

TOWNSHIP OF DENNIS

**COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

ORDINANCE NO. 2016-07

**AN ORDINANCE OF THE TOWNSHIP OF DENNIS, COUNTY OF CAPE MAY AND STATE
OF NEW JERSEY AMENDING CHAPTER 88 OF THE CODE OF THE TOWNSHIP OF
DENNIS ENTITLED "DOGS"**

WHEREAS, the Township of Dennis is desirous in amending Chapter 88; and

WHEREAS, the Township of Dennis hereby amends Chapter 88 to read as follows.

SECTION 1.

ARTICLE II

SECTION 88-11. Definitions.

Definitions used throughout this Article II are as follows:

- A. **BEDDING** - Material to provide a bed for a dog.
- 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. **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.
- D. **DOG OF LICENSING AGE** – Any dog which has attained the age of seven months.
- E. **DOGHOUSE** - A covered and protected domicile for a dog.
- F. **ENCLOSURE** - Any structure used to restrict a dog or dogs to a limited amount of space, such as a pen, run, cage or compartment.
- G. **HANDLER** - Any person in immediate physical charge of a dog.
- H. **IMMEDIATE** – Shall mean that the pet solid waste is removed at once, without delay.
- I. **KENNEL** - Any establishment wherein or whereon the business of boarding or selling dogs or breeding dogs for sale is carried on, except a pet shop.
- J. **OWNER** - 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.
- K. **PEN** – An enclosure for a dog.

- L. **PERSON** – Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.
- M. **PET** – A domesticated animal (other than a disability assistance animal) kept for amusement or companionship.
- N. **PET SOLID WASTE** - Waste matter expelled from the bowels of the pet; excrement.
- O. **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.
- P. **POUND** - An establishment for the confinement of dogs seized under the provisions of this article or otherwise.
- Q. **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.
- R. **SHELTER** - Any establishment where dogs are received, housed and distributed without charge.

SECTION 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 statues and administrative regulations.

SECTION 88-13. 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 and shall remain tangle free. Dogs must be equipped with properly fitted harness or buckle type collars. Choke collars or prong type collars are no permitted. The tether or chain shall be constructed of lightweight cable. A doghouse shall be accessible to dogs that are chained or tethered.

SECTION 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. 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.
- C. 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.

- D.. 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.

SECTION 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.

SECTION 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 (\$200) dollars for a first offense. For a second offense or subsequent offense a fine of not less than two hundred (\$200) dollars nor more than five hundred (\$500) dollars. An individual need not be charged as a subsequent offender in order to be fined as a subsequent offender.
- B. 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 (\$500.00) 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.

SECTION 2. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 3. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Dennis, County of Cape May, State of New Jersey that Chapter 88 of the code of the Township of Dennis 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.

John Murphy, Mayor

Brian O'Connor, Deputy Mayor

Lisa Salimbene, Committee Member

Donald Tozer, Committee Member

Julie Fry DeRose, Committee Member

The foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Dennis on September 06, 2016. Publication will be held on September 14, 2016 and a Public Hearing will be held at a meeting of the said Township Committee to be held on October 04, 2016 at 6:30 p.m. in the Municipal Building located at 571 Petersburg Road in Dennisville.

ATTEST

Jacqueline B. Justice, RMC/Clerk