

ORDINANCE

No. 23-045
 Date to Mayor SEP 12 2023
 Date Returned SEP 14 2023
 Date Resubmitted to Council _____

1st Reading AUG 03 2023
 Public Hearing SEP 07 2023
 2nd Reading & Passage SEP 07 2023
 Withdrawn _____ Lost _____

Approved as to Form and Legality

Factual content certified by

WESLEY BRIDGES, ESQ., CITY ATTORNEY

BRANDON GARCIA, CITY CLERK

Councilman /woman

presents the following Ordinance:

AN ORDINANCE SUPPLEMENTING CHAPTER 21 OF THE CITY CODE OF THE CITY OF TRENTON REGARDING THE SPAYING, NEUTERING AND BREEDING OF DOGS AND CATS

WHEREAS, the City of Trenton has experienced a surge in stray dogs and cats; and

WHEREAS, unwanted dogs and cats are often mistreated, and are often released onto City streets as strays, which is a nuisance to City residents and can present public health issues; and

WHEREAS, the City believes that requiring that all dogs and cats be spayed or neutered, or, alternatively, requiring that breeders obtain a permit from the City in order to conduct breeding activities, will help alleviate the stray dog and cat issue affecting the city, and will ultimately benefit the public health and welfare of the City's residents and its dogs and cats;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TRENTON:

SECTION 1

Article VI, entitled "Spaying, Neutering and Breeding" shall be added to Chapter 21 ("Animals") of the Code of the City of Trenton, as follows:

§ 21-44 Spaying or neutering required.

It shall be unlawful to own, possess, or keep in the City any dog or cat over the age of six months that has not been spayed or neutered, except as provided in § 21-45 of this Article.

§ 21-45 Exceptions.

- A. Statement of Veterinarian. If a licensed veterinarian states, in writing, that an animal is unfit to undergo the required surgical procedure because of an extreme health condition of the animal. Such extreme health conditions shall include, but not be limited to: severe cardiovascular compromise, bleeding disorder, respiratory disease and hepatic disease. The old age of an animal shall not, of itself, constitute an extreme health condition for purposes of this action.
- B. If an animal is temporarily in the City to participate in a show or event sponsored by a nonprofit, sanctioned animal organization.

ORDINANCE

- C. If an animal regularly competes in competitions.
- D. If an animal is owned, possessed or kept in the City for fewer than 30 days in a one-year-period. However, the owner must show proof of ownership and residency in a town other than the City with a valid, up-to-date dog or cat license issued pursuant to applicable New Jersey law and/or local ordinance.
- E. If an owner and resident of the City holds a valid, up-to-date dog or cat license issued pursuant to applicable New Jersey law and local ordinance and obtains the requisite breeding permit pursuant to §§ 21-46 and 21-47 of this Code.
- F. Registered service animals and law enforcement animals.
- G. Trap-Neuter-Vaccinate-Return (TNVR) managed community cat programs or colony caretakers. Such programs must register with the City and must comply with all relevant state regulations.

§ 21-46 Breeding permits

- A. No person who owns, keeps or harbors an unneutered or unspayed dog or cat shall cause or allow for the production of puppies or kittens without first obtaining a breeding permit issued by the City of Trenton.
- B. Each applicant who is issued a permit to breed dogs or cats shall pay a breeding permit of \$300 per year for owning, keeping or harboring an unneutered or unspayed dog or cat. For applicants owning, keeping or harboring multiple unneutered or unspayed dogs or cats, the fee shall be \$400 per year.
- C. Breeding permits shall be valid for twelve months, renewable on an annual basis. All breeding permits shall contain the following terms and conditions and be subject to the following requirements:
 - (1) No offspring may be sold or adopted and permanently placed until reaching an age of at least ten weeks.
 - (2) No offspring may be sold or adopted until being immunized against common diseases (feline pan leukopenia, rhinotrachitis, calicivirus for cats; canine distemper, adenovirus type 2, parvovirus, parainfluenza for dogs), or until they have begun a course of disease prevention under the direction of a State of New Jersey licensed veterinarian.
 - (3) Any permit holder advertising to the public the availability of any animal for adoption or sale must prominently display the permit number in any publications in which they advertise. Further, the permit number must be

ORDINANCE

provided to any person adopting or purchasing an animal bred by the permit holder.

- (4) The breeding permit holder shall adhere to the minimum standards regarding the care and keeping of animals developed and approved by the State of New Jersey and this chapter.
- (5) The permit holder shall submit to a yearly inspection by an animal control officer, municipal health officer and/or code enforcement officer. In the event of a complaint or problem, inspection may occur every 30 days until the problem is resolved.
- (6) If within one year of placement a new owner becomes unable or unwilling to continue ownership and responsibility for an animal which is the offspring of a dog or cat of the permit holder, the permit holder shall assist in placement of the animal. If no suitable placement can be found within 30 days, the permit holder shall accept return of the animal and shall become fully responsible for its care.

§ 21-47 Application for and issuance of breeding permit.

The application shall include the name of the applicant, his or her residence address and telephone number, the address of the proposed location where the animals are to be kept if different from applicant's address, and a description of the housing facilities for the keeping of the animals. The application shall also state the number of unneutered or unspayed dogs and/or cats to be kept. The City of Trenton may require the applicant to provide any other information it reasonably deems necessary to properly evaluate the application.

A. An application for a breeding permit shall include a signed statement from the applicant attesting that:

- (1) Keeping of the animals at the proposed location will not violate any federal, state or local law.
- (2) Appropriate facilities of sufficient size exist at the proposed location to safely and adequately secure, feed, house, exercise and maintain the animals.
- (3) The proposed location consists of a lot or lots of sufficient size to safely and adequately house, maintain and exercise the animals without disturbance to adjacent property owners or the public.

