

TOWNSHIP OF DENNIS

**TOWNSHIP COMMITTEE
WORKSESSION AGENDA**

MAY 03, 2016

6:30 P.M. (prevailing time)

CALL TO ORDER:

Mayor's announcement: The notice requirements provided for in the "Open Public Meetings Act" have been satisfied. Notice of this meeting was properly given in Resolution No. 2015-137 entitled the Annual Meeting Notice which was adopted by the Dennis Township Committee on December 15, 2015. A meeting notice has been published and posted in accordance with the act.

FLAG SALUTE:

ROLL CALL OF MEMBERS PRESENT:

___ Fry-DeRose, J.; ___ Tozer, D.; ___ Salimbene, L.; ___ O'Connor, B.; ___ Murphy, J;

SPECIAL PRESENTATIONS OR DISCUSSIONS:

None.

DEPARTMENTAL REPORTS AND PROJECT UPDATES:

Administration & Finance:

Discuss the status of the memorial garden for Eileen Turner.

Discuss the status of the proposed amendments to Chapter 88 – Dogs.

Legal:

None.

**WORKSESSION AGENDA
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Public Buildings & Grounds: None.

Engineering: None.

Construction/Plan/Zone: None.

RESOLUTIONS:

None.

ORDINANCES:

None.

MOTION TO ADJOURN THE MEETING:

Chapter 88 DOGS

ARTICLE I General Provisions

- § 88-1. Running at large.
- § 88-2. Disturbances.
- § 88-3. Damages, nuisances, defecation on public or private property.
- § 88-3.1. Damages and nuisances.
- § 88-3.2. Defecation on public or private property; exceptions.
- § 88-4. License and tag required; fees; renewal and late charge; exemptions; violations and penalties.
- § 88-5. Rabies vaccination.
- § 88-6. Time limit for license application.
- § 88-7. Kennels, pet shops, shelters and pounds.
- § 88-8. Leashing required; exception.
- § 88-9. Enforcement.
- § 88-10. Liability of owner for dog bites.

ARTICLE II Additional Regulations for Owners, Caretakers, Guardians or Handlers

- § 88-11. Definitions.
- § 88-12. Restraint of dogs.
- § 88-13. Chaining or tethering of dogs.
- § 88-14. Prohibited activities and treatment.
- § 88-15. Duties of citizens.
- § 88-16. Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Dennis 7-22-1974 as Ord. No. 74-11. Sections 88-4C and F, 88-7B and 88-9 amended and § 88-4E added at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Dogs in parks — See Ch. 139.

ARTICLE I GENERAL PROVISIONS

- § 88-1. Running at large.
No dog shall be permitted to run at large.
- § 88-2. Disturbances.
No person shall keep, harbor or maintain any dog which habitually cries, barks, howls or otherwise disturbs the peace.
- § 88-3. Damages, nuisances, defecation on public or private property. [Amended 8-17-04 by Ord. No. 2004-10]

§ 88-3.1. Damages and nuisances. [Added 8-17-04 by Ord. No. 2004-10]

No person owning, keeping or harboring a dog shall permit it or suffer it to do any damage to any person or property or to create a public nuisance.

§ 88-3.2. Defecation on public or private property; exception. [Added 8-17-04 by Ord. No. 2004-10]

- A. No person owning, harboring, keeping or in charge of any dog, shall cause, suffer or allow such a dog to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypass, bay area, park or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property without the permission of the owner of the property.
- B. Notwithstanding anything contained in Subsection A. to the contrary, the restrictions as set forth above shall not apply to that portion of the street lying between the curbline, which shall be used to curb such dog upon the following conditions:
 - (1) The person who curbs the dog shall immediately remove feces deposited by the dog by a sanitary method.
 - (2) The feces removed from the aforementioned designated area shall be disposed of by the person owning, harboring, keeping or in charge of any dog curbed in a sanitary manner.
- C. Any person found guilty of any violation of this subsection shall be subject to a fine not exceeding the sum of two hundred dollars (\$200.) for a first offense. For a second offense or subsequent offense a fine of not less than two hundred dollars (\$200.) nor more than five hundred dollars (\$500.). An individual need not be charged as a subsequent offender in order to be fined as a subsequent offender.

