

ORDINANCE O-24-34

ORDINANCE AMENDING CHAPTER 57, “ANIMALS” OF THE TOWNSHIP CODE OF THE TOWNSHIP OF HOWELL TO INCLUDE FINES FOR THE RUNNING AT LARGE OF LIVESTOCK

WHEREAS, Chapter 57 of the Howell Township Code (the “Code”) regulates the aspects of animal ownership and permissible animal activities within the Township; and

WHEREAS, based upon numerous repeat incidents of escaped animals, and at the request of the Monmouth County SPCA, the Township wishes to expand the Code to include regulations for livestock animals and to clarify the expectations of livestock owners and the potential for fines when owners fail to safely attend to their livestock; and; and

WHEREAS, the Township makes these changes, not in an effort to punish individuals with one-time in an effort to address actual episodes involving escaped livestock in the Township.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Township Council of Howell Township, County of Monmouth, and State of New Jersey, that certain sections of the Township Code be amended as follows (additions to text indicated by **bold underlined text**; deletions to text indicated by ~~strikeout~~):

SECTION 1. Chapter 57, entitled “Animals” of the Code of the Township of Howell is hereby amended as follows:

§ 57- 3. Definitions.

....

LIVESTOCK

All horses, ponies, donkeys, mules, miniature breeds and all other equine; all domestic and exotic pigs, hogs, and other swine; all cattle, goats, sheep, and all other bovine; all llamas, alpacas, camels, and all other camelids; all chickens, ducks, geese, guinea hens, peacocks, turkeys, emus, rheas, and all other poultry and fowl; and all other animals traditionally raised for food, fiber, fur, or production means.

....

§ 57- 7. Regulations.

- A. Running at large. No person owning, keeping or harboring any ~~dog~~ **pet or livestock** shall suffer or permit it to run at large upon the public streets or any public park or

any public building or any other public place within the Township unaccompanied by its owner or his, her or its representative. Any ~~dog~~ **pet or livestock** found running at large shall be deemed to be doing so with the permission of the owner, keeper or harbinger and such person shall be guilty of a violation of this subsection.

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§ 57- 9. Violations and penalties.

- A. **Unless noted otherwise,** Any person who violates or fails or refuses to comply with this article shall be liable to a penalty of not less than \$150 nor more than \$500 for each and every offense, except that for the first offense or failure to secure a license, the penalty shall not be less than \$10 and not more than \$50.
- B. For violation of § 57-7E(2), the maximum penalty upon conviction of such violation shall be a fine not to exceed the sum of \$100 for a first offense and, for a second offense, a fine of not in excess of \$200 and, for any subsequent offense, a fine not in excess of \$450 or imprisonment in the county jail for a period not to exceed 90 days, or both.
- C. Each and every violation of this article shall be regarded as a separate violation even if such violation shall have occurred on the same day and may be subject to separate penalty.
- D. Any person found in violation of §57-7(A), running at large, shall not be subject to a monetary fine for a first-time violation. Any person found in violation of §57-7(A) shall be subject to a fine not to exceed \$75 for a second violation, a fine not to exceed \$125 for a third violation, and a fine not to exceed \$500 for each and every subsequent violation thereafter, at the discretion of the Township's Municipal Court Judge.**

SECTION 2. If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the Courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION 3. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This Ordinance shall take effect upon passage, publication and as required by law.

NOTICE

The Ordinance published herewith was introduced and passed on first reading by the Township Council of the Township of Howell on **August 20, 2024** and will be further considered for final passage and adoption at the Township Municipal Building on 4567 Route 9 North, Howell, New Jersey on **September 17, 2024** at 7:00 p.m. or as soon thereafter as the matter can be reached on the Agenda, at which time and place all persons interested therein shall be given an opportunity to be heard and during the week prior thereto, and up to, and including, the date of such meeting, copies of said Ordinance will be available at the Clerk’s Office in the Township of Howell Municipal Building to the members of the general public who shall request same.

Introduction:

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Fischer			X			
Councilman Gasior		X	X			
Councilwoman O’Donnell	X		X			
Deputy Mayor Nadel			X			
Mayor Berger						X

I, Diane Festino, Municipal Clerk of the Township of Howell, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Mayor and Township Council, at its Meeting held August 20, 2024. WITNESS my hand this 20th day of August 2024.

Diane Festino

DIANE FESTINO, RMC
Municipal Clerk
Township of Howell

This is to certify that the foregoing Ordinance was adopted by the Township Council at a regular meeting of the Township of Howell held on September 17, 2024.

Adoption:

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Councilwoman Fischer			X			
Councilman Gasior			X			
Councilwoman O'Donnell	X		X			
Deputy Mayor Nadel		X	X			
Mayor Berger			X			

I, Diane Festino, Municipal Clerk of the Township of Howell, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Mayor and Township Council, at its Meeting held September 17, 2024. WITNESS my hand this 18th day of September 2024.

Diane Festino

 DIANE FESTINO, RMC
 Municipal Clerk
 Township of Howell

Explanatory Statement: Amending to Include Fines for the Running at Large of Livestock and Pets.