

# Proposed Local Law No. 9 Of 2018

## County Of Ulster

### A Local Law To Adopt Countywide Notification Requirements For The Trapping of Free Roaming, Feral And/Or Stray Cats

BE IT ENACTED, by the Legislature of the County of Ulster, as follows:

#### **SECTION 1. LEGISLATIVE INTENT AND FINDINGS**

In 2015, the Ulster County Executive's office created a Comprehensive Animal Abuse Prevention Initiative including an animal abuse registry, humane feral cat program and Animal Abuse Prevention Advisory Task Force.

In December 2017, New York State Governor Cuomo signed a new law requiring that animal shelters, including SPCAs and rescue organizations, scan for microchips in cats within 24 hours of admission as an amendment to the agriculture and markets law, in relation to establishing microchipping standards; in relation to the registration of microchips; and in relation to the examination of seized animals and animals taken possession of.

~~The Ulster County Legislature has determined that it is important to address the growth of the feral and/or stray cat population through Trap Neuter Return (TNR) programs, and to protect the health and welfare of feral and/or stray cats is recognized as a public service. It is also recognized that these TNR volunteers/organizations and/or operations may trap a companion animal pet, and that all reasonable efforts must be made to reunite pet cats with their owners.~~

For the purpose of reuniting trapped companion animals or pets with their owners, the listed requirements will include but not be limited to all free roaming, feral and/or stray cats captured by ~~TNR~~ volunteers, organizations, operations, and/or private citizens.

#### **SECTION 2. DEFINITIONS**

As used in this section:

A) ~~"TNR Volunteer"~~ shall mean any person who, individually or on behalf of an ~~TNR~~ organization or operation, sets traps with the intention of trapping feral and/or stray cats. ~~in order to sterilize, vaccinate, ear tip and place for adoption or return the cats to their owner or to the location where they were captured.~~

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B) “~~TNR~~Organization” shall mean one that engages individuals as and has ~~TNR~~ Volunteers filed organization/corporation forms with the State of New York.

C) “~~TNR~~Operation” shall mean a collection of one or more activities intended to trap feral and/or stray cats, excepting efforts made to trap a specific individual pet cat that has escaped, either by that cat's owner(s) or anyone authorized to do so on their behalf.

D) “Private Citizen and/or Entity” shall mean individual community members conducting cat trapping.

E) “Ear-tipping” shall mean the practice of surgically removing the tip of the cat's left ear while the cat is under anesthesia to identify the cat as sterilized.

F) “Microchip” shall mean a small identifying computer chip with owner information, including phone number and address, which is inserted under the skin of a pet.

**SECTION 3. NOTIFICATION REQUIREMENTS**

It shall be unlawful to trap a free roaming, feral and/or stray cat, except when the following conditions are met:

A) Notification to City, Town, Village Clerk and Neighborhood/Community Residents

i) Any organization, operation or individual intending to trap cats within municipal boundaries shall file prior written notification of the intention with the City, Town or Village Clerk.

ii) Notifications must be publicly posted at the municipal offices and all residences within 1,000 feet of the trapping operation by the ~~TNR~~ volunteer, ~~TNR~~ organization or private citizen no less than five (5) days prior to the trapping and shall remain posted for a no less than thirty (30) days after the trapping date.

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- iii) If the ~~TNR~~ operation is within 1,000 feet of an apartment complex or other structure with 10 or more living units, notification shall be posted in all common areas for residents to see.
- iv) Notifications must include:
- 1) Date (or beginning and end dates if a multi-day trapping operation), location and reason for trapping,
  - 2) The name of the organization, operation, and the individual or principle responsible person for trapping,
  - 3) For ~~TNR~~ organizations: a list of all other individuals authorized as ~~TNR~~ Volunteers on behalf of the organization, organizational phone number, email, physical and website addresses, and proof of access to a universal microchip scanner capable of reading Radio Frequency Identification (RFID) tags,
  - 4) For private citizens: phone number, email and mailing address,
  - 5) Information regarding trap handling, e.g., hours traps will be checked, instructions to not disturb traps either empty or with a cat inside, etc. and mandatory hold periods pursuant to Section 4 of this law.
- v) Exempt- Although Ulster County strongly encourages notification of the municipal clerk and neighborhood, individuals not involved with a trapping operation or rescue group who capture cats for the purpose of providing medical treatment by a licensed veterinarian including sterilization and/or for adoption are exempt.
- B) No cats with tipped ears shall be retained, but instead shall be immediately released at the location at which they were captured.

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**SECTION 4.        MANDATORY HOLD PERIOD**

A) Each trapped cat shall be scanned for a microchip within 24 hours of capture. Cats found to have a microchip will be placed on a seven (7) days stray hold while every attempt shall be made to locate the owner(s).

B) An assessment of adoptability shall be made for each cat trapped that does not have a microchip.

C) Cats assessed as feral shall be sterilized, vaccinated and eartipped and returned to a site no more than 50 feet from the actual capture site.

D) Cats assessed as adoptable, but without a microchip, shall be sterilized, vaccinated, eartipped and made available for adoption, this includes microchipped cats whose stray hold period has expired.

E) If an adoptable cat is not reclaimed by an owner and a suitable home or shelter is unavailable, the cat may be returned to a site no more than 50 feet from the actual capture site.

F) Only a licensed veterinarian can euthanize a cat captured in an ~~TNR~~ operation.

**SECTION 5.        RECORDS**

Each ~~TNR~~ volunteer organization or operation must maintain records of each operation on file with a City, Town or Village Clerk for no less than six (6) months after the date of the ~~TNR~~ operation.

A. Records may be provided in paper or digital form and shall include:

- i) A photograph of the cat
- ii) written description of physical features up to and including weight, color/markings, gender, age and exact disposition of the animal
- iii) date and location of trapping

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iv) If the cat was returned to its lawful owner, include the owner's name, phone number, signature, and date of return

v) If the cat was adopted out or transferred to another agency, include the adopter's or organization's name and phone number

vi) If the cat was returned to its origin, include the exact location of the return within fifty (50) feet

vii) if the cat was euthanized, include the date, location, and name of the licensed veterinarian ~~conducting the euthanasia~~ **providing written certification for euthanasia.**

**SECTION 6.           ENFORCEMENT**

This Local Law shall be enforced by the office of the Ulster County Sheriff and/or Ulster County SPCA and may also be enforced by any police officer, local Dog Control or Animal Control officer, or humane law officer or investigator with jurisdiction within Ulster County.

**SECTION 7.           PENALTIES**

Any person who commits, causes or permits any acts in violation of any of the provisions of this Local Law shall be guilty of an offense and shall be subject to a fine of not more than \$250 or imprisonment not exceeding fifteen (15) days, or both such fine and imprisonment.

**SECTION 8.           EFFECT OF OTHER LAWS, REGULATIONS.**

This Local Law will have no effect in a city, town or village located within the County of Ulster that has enacted an ordinance, resolution, or law regulating the trapping of free roaming, feral and/or stray cats within its Jurisdiction.

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Civil remedy. In addition to the penalties provided herein, Ulster County and/or the Ulster County SPCA may also maintain an action or proceeding in the name of the County in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this article.

**SECTION 9.        SEVERABILITY.**

In the event that any portion of this local law is found to be invalid, such finding will not have any effect on the remaining portions of this local law, the application thereof, or on any provisions of the Ulster County Charter, all of which shall remain in full force and effect.

**SECTION 10.      EFFECTIVE DATE.**

This Local Law shall take effect immediately upon filing with the Office of the Secretary of State of the State of New York.