§ 88-4. License and tag required; fees; renewal and late charge; exemptions; violations and penalties. [Amended 8-28-1978 by Ord. No. 78-49; 11-27-1978 by Ord. No. 78-53; 6-11-1979 by Ord. No. 79-64]

- A. All persons who shall own, keep or harbor a dog which has attained the age of seven (7) months or which possesses a set of permanent teeth shall apply for and procure from the Clerk of the municipality (or other official designated by the governing body thereof to license dogs in the municipality in which he resides) a license and official metal registration tag for each such dog so owned, kept or harbored and shall place upon each such dog a collar or harness with the registration tag securely fastened thereto.
- B. Said dog licenses shall be obtained during the month of January of each year and every year.
- C. The fee for licenses for spayed or neutered dogs shall be ten dollars (\$10.) per annum and for unspayed or unneutered dogs shall be twelve dollars (\$12.) per annum. [Amended 2-13-2008 by Ord. No. 2008-02; 3-20-2012 by Ord. No. 2012-02]
- D. Licenses must be renewed yearly prior to February 1 of the following year. There shall be an additional late charge of five dollars (\$5.) for each license not secured by February 1 of each year, provided that said license is secured by April 1 of each year. For each license not secured by April 1, there shall be charged the aforesaid fee and the aforesaid late charge, and the penalty hereinafter set forth in this section shall also apply. [Amended 3-20-2012 by Ord. No. 2012-02]
- E. In accordance with N.J.S.A. 4:19-15.3, Seeing-Eye, hearing-ear and service dogs shall be exempt from the license fees stated above.¹

¹ Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- F. The penalty for violations of this section shall be as provided by N.J.S.A. 4:19-15.19.³

§ 88-5. Rabies vaccination.

No Municipal Clerk or other official designated by the governing body of this municipality shall issue a license or metal registration tag for any dog unless the owner thereof provides evidence that the dog has been inoculated with a rabies vaccine of the type approved by and administered in accordance with the recommendation of the State Department of Health. Such vaccination shall be repeated at intervals as provided by regulations of the State Department of Health and shall be administered by a duly licensed veterinarian or such other veterinarian permitted by law to do the same.

§ 88-6. Time limit for license application.

The owner or any newly acquired dog of licensing age or of any dog which attains licensing age prior to January of the following year shall make application for a license and registration tag for such dog within ten (10) days after such acquisition or age attainment.

§ 88-7. Kennels, pet shops, shelters and pounds. [Amended 12-22-1975 by Ord. No. 75-23]

- A. Any person who keeps or operates or proposes to establish a kennel, a pet shop, a shelter or a pound shall apply to the Municipal Clerk or other official designated to license dogs in the municipality for a license entitling him to keep or operate such establishment.

- B. The fee for operating a pet shop shall be ten dollars (\$10.) per year. The fee for operating a kennel providing accommodations for ten (10) or fewer dogs shall be ten dollars (\$10.) per year, and for more than ten (10) dogs it shall be twenty-five dollars (\$25.) per year. No fee shall be charged for shelter or pound. Fees shall be due on the last day of June of each year.⁴

§ 88-8. Leashing required; exception.

No person possessing or owning or harboring any dog shall suffer or permit it to be in the public highways or any public place in the Township of Dennis unless such dog is accompanied by a person over the age of twelve (12) years and is securely confined and controlled by an adequate leash not more than six (6) feet in length; provided, nevertheless, that any properly licensed hunting dogs under the control and supervision of their owner may be used for hunting purposes in the rural or hunting areas within this Township of Dennis.

