ORDINANCE OF THE TOWNSHIP OF WOOLWICH AMENDING CHAPTER 59 OF THE WOOLWICH TOWNSHIP CODE ENTITLED "ANIMALS"
2019-01

WHEREAS, it is the intent of this Ordinance to update Chapter 59 of the Code of the Township of Woolwich Entitled "Animals";

Definitions

ABANDONED ANIMAL: An animal of any age which has been left unattended, unclaimed, unlicensed, or at large for a period of 72 hours or more.

ALTERED OR STERILIZED: Any method utilized to prevent reproduction of a dog or cat.

ANIMAL: For the purposes of this ordinance, an animal refers to a dog, cat, or

MUNICIPAL HUMANE LAW ENFORCEMENT OFFICER: An individual who has been designated, and authorized by the governing body who shall have the power and authority within the municipality in which the officer is designated, or otherwise authorized to act, as a municipal humane law enforcement officer to:

(1) enforce all animal welfare and animal cruelty laws of the State and ordinances of the municipality;

(2) investigate and sign complaints concerning any violation of an animal welfare or animal cruelty law of the State or ordinance of the municipality; and

(3) act as an officer for the detection, apprehension, and arrest of offenders against the animal welfare and animal cruelty laws of the State and ordinances of the municipality;

And abide by the provisions of chapter 22 of Title 4 of the Revised Statutes.

ANIMAL CONTROL OFFICER: "Certified animal control officer" means a person 18 years of age or older who has satisfactorily completed the course of study approved by the Commissioner of Health and Senior Services and the Police Training Commission as prescribed by paragraphs (1) through (3) of subsection a. of section 3 of P.L.1983, c. 525 (C.4:19-15.16a); or who has been employed in the State of New Jersey in the capacity of, and with similar responsibilities to those required of, a certified animal control officer pursuant to the provisions of P.L.1983, c. 525 for a period of three years before January 17, 1987.

ANIMAL HOUSING: A structure used for housing an animal outdoors on private property or business property.

APARTMENT COMPLEX: A multiple dwelling containing six dwelling units or more.

AT LARGE: An unrestrained animal off the premises of the owner.

TOWNSHIP OFFICIAL: Any Township Code Enforcement Official, Borough/Municipality Police Department Officer, Gloucester County Animal Control Officer, the Municipal Clerk, or any other official or person assigned or designated by Mayor and Council.

CAT: Any animal of the feline species (Felis catus).

COMMERCIAL KENNEL: An establishment for the treatment, care, boarding, or training of dogs or cats for a fee, or a place where dogs or cats are bred for resale or for a fee; and where the business is the primary source of income; and where such establishment has been currently inspected and approved for use by the Gloucester County Health Department and any other applicable State Agencies.

DOG: Any animal of the canine species (Canis familiaris) except dingoes.

DOG LICENSING AGE: Any dog which has attained the age of six months or which possesses a set of permanent teeth.

DOMESTICATED ANIMAL: An animal tamed and adapted to live in close association with and to the benefit of humans.

LEASHED: Restrained by a leash no greater than six feet in length, attached to a collar or harness of sufficient strength to restrain the animal and which shall be held by a person having the ability to control the animal at hand.

OWNER: Any person having a right of property in any animal, or any person who has an animal in his/her custody, or any person offering or allowing access to food, water, or shelter to an animal, or any person exercising control over an animal or permitting, allowing or suffering an animal to remain on premises under his/her control, or anyone who takes an animal out into the public streets, sidewalks or public ways.

PERSON: An individual, partnership, corporation or other entity.

POTENTIALLY DANGEROUS DOG: Any dog or dog hybrid declared potentially dangerous by a municipal court pursuant to section 7 of P.L.1989, c.307 (N.J.S.A. 4:19-23).

PROPERTY: A block and lot with an occupied dwelling unit or dwelling units on it.

SHELTER: An establishment for the confinement of dogs or cats seized under the provisions of this ordinance.

STRAY ANIMAL: An animal having no known owner or custodian or has no owner information or identification attached.

TETHER: To confine an animal with rope, chain, or similar material by which an animal is fastened so that it is able to range or feed only within certain limits.

VICIOUS DOG: Any dog or dog hybrid declared vicious by a municipal court pursuant to section 6 of P.L.1989, c.307 (C.4:19-22).

59-10 Seizure, Impoundment, Reclaiming and Destruction Procedures; Fees

A. The Animal Control Officer appointed for the purpose by the Township Committee shall take into custody and impound or cause to be taken into custody and impounded, and thereafter destroyed or offered for adoption as provided in this section, any dog or cat running at large in the Township of Woolwich. This shall include any dog or cat off the premises of the owner or the person keeping or harboring such dog unless said dog is restrained on a leash as hereinbefore provided.

B. The owner, if known, of any dog or cat so seized shall forthwith upon seizure of the dog be served notice pursuant to N.J.S.A. 4:19-15.16 [Amended 3-15-1999 by Ord. No. 99-6]

C. Any owner or the person keeping or harboring said dog or cat may claim the dog or cat upon paying all expenses incurred by reason of its detention, with a minimum payment of $35 per day for the first day of its detention or any part of the first day, and if detained for more than one day, by paying $4 for each day thereafter the pet is in the shelter, and by procuring the necessary license and registration tag, if the same have not been previously obtained.

