

**ORDINANCE 23-11**  
**AN ORDINANCE AMENDING CHAPTER 58, ARTICLE 3 OF  
THE SOUTH AMBOY CITY CODE TO ESTABLISH STANDARDS OF  
PROTECTION AND SHELTER FOR DOGS, SERVICE ANIMALS AND PETS**

**Chapter 58 Dogs, Cats and Other Living Animals**

**Article III**

**Tethering of Dogs and Care of Dogs, Service Animals and Pets**

WHEREAS, Amendments to the Prevention of Cruelty to Animals Act (hereinafter “the Act”), N.J.S.A. 4:22-17 et seq., in New Jersey have strengthened protections for certain animals and apply to any individual who owns or has custody or control (hereinafter “caretaker”) of a dog, service animal or an animal that is a pet; and

WHEREAS, the law now provides that it is unlawful to expose a dog, pet, or service animal to harsh weather conditions, such as freezing temperatures (32 degrees Fahrenheit or below), excessive heat (90 degrees Fahrenheit or above), rain or snow, for more than thirty minutes when the owner or caretaker of the animal is not with the animal and exposed to same conditions; and

WHEREAS, the law provides that an owner or caretaker must provide his/her animal with appropriate shelter if the animal will be out in harsh weather for longer than thirty minutes and specifies that a proper shelter is a structure that is soundly built, in good repair and provides the animal with adequate ventilation, water, light, and space to move and sit, and further requires that the shelter must be enclosed, have a solid roof, solid walls with a single opening, a floor that is not the ground, insulation, dry bedding, and a windbreak at the entrance that is sufficient to keep the animal dry and maintain the animal’s normal body temperature when the animal is exposed to freezing temperatures and/or inclement weather; and

WHEREAS, the law further provides that when the animal is exposed to excessive heat, the structure must also have adequate shade or a cooling area by natural or artificial means to allow the animal to maintain a normal body temperature (See N.J.S.A. 4:22-17.2 and 17.5. 2); and

WHEREAS the law requires that when State or local officials issue an order of evacuation due to emergency conditions, the owner or caretaker of a dog, pet or service animal must make every effort to evacuate with the animal or, if it is not possible to evacuate with the animal, (1) deliver the animal to a safe area not impacted by the emergency, or (2) secure the animal in an indoor area that is clear of hazards and is as protective of the dog, pet, or service animal as possible under the circumstances and alert local emergency responders to the animal’s location. (*See* N.J.S.A. 4:22-17.2); and

WHEREAS, law further provides that it is unlawful for any person to cruelly restrain a dog and specifically prohibits tethering of: (1) a nursing female dog or a dog less than four months old; (2) a dog that is outdoors between the hours of 11 p.m. and 5 a.m. unless the owner or caretaker is present and can see the dog; (3) a dog in an unoccupied building or in a vacant property; (4) a dog in a manner that does not permit the dog continuous access to water; (5) a dog in a manner that exposes the dog to harsh weather conditions, including, but not limited to, freezing temperatures, excessive heat, rain or snow, for more than 30 minutes; (6) a dog by means of a choke collar, prong collar, head harness, or any other type of collar, harness, or similar device other than a properly fitted body harness or buckle-type collar; (7) a dog by using a chain

with metal links that are more than one-quarter of an inch thick, or a tether, collar, or harness that is attached to a weight; (8) a dog with another dog; (9) a dog with a tether that is less than fifteen feet in length or does not permit the dog to walk at least fifteen feet in any one direction, except when the dog is indoors with its owner or caretaker, unless the owner or caretaker is present and can see the dog; or (10) a dog with a tether that permits the dog to reach another dog or an object or location that poses a risk of entanglement, strangulation, drowning, or other harm to the health or safety of the dog, unless the owner or caretaker is present and can see the dog (See N.J.S.A. 4:22-17.3); and

WHEREAS, the Act prohibits an owner or caretaker of a dog, pet or service animal from confining the animal in any structure, room, area, or container that is not a proper shelter and specifies that a proper shelter that must be soundly built, in good repair and provide the animal with adequate ventilation, water, light, and space to move and sit, (See N.J.S.A. 4:22-17.4 and 17.50); and

WHEREAS, the South Amboy City Council affirms the statutes summarized above, and encourages their strict enforcement for the protection of animals within the City of South Amboy, and

WHEREAS, the South Amboy City Council further desires to supplement existing State law for the protection of dogs, service animals and pets within the City of South Amboy,

**NOW, THEREFORE, BE IT ORDAINED** that Chapter 58, Article III of the Code of the City of South Amboy, entitled “Tethering of Dogs” is hereby amended as follows:

### **Article III**

That the following be added:

#### **§ 58-29. Prohibited Treatment of Animals**

##### **A. Purpose**

The purpose of this article is to supplement New Jersey’s Animal Cruelty Act [N.J.S.A. 4:22-17, et seq.].

