NEW JERSEY

ORDINANCE NO. 1375 (2005)

AN ORDINANCE TO AMEND THE REVISED
GENERAL ORDINANCES OF SEA ISLE CITY
TO PROHIBIT THE FEEDING OF WILDLIFE

WHEREAS, the City of Sea Isle City is desirous of amending the Revised General Ordinances of Sea Isle City Chapter 13 entitled "Violations and Offenses"; and

WHEREAS, the City of Sea Isle City is desirous of prohibiting the feeding of unconfined wildlife in any public park or on any other property owned or operated by the City of Sea Isle City; and

WHEREAS, the City of Sea Isle City is desirous of protecting the public health, safety, and welfare;

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the City of Sea Isle City, County of Cape May, and State of New Jersey as follows:

SECTION I. Chapter 3, Section 18 entitled "Wildlife Feeding" shall be added to the Revised General Ordinances of Sea Isle City and shall read as follows:

3-18.1. Definitions. As used in this section:

Feed shall mean to give, place, expose, deposit, distribute, or scatter any edible material with the intention of feeding, attracting, or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

Person shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

Wildlife shall mean all animals that are neither human nor domesticated.

3-18.2. Prohibited Conduct. No person shall feed, in any public park or on any other property owned or operated by the City of Sea Isle City, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks, or rehabilitation centers, or unconfined wildlife at environmental education centers).

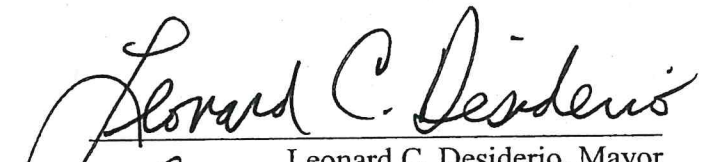
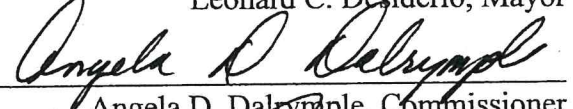
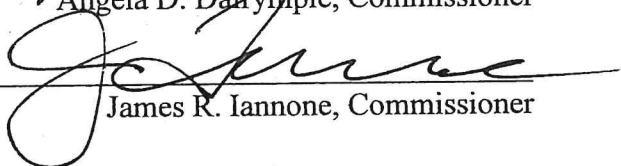
3-18.3. Enforcement. This ordinance shall be enforced by the Police Department and/or other municipal officials of the City of Sea Isle City.

3-18.4. Violations and Penalties. Any person(s) who is found to be in violation of the provisions of this ordinance shall be ordered to cease the feeding immediately. Any person(s) who is found to be in violation of the provisions of this ordinance shall also be subject to a fine for each offense of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00).


SECTION II. Severability. If for any reason any section of this Ordinance shall be declared illegal by any Court of competent jurisdiction, the remaining section of the Ordinance shall remain in full force and effect notwithstanding.

SECTION III. Repealer. Any Ordinance or provision thereof inconsistent with this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION IV. Publication. This Ordinance shall take effect immediately upon the adoption and publication in accordance with the law.


Leonard C. Desiderio, Mayor

Angela D. Dalrymple, Commissioner

James R. Iannone, Commissioner

The above ordinance was duly passed by the Board of Commissioners of the City of Sea Isle City, New Jersey, on first reading at the regular meeting of said Board held on the 19th day of July, 2005, and was taken up for second reading, public hearing, final passage and was adopted at the regular meeting of said Board held on the 9th day of August, 2005, in the Commissioners Room, Public Safety Building, 233 John F. Kennedy Boulevard, Sea Isle City, New Jersey at 10:00 A.M.


Municipal Clerk