§ 88-9. Enforcement.⁵

The Township Committee of the Township of Dennis shall, at its discretion, appoint such person as it may deem necessary to enforce and carry out the provisions of this chapter, and such appointees shall have the power and authority to seize, maintain, destroy and otherwise offer for adoption dogs running at large within the Township of Dennis in a manner agreeable to law and in accordance with the provisions of this chapter.⁶

§ 88-10. Liability of owner for dog bites.

The owner of any dog which shall bite a person while such person is on or in a public place or lawfully on or in a private place, including the property of the owner of the dog, shall be liable for such damages as may be suffered by the person bitten, regardless of the former viciousness of such dog or the owner's knowledge of such viciousness.⁷

ARTICLE II Additional Regulations for Owners, Caretakers, Guardians or Handlers
[Adopted 8-17-04 as Ord. No. 2004-10]

§ 88-11. Definitions.

Definitions used throughout this Article II are as follow:

- A. **BEDDING** — Material to provide a bed for dogs.
- B. **CARETAKER** — Any person who takes care of the house or land of an owner who may be absent and is responsible for the keeping of a dog.
- C. **DOGHOUSE** — A covered and protected domicile for a dog.
- D. **ENCLOSURE** — Any structure used to restrict a dog or dogs to a limited amount of space, such as pen, run, cage or compartment.
- E. **HANDLER** — Any person in immediate physical charge of a dog.
- F. **KENNEL** — Any establishment wherein or whereupon the business of boarding or selling dogs or breeding dogs for sale is carried on, except a pet shop.
- G. **OWNER** — When applied to proprietorship of a dog means every person having a right of property in that dog and every person who has that dog in his or her keeping.
- H. **PET SHOP** — Any place of business that is not part of a kennel wherein animals, including, but not limited to, dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils are kept or displayed chiefly for the purpose of sale to individuals for personal appreciation and companionship rather than for business or research purposes.
- I. **PEN** — An enclosure for dogs.
- J. **POUND** — Any establishment for confinement of dogs or other animals seized either under the provisions of N.J.S.A. 4:19-15.16 or otherwise.
- K. **SHELTER** — Any establishment where dogs or other animals are received, housed and distributed.

§ 88-12. Restraint of dogs.

- A. Owners, caretakers, guardians or handlers of dogs will exercise diligence and reasonable care to prevent said dogs from leaving their premises regardless of whether their premises is owned, leased or rented. Restraint exists when the dog is:
 - (1) Enclosed and properly provided for pursuant to N.J.S.A. 4:22-17 within a house, building, properly maintained fence, pen or other enclosure.

(2) Pens or other enclosures for each dog must be 4 feet in height and square footage as follows:

..... 1 dog..... 64 sq. ft.

..... 2 dogs..... 90 sq. ft.

..... 3 dogs..... 144 sq. ft.

..... 4 dogs..... 196 sq. ft.

..... Over 4 dogs..... An additional 24 sq. ft for each dog

(3)... The pens or other enclosures shall include a soundly constructed, safely positioned and properly maintained doghouse.

(4)... Every doghouse shall contain bedding such as straw or other absorbent material in sufficient quality to provide adequate insulation for the dog(s) in the doghouse. Bedding shall be maintained in a dry condition and renewed or changed as necessary.

- B. Owners, caretakers, guardians or handlers of dogs will exercise diligence and reasonable care to keep dogs under restraint. In circumstances in which the dogs are not located on premises owned, leased or rented by the caretakers, guardians or handlers, dogs must be handled in a humane manner pursuant N.J.S.A. 4:22-17.
- C. Owners, caretakers, guardians or handlers of dogs may attempt to prevent said dogs from leaving the premises by installing an invisible fence. Owners, caretakers, guardians or handlers of dogs are responsible for the maintenance of the invisible fences and shall exercise diligence to keep the fence in proper working order.
- D. Kennels, pet shops, shelters and pounds shall comply with the provisions of applicable state statutes and administrative regulations.

§ 88-13. Chaining or tethering of dogs.