##### **B. General prohibitions.**

- (1) No owner or person otherwise charged with the care of a living animal or creature, shall withhold proper shelter, light, space, protection from weather, veterinary care, and/or immune care from said animal.
- (2) No owner, caretaker, guardian or handler or person otherwise charged with the care of a living animal or creature shall fail to provide any animal in their care appropriate edible food and potable drinking water on a daily basis. Food and water must be provided in an animal food consumption or water consumption type container, feeder or waterer appropriate for the animal.
- (3) No animal shall be subjected to unnecessary suffering or cruelty including, but not limited to, prolonged confinement, fear, injury, pain or physical abuse. Interaction with humans and other animals shall not be unreasonably withheld.

- (4) No animal shall be confined in a parked or standing vehicle or enclosed trailer for a period of 15 or more minutes when the temperature during such period is either below 32 degrees Fahrenheit or above 70 degrees Fahrenheit.

**C. Restrictions on leaving animals outdoors.**

- (1) It shall be unlawful for any person to leave any animal outdoors and unattended for a continuous period of time greater than 30 minutes if the National Weather Service has issued weather alerts or storm warning, or if the temperature during such period is either below 32° F. or above 85° F. The animal shall be considered outside regardless of access to an outdoor doghouse or similar structure, unless such structure is a properly functioning climate-controlled and weather-resistant structure.
- (2) No animal shall be left outside during snowstorms, ice storms or thunderstorms.

**D. Outdoor animal enclosures.**

- (1) All animals shall be provided access to an enclosure/structure appropriate for their species which offers protection against inclement weather, is water-resistant and keeps them dry, provides shade from direct sunlight, and allows the animal to preserve a normal body temperature.
- (2) Animals shall not be housed on a temporary or permanent basis in any enclosure/structure constructed of metal, unless adequately insulated from inclement weather.
- (3) If there are multiple animals, each animal shall be provided with a separate enclosure/structure.
- (4) Outdoor animal enclosures, including pens, doghouses, or other similar structures shall be soundly constructed, safely and properly positioned on a raised platform, and properly maintained. The top of the enclosure shall be covered in a manner to provide the animal with shade and protection from the elements. The floor of the enclosure shall be constructed in such a manner that it protects the animals' feet and legs from injury.
- (5) Pet taxis, plastic carriers, boxes, vari-kennels or metal houses shall not be acceptable as adequate outdoor enclosures.
- (6) Outside animal enclosure shall be no less than four (4) feet in height, no less than sixty-four (64) feet in square footage and must allow for the animal to freely turn around, stand, sit, or lie in a normal position. The animal must be able to lie down while fully extended without the animals' head, tail, legs, face, or feet touching any side of the enclosure. The interior height of the enclosure shall be at least six inches higher than the head of the animal in the enclosure when it is in a normal standing position.
- (7) Outdoor animal enclosures shall contain bedding such as straw or other absorbent material in a sufficient quantity to provide adequate insulation for the structure. Bedding shall be maintained in a dry condition and renewed or changed as necessary.

- (8) Outdoor animal enclosure shall be kept dry, clean, and free of animal waste.

**§ 58-30. Tethering of unneutered/unspayed dogs unlawful.**

It is unlawful to chain or tether unneutered/unspayed dogs in any manner, at any time within the City.

