

Proposed Local Law No. 9 Of 2018

County Of Ulster

A Local Law To Adopt Countywide Notification Requirements For The Trapping of Free Roaming, Stray and/or Feral Cats

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

SECTION 1. LEGISLATIVE INTENT AND FINDINGS

The Ulster County Legislature has determined that it is important that the tireless work of volunteers to address the growth of the feral cat population through Trap-Neuter-Release (TNR) programs and to protect the health and welfare of abandoned and/or stray cats is recognized as a public service. It is also recognized that these volunteers/organizations/individuals may trap a family pet, and that all reasonable efforts must be made to reunite the cat with its human family.

For the purpose of reuniting trapped and/or surrendered animals with their human family, the listed requirements will include but not be limited to all free roaming, feral and stray cats trapped and/or surrendered by volunteers and/or private citizens.

SECTION 2. DEFINITIONS

As used in this section:

A) “Cat rescuer” shall mean any person who, individually or on behalf of a cat rescue organization/operation, sets traps with the intention of trapping feral or stray cats in order to neuter, spay, inoculate, treat medically, and/or adopt the animals out to human families.

B) “Cat Rescue Organization” shall mean one that engages individuals as cat rescuers and has filed organization/corporation forms with the State of New York.

C) “Cat Rescue Operation” shall mean a collection of one or more activities intended to trap cats, excepting efforts made to trap a specific individual pet cat that has escaped, either by that cat's lawful human owners or anyone authorized to do so on their behalf.

SECTION 3. NOTIFICATION REQUIREMENTS

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

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A) Notification to City, Town, Village Clerk

(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 no less than five (5) days prior to the rescue operation and shall remain posted for a no less than thirty (30) days after the trapping date.

iii) Notifications must include:

- 1) Date, location and reason for trapping,
- 2) The name of the organization, operation, and the individual or principle responsible person for cat rescue at the organization,
- 3) For an organization only: a list of all other individuals authorized as cat rescuers on behalf of the organization,
- 4) Email and physical mailing addresses,
- 5) Web site address,
- 6) Proof of access to a radio frequency identification (RFID) tag reader capable of determining if a particular cat has an embedded RFID chip

B) Notification to Residents

i) Notification of pending cat rescues shall be delivered to all residences within 1,000 feet of the cat rescue operation by the rescuing entity no later than 24 hours prior to the beginning of the cat rescue operation.

1) If the cat rescue operation is within 1,000 feet of an apartment complex or other structure with ten or more living units, Notification shall be posted in all common areas for residents to see.

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ii) Notification shall be posted in conspicuous places where people gather.

iii) Notifications must include:

- 1) Name of the cat rescue organization, operation or individual, as well as all contact information provided in the information filed with the Town or Village Clerk,
- 2) Date (or beginning and end date, for a multi-day operation) and location of the cat rescue operation,
- 3) Maximum number of cats to be trapped, and a statement of intended disposition of the trapped animals,
- 4) Date and location of trapping,
- 5) Method and reason for trapping,
- 6) Information regarding the provisions of the mandatory waiting period pursuant to Section 4 of this law.

SECTION 4. MADATORY WAITING PERIOD

A) Each cat shall be held for a period of no less than seven (7) days.

B) Every attempt shall be made to find the owner

C) After seven days (7) the rescuer shall make every attempt to adopt and/or place the cat in a suitable home or shelter

D) In the case of releases, after the mandatory waiting period has passed and every attempt has been made to located the owner or a suitable home or shelter, cat rescuers are hereby required to release within 50 feet of where the cat was trapped.

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SECTION 5. RECORDS

Each cat rescuer, 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 rescue 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
- iv) If the cat was returned to its lawful owner, include the owner's name, signature, and date of return
- v) If the cat was adopted out or transferred to another agency, include the name and contact information
- vi) If the cat was released, include the exact location of the release within fifty (50) feet
- vii) if the cat was euthanized, include the date, location, and name of the medical professional responsible for the terminal diagnosis and administering of euthanizing dose

SECTION 6. ENFORCEMENT

This Local Law shall be enforced by the office of the Ulster County Sheriff 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.

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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, stray and/or feral cats within its Jurisdiction.

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.