Dogs must be able to move freely when chained or tethered. The size of the tether or chain must be a minimum of fifteen (15) linear feet and shall remain tangle free. Dogs must be equipped with properly fitted harness or buckle type collars. The tether or chain shall be constructed of lightweight cable. A doghouse shall be accessible to dogs that are chained or tethered.

§ 88-14. Prohibited activities and treatment.

- A. No owner, caretaker, guardian or handler shall withhold proper shelter, protection from weather, veterinary care and immune care to any animal. No owner, caretaker, guardian or handler shall fail to provide his or her animal with sufficient food and drinkable water on a daily basis. Food and water must be in an animal food consumption or water consumption type container, feeder or waterer.
- B. No animal shall be subjected to unnecessary suffering and cruelty such as subjecting the animal to prolonged fear, injury, pain or physical abuse. Interaction with humans and other animals shall not be unreasonably withheld.
- C. Any violations of Sections 88-3.2, 88-12, 88-13, 88-14 or 88-15 in addition to other methods of enforcement provided by law, may be enforced by the issuance of a Notice of Violation Citation issued by the New Jersey State Police, any Animal Control Officer or any other person who actually observes or witnesses a violation.

§ 88-15. Duties of citizens.

- A. Any operator of a motor vehicle who accidentally strikes a dog or cat shall stop and render such assistance to the dog or cat as may be possible, provided it could be accomplished safely and without danger to the motorist, pedestrians or other motorists.
- B. The operator of a motor vehicle involved in such an accident shall promptly report such injury or death to the appropriate law enforcement agency.

§ 88-16. Violations and penalties.

- A. Enforcement of all sections within Article II shall be commenced by the filing of a complaint with the Municipal Court of the Township of Dennis.
- B. Any person found guilty of violation of Section 88-3.2 shall be subject to a fine not to exceed the sum of two hundred dollars (\$200.) for a first offense. For a second offense or subsequent offense a fine of not less than two hundred dollars (\$200.) nor more than five hundred dollars (\$500.). An individual need not be charged as a subsequent offender in order to be fined as a subsequent offender.
- C. Any person found guilty of all other sections of this Article II by the Municipal Court of the township of Dennis shall be subject to a fine not exceeding the sum of five hundred dollars (\$500.) or imprisonment not to exceed ninety (90) days or both, provided, however, that the Court shall waive or suspend any fines if the Court determines it is appropriate to do so. Furthermore, the Court may order restitution be paid to any person or entity that incurs expenses related to the investigation and prosecution of any offender of this Article II.

³ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁴ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁵ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁶ Editor's Note: Former Section X, which prohibited and provided penalties for interference with the enforcement of this legislation and which immediately followed this section, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

⁷ Editor's Note: Former Section XIII, which provided penalties for violations and which followed this section, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. I. For current provisions regarding violations and penalties, see § 1-9 of Ch. 1, General Provisions.

Chapter 88 DOGS

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4/15 to Steve

ORDINANCE NO. 17-2016

**AN ORDINANCE OF THE TOWNSHIP OF BUENA VISTA, COUNTY OF ATLANTIC,
STATE OF NEW JERSEY AMENDING TOWNSHIP CODE CHAPTER 74
ANIMALS**

WHEREAS, the Township of Buena Vista is desirous in amending Chapter 74; and

WHEREAS, the Township of Buena Vista hereby amends Chapter 74 to read as follows.

WHEREAS, the following Articles are hereby amended to add the following:

Article I.
Dogs

§ 74-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BEDDING Material to provide a bed for a dog.

CARETAKER Any person who takes care of the house or land of an owner who may be absent and is responsible for the keeping of a dog.

DOG a domesticated carnivorous mammal that typically has a long snout, an acute sense of smell, and a barking, howling, or whining voice. It is widely kept as a pet or for work or field sports

DOG OF LICENSING AGE Any dog which has attained the age of seven months.

DOGHOUSE A covered and protected domicile for a dog.

