

BOARD OF HEALTH
BOROUGH OF MOONACHIE
BERGEN COUNTY, NEW JERSEY

Zoom Video Link: <https://zoom.us/j/95930024424> Passcode: 847819

By Phone: 1 929 205 6099

Meeting ID 959 3002 4424 Passcode: 847819

The Regular Meeting of the Board of Health of the Borough of Moonachie is called to order by President M. Cinque via Zoom on August 9, 2021 at 7:35pm.

M. Cinque called for the Pledge of Allegiance to the Flag.

ROLL CALL: M. Cinque, M. Mezzina-present, L. Martinez (excused), R. Wende-present, Attorney Juan Moran-present, Maria Schmitt, Health Inspector (excused) Councilwoman Karen Surak, Liaison to Mayor and Council- present

Secretary stated that notice of the meeting was published in The Record on January 21, 2021, posted in the Municipal Building, and on the Borough website that the meeting would be held over Zoom in accordance with the Open Public Meetings Act.

MINUTES

Motion by M. Mezzina, second by R. Wende to adopt the minutes of July 12, 2021.

ROLL CALL: Cinque, Mezzina, Wende.

All ayes. So ordered.

COMMUNICATIONS

Bergen County Animal Control April 2021

Registrar of Vital Statistics Report July 2021

Health Consultation Report July 2021

Motion by R. Wende, second by M. Mezzina to file communications.

ROLL CALL: Cinque, Mezzina, Wende.

All ayes. So ordered.

Report from Health Inspector Maria Schmitt: carry over to September Meeting.

OLD BUSINESS: None

NEW BUSINESS

Senior Flu Clinic: Tue. Sept. 21, 12-1PM

M. Cinque mentioned that the Clinic is at the Civic Center.

Rabies Clinic: Wed. Nov. 10, 7-8PM

M. Cinque asked if the date was okayed by the vet. Secretary mentioned speaking with the vet about the date.

M. Cinque mentioned if both Clinics would be put out on Nixle to let residents know when they are coming up. Secretary mentioned that both will be put up on the Facebook page and the Website and will speak to the Police Department about Nixle.

C/Surak asked about calling residents before the Rabies Clinic in November which was done last year.

M. Cinque mentioned that after the November 8th Meeting whoever wants to call residents for the rabies clinic can do so.

M. Cinque asked about the plans for the school regarding masks for COVID-19.

FINAL PASSAGE OF ORDINANCE:

ORDINANCE NO. #BH-21-002 AN ORDINANCE REGARDING FERAL CATS

WHEREAS, the Board of Health of the Borough of Moonachie recognize the need to adopt an Ordinance regulating and controlling feral cats within the Borough of Moonachie for the health, safety and welfare of the public; and

BE IT ORDAINED by the Board of Health of the Borough of Moonachie, in the County of Bergen, State of New Jersey as follows:

§ 1. Definitions.

For the purpose of this article, 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, 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.

ABANDON

To forsake a cat entirely or neglect to provide appropriate care and support for a cat.

ANIMAL CONTROL OFFICER

Any person employed or appointed by the Borough who is authorized to investigate violations of laws and regulations concerning animals, and to issue citations in accordance with New Jersey law and the Borough Code.

CARETAKER

Any person who provides food, water or shelter to or otherwise cares for a cat, and who has been appropriately trained as a caregiver.

DAYLIGHT HOURS

Hours during the day after dusk until dawn.

DOMESTICATED CAT

A cat that is a companion to a person, is regularly fed and sheltered in that same person's habitation and carries visible indicia or ownership, including a collar or tag.

EAR TIPPING

Straight-line cutting of the tip of the left ear of a cat by a licensed veterinarian while the cat is anesthetized.

FERAL CAT

A cat that is completely or substantially unsocialized to humans and is not an owned or licensed cat.

FERAL CAT COLONY

A group of feral or stray cats that congregate together outside as a unit and share a common food source.

NUISANCE

Conduct by feral or stray cats that disturb the peace or causes any condition that threatens or endangers the health, safety, or well-being of persons or other animals, including but not limited to:

- A. Habitually or continually howling, crying or screaming;
- B. Molesting or interfering with persons in the public right-of-way;
- C. The habitual and significant destruction, desecration or soiling of property against the wishes of the owner of the property; or
- D. Attacking or injuring persons or domestic animals.

STRAY CAT

A cat that is socialized to humans and is not an owned cat.

SUITABLE SHELTER

A structure that provides feral and stray cats with protection from the sun, cold, rain and other weather-related elements to protect the health of the cats.

TNR

The method of managing feral and stray cats known as "trap, neuter and return."

TNR PROGRAM

A municipal 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 were captured or congregate by a caretaker in accordance with this article.

§2. 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 under any circumstances abandon a domesticated cat. Affirmatively placing a cat at the location of a feral cat colony on property belonging to another individual or entity shall be considered abandonment.

§ 3. 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 article.

§ 4. Caretakers; Feeding of Feral Cats.