**§ 58-31. Tethering of neutered/spayed dogs.**

Neutered/spayed dogs may be tethered under the following circumstances:

- (1) The tether must be at least fifteen (15) feet long and have an operative swivel on both ends, weigh no more than one-eighth (1/8) of the dog's weight and be attached to a properly fitted collar or harness.
- (2) The tether is attached to the dog by a non-choke type collar and attached to the stationary object by anchors, latches, or similar devices in a manner which the dog is able to move freely and prevents the tether from becoming entangled around the dog or any object so as to limit the dog's freedom within the tethered area or to prevent the dog, or any of its appendages, from becoming entangled or strangled by the tether.
- (3) The collar used for tethering may not be a choke chain collar, slip collar or prong collar.
- (4) Chains shall be prohibited for use as a tethering device.
- (5) The tether must allow the dog access to proper shelter, sufficient food and sufficient water.
- (6) The tether may not be used in any area where it may be tangled around an object, such as, but not limited to, a tree, pole, fence or stake.
- (7) The tether must restrain the dog within the bounds of the owner's or custodian's property.
- (8) The tether must terminate no less than five (5) feet from any fence, pool, wall, vehicle, tree or roadway, or other object or obstruction upon which the animal might harm itself.
- (9) Dogs may be tethered for no more than six (6) consecutive hours in any twenty-four (24) hour period of time and never between sunset and sunrise. There is to be a minimum one (1) hour period between confinements.
- (10) The dog is regularly monitored while tethered for the aforementioned period of time.
- (11) If there are multiple dogs, each dog shall be tethered separately and in such a manner that the tethers shall not become entangled with each other.
- (12) No dog shall be tethered at a vacant structure or premises for any purpose when it is not monitored by a competent adult who is present at the property for the duration of such tethering.

- (13) The tethering area shall be clean, clear of obstructions and/or debris, and no less than one hundred fifty (150) square feet/per dog in total area.
- (14) No dog shall be tethered in a location where it may be approached by and attacked by another animal or people, without the chance to escape to a protected area.
- (15) No dog that is sick or injured shall be tethered.

**§ 58-32. Enforcement.**

This Article III shall be enforced by any member of the South Amboy Police Department, the Code Enforcement Officer, or an Animal Control Officer.

- (a) In addition to imposing penalties set forth in this Chapter, any Officer or Agent authorized or empowered to enforce and perform any duty under this Chapter is hereby authorized to go upon any premises and seize for impounding any animal when such Officer reasonably believes that any provision of this Chapter has been violated, except upon the premises of the owner of the animal if the owner is present and forbids the entry of the Officer or Agent, then a warrant shall issue according to law at the request of such Officer or Agent.
- (b) Prior to seizing any animal under this Article, such Officer or Agent shall provide written Notice to the owner, either in person or by posting such written Notice upon the premises of the nature of the violation, and such
- (c) Notice shall contain an Order to bring the violation into compliance with twenty-four (24) hours of receipt of such notice.
- (d) Notwithstanding the provisions of §58-29B(4) above, and recognizing that dangerous conditions can develop and occur in a parked or standing vehicle due to factors other than outdoor temperature, no animal shall be confined in a parked or standing vehicle or enclosed trailer for any period of time unless provision has been made to ensure adequate ventilation and temperature control for the safety of the animal, regardless of the outdoor temperature, and any Officer or Agent authorized or empowered to enforce and perform any duty under this Chapter is hereby authorized and empowered, upon direct observation or credible information that an animal is at serious risk of death or injury due to conditions within a parked or standing vehicle or enclosed trailer, to take such action as may be necessary to remove the animal from the dangerous condition within the vehicle.

**§ 58-33. Notice of Seizure and Impoundment.**

- (a) If any animal has been seized for impounding, then the Officer or Agent shall notify the Municipal Health Officer immediately that he/she has seized and impounded the animal. If the identity of the owner is not known, then the Officer shall through a reasonable effort attempt to determine the identity of the owner of any animal seized and impounded. If its owner cannot be identified within fourteen (14) days, then the animal shall be made available for adoption.
- (b) Any owner of any animal removed under this Article may regain possession of the animal within fourteen (14) days upon an adequate showing to the confiscating Officer or Agent that the violation has been brought into compliance. Should an owner fail to adequately show that the violation has

not been brought into compliance within fourteen (14) days, then said animal shall be made available for adoption.

**§ 58-34. Violations and Penalties.**

A. Any person, corporation, occupant or entity who or which violates or fails to comply with any provision of this Article III or who unlawfully impedes or obstructs any authorized officer in enforcing this Article shall, upon conviction, be subject to the following penalties:

- (1) For a first offense, \$250.00 for each violation;
- (2) For a second offense. \$450.00 for each violation;
- (3) For a third and subsequent offense, not less than \$500.00 nor more than \$1,000.00 for each violation, with court appearance required, and be subject to a jail term of up to 10 days.

B. Each day a particular violation continues shall constitute a separate offense.

The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof.

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistency only.

This Ordinance shall take effect after final passage and publication as provided by law.