ENCLOSURE Any structure used to restrict a dog or dogs to a limited amount of space, such as a pen, run, cage or compartment.

HANDLER Any person in immediate physical charge of a dog.

IMMEDIATE Shall mean that the pet solid waste is removed at once, without delay.

OWNER/KEEPER Any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.

PEN An enclosure for a dog.

PERSON Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

PET A domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

PET SOLID WASTE Waste matter expelled from the bowels of the pet; excrement.

PROPER DISPOSAL Placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designated to convey domestic sewage for proper treatment and disposal

Article VII.
Regulation and Control of Dogs and Other Animals

§ 74-50 Restraint and care of animals.

A. Definitions. As used in this article, the following terms shall have the meanings indicated:

BEDDING Material to provide a bed for a dog.

<u>CARETAKER</u>	Any person who takes care of the house or land of an owner who may be absent and is responsible for the keeping of a dog.
<u>DOGHOUSE</u>	A covered and protected domicile for a dog.
<u>ENCLOSURE</u>	Any structure used to restrict a dog or dogs to a limited amount of space, such as a pen, run, cage or compartment.
<u>HANDLER</u>	Any person in immediate physical charge of a dog.
<u>KENNEL</u>	Any establishment wherein or whereon the business of boarding or selling dogs or breeding dogs for sale is carried on, except a pet shop.
<u>OWNER</u>	When applied to the proprietorship of a dog, includes every person having a right of property in such dog and every person who has such dog in his keeping.
<u>PEN</u>	An enclosure for a dog.
<u>PET SHOP</u>	Any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein dogs for sale are kept or displayed.
<u>POUND</u>	An establishment for the confinement of dogs seized under the provisions of this article or otherwise.
<u>SHELTER</u>	Any establishment where dogs are received, housed and distributed without charge.

B. Restraint of dogs.

(1) Owners, caretakers or handlers of dogs will exercise diligence and reasonable care to prevent said dogs from leaving their premises, whether their premises are owned, leased or rented. Restraint exists when a dog is enclosed and properly provided for, pursuant to N.J.S.A. 4:22-17, within a house, building, properly maintained fence, pen or other enclosure.

(a) Outdoor pens or other enclosures for each dog must be four feet in height and of square footage as follows:

Number of Dogs	Square Footage
1	64
2	96
3	144
4	196
Over 4	An additional 24 square feet for each additional dog

(b) The pens or other enclosures shall include a soundly constructed, safely positioned and properly maintained doghouse.

(c) Doghouses shall contain bedding such as straw or other absorbent material in a sufficient quantity to provide adequate insulation for the house. Bedding shall be maintained in a dry condition and renewed or changed as necessary.

(2) Owners, caretakers or handlers of dogs will exercise diligence and reasonable care to keep dogs under restraint. In circumstances in which the dogs are not located on premises owned, leased or rented by the caretakers or handlers, dogs must be handled in a humane manner pursuant to N.J.S.A. 4:22-17.

(3) Owners, caretakers or handlers of dogs may attempt to prevent said dogs from leaving the premises by installing an invisible fence. Owners, caretakers or handlers of dogs are responsible for the maintenance of the invisible fences and shall exercise diligence to keep the fence in proper working order.

(4) Kennels, pet shops, shelters and pounds shall comply with the provisions of applicable state statutes and administrative regulations.

C. Chaining or tethering of dogs.

Dogs must be able to move freely when chained or tethered and should be confined for a period no greater than nine hours within a twenty-four-hour period. The size of the tether or chain must be a minimum of 15 linear feet, constructed of lightweight cable, and shall remain tangle-free. Dogs must be equipped with a properly fitted harness or buckle-type collar. A doghouse shall be accessible to dogs that are chained or tethered.

NO choke collars or prongtype

D. Prohibited activities and treatment.

(1) Care of Animals

- (a) No owner, caretaker, guardian or handler shall withhold proper shelter, protection from weather, veterinary care and immune care to any animal. No owner, caretaker, guardian or handler shall fail to provide his or her animal with sufficient food and drinkable water on a daily basis. Food and drinkable water must be in an animal food consumption or water consumption type container, feeder or waterer.