ORDINANCE

- (4) Possession and maintenance of the animals at the proposed location will not result in the animals being subject to neglect, cruelty, or abuse.
- (5) The applicant has neither had any animal license or permit revoked, nor has been convicted of any violation of any provision of this chapter or any other State or local law pertaining to the maintenance and treatment of animals, within the past five years.
- (6) The keeping and maintenance of the animals will not create a public or private nuisance or endanger the public health, safety or welfare.
- (7) The keeping of the animals at the proposed location complies with all City of Trenton zoning regulations.
- (8) Proof of a recent veterinary visit for each breeding animal, wherein a licensed veterinary clears each breeding animal to breed.

B. Permits shall be issued by Vital Statistics.

§ 21-48 Breeding permit conditions.

A. Any permit issued under this chapter shall be made expressly subject to the following conditions:

- (1) The permit holder shall provide basic veterinary care as needed and make every effort to keep all animals free of disease and parasites.
- (2) The permit holder shall keep the animals' living quarters clean and sanitary, shall provide sufficient food, sufficient water, appropriate exercise and proper shelter.
- (3) Any structures housing animals shall be of a sufficient size to ensure the health, safety and comfort of the animals as per New Jersey law and shall be placed at least six feet from any property boundaries in residential areas.
- (4) Any other conditions which the City of Trenton or the Department of Health and Human Services or the State of New Jersey determines are reasonably necessary to protect the welfare of the animals kept or the public health, safety or welfare.
- (5) The permit holder must abide by any and all state regulations concerning dog breeding, including, but not limited to, N.J.A.C. 8:23A-1.1 et seq. ("Sanitary Operation of Kennels, Pet Shops, Shelters and Pounds").

ORDINANCE

§ 21-49 Inspections relating to a breeding permit

- A. The City, or an animal control officer or law enforcement officer, may require any breeding permit holder to produce for inspection any required animal license, permit or certificate of vaccination.
- B. The City, or an animal control officer or law enforcement officer may, within 48-hours written notice to the permit holder, conduct such inspections of the premises upon which animals are kept under a breeding permit, as necessary to ensure compliance with the conditions of the permit.
- C. Such inspection of the premises shall be on a yearly basis and/or may result from concerns stemming from the direct observations of an animal control officer, law enforcement officer or upon a non-anonymous complaint.

§ 21-50 Expiration and renewal of breeding permits.

- A. Breeding permits under this chapter shall expire one year after issuance.
- B. Breeding permits may be renewed on an annual basis upon filing of a new application containing updated information and payment of the annual breeding permit fee established by this chapter.
- C. No breeding permit shall be renewed if the City, or an animal control officer or law enforcement officer, has received two or more substantiated complaints concerning the location or manner or keeping of the animals or determines that any of the grounds for revocation in this chapter exist.

§ 21-51 Revocation of breeding permit.

- A. Any breeding permit issued pursuant to this chapter may be revoked if an animal control officer or law enforcement officer has reasonable cause to believe any of the following to be true:
 - (1) The permittee has violated any ordinances or statutes relating to the keeping, care or use of any animal.
 - (2) The permittee is in violation of any State health or safety law or regulation regarding animal care or control;
 - (3) The permittee has failed to comply with any condition or requirement of the permit or has failed to pay any fee imposed under this Code;

ORDINANCE

- (4) The permittee refused to allow inspection, upon 48-hours written notice, of any animal covered by the permit or the premises on which the animal is kept.
- (5) The permittee has transferred, sold or otherwise disposed of the animal for which the permit was issued.
- (6) The permittee has acted in an inhumane or cruel manner in the treatment of animals, as such terms are defined in Title 4 of the New Jersey statutes; or
- (7) The permittee knowingly provided false information in the permit application.

B. If, after inspection, an animal control officer or law enforcement officer concludes that one or more of the above grounds for revocation has occurred, the officer may modify the terms of the permit or revoke the permit. The officer shall cause written notice thereafter be transmitted by mail to the address of the permittee. Said notice shall specify the grounds for modification or revocation of the permit.

§ 21-52 Violations and penalties.

Unless otherwise provided in this chapter, penalties against persons violation the provisions of this article shall be imposed in accordance with the provisions of Chapter 1, Article III of this Code.

SECTION 2

In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected. All ordinances, rules and regulations inconsistent herewith are hereby repealed.

ORDINANCE

SECTION 3

This ordinance shall take effect upon final adoption and publication in accordance with N.J.S.A. 40:69A-181

Ordinance authored by: Councilwoman Figueroa Kettenburg

INTRODUCTION:	MOTION:				SECOND:				ORD AUTHORED BY: COUNCILWOMAN FIGUEROA KETTENBURG	ADOPTION				ADOPTION MOTION: <i>Harrison</i>	SECOND: <i>Figueroa Kettenburg</i>											
	INTRODUCTION				ADOPTION					INTRODUCTION					ADOPTION											
	AYE	NAY	NV	AB	AYE	NAY	NV	AB		AYE	NAY	NV	AB		AYE	NAY	NV	AB	AYE	NAY	NV	AB				
EDWARDS	✓				✓				GONZALEZ	✓				✓				FRISBY	✓				✓			
ELICIANO	✓				✓				HARRISON	✓				✓												
FIGUEROA KETTENBURG	✓				✓				WILLIAMS	✓				✓												
IV - NO VOTE		AB - ABSENT																								

Adopted on first reading at a meeting of the City Council of the City of Trenton, NJ on AUG 03 2023

Adopted on second reading after the public hearing on SEP 07 2023

Mayor *Wanda L...* APPROVED Reconsidered by Council - Override Vote AYE
NAY

President of Council *Teska J. Frisley* City Clerk *[Signature]*