- A. A person shall be deemed a caretaker if he/she provides food, water or shelter to a feral cat or cats in their colonies.
- B. Caretakers are required to feed the cats in their colonies as part of properly managing the colonies. As part of this requirement, caretakers must:
 - 1. Feed only during daylight hours;
 - 2. Feed only the amount of food required by the cats in the colony;
 - 3. Leave food out for a maximum of one hour per feeding, no more than twice per day, which shall mean removing all food dishes after each one-hour feeding;
 - 4. A bowl or similar small container with fresh water may be left out at all times; and
 - 5. Feeding must take place in the location least likely to cause a nuisance to tenants, neighbors, customers, and the general public.
- C. It shall be unlawful to feed feral cats who are not spayed/neutered, ear-tipped and vaccinated in accordance with this article, unless the caregiver is in the process of trying to trap the cats for spay/neuter, ear-tipping and vaccination. Animal Control Officer(s) shall be empowered to give a warning notice to any individual feeding one or more feral cats not spayed/neutered, ear-tipped and vaccinated in accordance with this article. The warning notice shall require the individual to contact the Animal Control Officer(s) within 15 days to obtain assistance in getting the cat(s) spayed/neutered, ear-tipped and vaccinated in order to be brought into compliance with this article. Failure to make such contact within 15 days and cooperate with the Animal Control Officer(s) in meeting the requirements of this section will subject the violator to a maximum fine of \$100 per cat, per offense.

§ 5. Caretaker requirements.

It shall be the responsibility of a caretaker to:

- A. Make reasonable efforts to trap all cats in a registered colony and have all trapped cats neutered or spayed, vaccinated against rabies and ear-tipped by a licensed veterinarian, as deemed medically necessary;
- B. Keep and maintain vaccination, neuter/spay, and medical records for all trapped cats and provide the Borough with copies of vaccination and neuter/spay records for all trapped cats upon request;
- C. Provide adequate food and water on a regular basis to colony cats and make reasonable efforts to ensure suitable shelter for colony cats;
- D. Obtain proper medical attention for any colony cat that appears to require it;

- E. Make reasonable efforts to remove and place stray cats and kittens born to colony cats after they have been weaned in homes, foster homes, or with animal shelters, rescue organizations or veterinary offices for the purpose of subsequent permanent placement;
- F. Make reasonable efforts to work with the Moonachie Health Department via the Animal Control Officer(s) to resolve any complaints over the conduct of the caretaker or of colony cats managed by the caretaker.

§ 6. Nuisance Abatement.

- A. If an Animal Control Officer determines that a feral colony cat is causing a nuisance as defined by this article, or state law, the caretaker must begin nuisance abatement procedures within 48 hours after being notified of a nuisance by the Borough and must take all reasonable steps to resolve the nuisance in as short a time period as possible, not to exceed 30 days.
- B. The Borough reserves the right to issue a summons up to \$500 if a Caretaker fails to prevent a Nuisance within 30 days or face further action.

§ 7. Enforcement.

- A. The Borough and/or Animal Control Officer retain the right to:
 - 1. Seize or remove any cat from a colony that is demonstrating signs of rabies and is not up to date with rabies vaccinations.
 - 2. Investigate any nuisance complaint allegedly caused by a feral or stray cat or feral cat colony.
 - 3. Seize or remove a cat from a colony creating a nuisance as defined by this article or state law, after the caretaker has been given 30 days to abate the nuisance or remove the cat and has failed to do so.
 - 4. Seize and remove a registered feral cat colony if the caretaker regularly fails to comply with the requirements of this article and does not correct the situation within 30 days of being given written notice by the Borough delineating the caretaker's failures with specificity.
- B. The requirements of this section notwithstanding, Animal Control Officer(s) may investigate any nuisance complaint. If an Animal Control Officer determines that an ear-tipped feral colony cat is causing a nuisance as defined by this article and the caretaker fails to resolve the nuisance or remove the cat within 30 days, the Animal Control Officer may remove the cat. If an Animal Control Officer reasonably determines that a cat is injured or poses a significant threat to public health, the Officer may reduce the time that the caretaker 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 or a law enforcement officer may remove the cat, but within 24 hours the Borough must provide the caretaker with notice of the cat's whereabouts and allow the caretaker an opportunity to retrieve the cat for treatment, return, or relocation.

§ 8. Violation.

Any person who knowingly releases any domestic or non-spayed or non-neutered cat into the community shall be in violation of this Ordinance and upon conviction thereof, for each offense, pay a penalty of not less than \$100 or more than \$1,250.00 and/or community service for a period not exceeding ninety (90) days, in the discretion of the Municipal Court.

This Ordinance shall take effect immediately upon final passage and publication according to law.

The Secretary has presented an affidavit showing that advertisement had been made according to law.

PUBLIC HEARING ON ORDINANCE #BH-21-002: No one wished to be heard.

Motion by M. Mezzina, second by R. Wende to close Public Hearing on #BH-21-002.

ROLL CALL: Cinque, Mezzina, Wende.

All ayes. So ordered.

Motion by M. Mezzina second by R. Wende to adopt Ordinance #BH-21-002.

ROLL CALL: Cinque, Mezzina, Wende.

All ayes. So ordered.

PUBLIC HEARING (Regular): No one wished to be heard.

Motion by R. Wende, second by M. Mezzina to close Public Hearing.

ROLL CALL: Cinque, Mezzina, Wende.

All ayes. So ordered.

Motion by M. Mezzina, second by R. Wende to adjourn the meeting at 7:46 pm.

ROLL CALL: Cinque, Mezzina, Wende.

All ayes. So ordered.

ATTEST:

Jennifer Cooney, Secretary