(2) Unnecessary Suffering and Cruelty

- (a) No animal shall be subjected to unnecessary suffering and cruelty such as subjecting the animal to prolonged fear, injury, pain or physical abuse. Interaction with humans and other animals shall not be unreasonably withheld. Any individual, currently licensed by the State Board of Veterinary Medical Examiners to practice veterinary medicine, who is acting within his or her scope of practice to deliver acceptable and medically sound veterinary care to an animal, shall be exempt from this section.

(3) Extreme weather

- (a) In extreme weather below 32 degrees and above 95 degrees and in major storms where evacuation is recommended, all outdoor dogs and indoor/outdoor cats (with the exception of feral cats) must be brought indoors whether tethered or kenneled, unless the kennel is heated or air conditioned according to safety code. Indoors will include any area of the residence which is temperature controlled and garage and basement unless heated in cold or air conditioned in heat will not be considered adequate.

E. Duties of citizens.

- (1) Any operator of a motor vehicle who accidentally strikes a dog or cat shall stop and render such assistance to the dog or cat as may be possible, provided that it can be accomplished safely and without danger to the motorist, pedestrians or other motorists.
- (2) The operator of a motor vehicle involved in such an accident shall promptly report such injury or death to the appropriate law enforcement agency.

F. Enforcement, violations and penalties.

- (1) Enforcement of § 74-50 shall be commenced by the filing of a complaint with the Municipal Court of the Township of Buena Vista. In addition to other methods of enforcement provided by law, any violations of this article may be enforced by the issuance of a notice of violation by members of the New Jersey State Police, the Animal Control Officer and/or dog canvasser(s), Buena Vista Township Code Enforcement Officer(s) and/or Township Clerk.
- (2) Violation of any provision of § 74-50, shall upon conviction thereof, be punished by a minimum fine of \$200 or a maximum of \$1,000 or by imprisonment for a term not exceeding 90 days or by a period of community service not exceeding 90 days. Each and every violation shall be considered a separate violation. Any person who is convicted of violating the provisions of this article within one year of the date of a previous violation and who was fined for the previous violation may be sentenced by the court to an additional fine as a repeat offender. The additional fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein, and same shall be calculated separately from the fine imposed for the violation of this article. The court shall order restitution be paid to any agency that incurs expenses related to the investigation and prosecution of any offender of this article. The court shall also require the offender to pay restitution for any costs for food, drink, shelter or veterinary care or treatment or other costs incurred by any agency, entity or organization. The court may direct the term of community service to be served by providing assistance to the New Jersey Society for the Prevention of Cruelty to Animals.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Buena Vista, County of Atlantic, State of New Jersey that Chapter 74 of the code of the Township of Buena Vista be and the same is hereby amended; and

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication in accordance with law

TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF BUENA VISTA

BY: *Chuck Chiarello*
CHUCK CHIARELLO - MAYOR

PASSED ON FIRST READING ON: JANUARY 25, 2016

INTRODUCTION PUBLISHED ON: JANUARY 30, 2016

PASSED ON FINAL READING ON: FEBRUARY 8, 2016

FINAL PUBLICATION ON: FEBRUARY 13, 2016

ATTEST:

Lisa A. Tilton
LISA A. TILTON - TOWNSHIP CLERK

I hereby certify the above to be a true copy of Ordinance No. 17-2016 adopted by the Township Committee at the Regular Meeting held on February 8, 2016.

LISA A. TILTON - TOWNSHIP CLERK

	Motion	Y	N	ABSENT	ABSTAIN
ARMATO	—	✓	—	—	—
KELLY	1	✓	—	—	—
MARTINELLI	—	✓	—	—	—
WILLIAMS	2	✓	—	—	—
CHIARELLO	—	✓	—	—	—