D. If the owner or person keeping or harboring the dog or cat fails to claim the dog or cat at the end of the seven-day period, the Animal Control Officer appointed for the purpose by the Township Committee may cause the dog to be destroyed as humanely as possible or offered for adoption.[1]

59-11 Potentially Dangerous Dogs

If the municipal court declares any dog to be potentially dangerous, it shall issue an order pursuant to N.J.S.A 4:19-24, and a schedule for compliance which, in part:

A. Shall require the owner to comply with the following conditions:

(1) To display, in a conspicuous manner, *a sign on his premises* warning that a potentially dangerous dog is on the premises. The sign shall be visible and legible from 50 feet of the enclosure required pursuant to paragraph (3) of this subsection;

(2) To immediately *erect and maintain an enclosure* for the potentially dangerous dog on the property where the potentially dangerous dog will be kept and maintained, which has sound sides, top and bottom to prevent the potentially dangerous dog from escaping by climbing, jumping or digging and within a fence of at least six feet in height separated by at least three feet from the confined area. The owner of a potentially dangerous dog shall securely lock the enclosure to prevent the entry of the general public and to preclude any release or escape of a potentially dangerous dog by an unknowing child or other person. All potentially dangerous dogs shall be confined in the enclosure or, if taken *out of the enclosure, securely muzzled and restrained with a tether* approved by the animal control officer and having a minimum tensile strength sufficiently in excess of that required to restrict the potentially dangerous dog's movements to a radius of no more than three feet from the owner and under the direct supervision of the owner;

B. May require the owner to maintain liability insurance in an amount determined by the municipal court to cover any damage or injury caused by the potentially dangerous dog. The liability insurance, which may be separate from any other homeowner policy, shall contain a provision requiring the municipality in which the owner resides to be named as an additional insured for the sole purpose of being notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy.

Appeal of Decision. The owner of the dog, or the animal control officer in the municipality in which the dog was impounded, may appeal any final decision, order, or judgment, including any conditions attached thereto, of a municipal court pursuant to P.L.1989, c.307 (C.4:19-17 et seq.) by filing an appeal with the Superior Court, Law Division, in accordance with the Rules Governing The Courts of the State of New Jersey pertaining to appeals from courts of limited jurisdiction. The Superior Court shall hear the appeal by conducting a hearing de novo in the manner established by those rules for appeals from courts of limited jurisdiction.

59-12 Outdoor Maintenance of Animals Note: May be superseded by N.J.S.A. 4:22-17

A. GENERAL REQUIREMENTS

No person shall at any time cause or allow any dog, cat, or domesticated animal to be kept outside on private or public property within the Township except that:

The animal shall have access to and be *provided with suitable and edible food* of sufficient quantity on a daily basis and replenished at a minimum of every 12 hours.

The animal shall at all times have access to and *be provided with clean water* (cool in summer and unfrozen in winter).

The animal shall have access to an area to defecate or urinate separate from the areas where it must eat, drink, or lay down.

Fecal matter must be removed on a daily basis and within 24 hours of being deposited.

The primary area where the animal is kept must be located *behind the principal dwelling* on the property.

It shall be prohibited to allow any dog, cat, or domesticated animal to be *kept outdoors at any vacant structure* or premises at any time.

B. ANIMAL HOUSING

No person shall keep, use, or maintain a dog, or domesticated animal outdoors, other than a cat on any premises unless such animal has access to housing meeting all of the following requirements:

The housing shall be provided *with five (5) weatherproof sides*, including a top, a bottom and a minimum of three (3) sides. The housing must have an entrance covered by a self-closing swinging door or covering or an "L" shaped entrance to prevent the wind and elements from entering the house.

The housing must be moisture proof, weather tight, and *maintained in good repair.*

The housing must be *placed in a dry area* free of debris, feces, and standing water.

The housing area shall be *maintained in a clean and sanitary condition.*

If multiple animals are present in one location, *each animal must have* separate and clean housing.

C. RESTRAINTS:

In addition to the housing requirements of Subsection B., no person shall keep, use, or maintain a dog, or domesticated animal, other than a cat, outdoors on any premises unless such an animal is either tethered in accordance with Subsection D., or kept within a fence in accordance with Subsection E.

D. TETHERING:

The fastening, chaining, tethering or other restraint system (other than a fence) of any dog, or domesticated animal, other than a cat must meet all of the following requirements:

Any restraint system shall be situated and terminate *no less than 10 feet from any adjacent property* boundary.

Any restraint system must be situated and terminate *no less than 5 feet from any fence, pool, wall, vehicle, tree, or any other* object or obstruction upon which any animal may harm itself.

The tether is to be constructed of a secure lightweight material that *shall not exceed 1/8 of said animals total body weight.*

The animal must be provided with a properly fitting harness or buckle type collar. Such collar attaching the tether to the animal shall be *constructed of leather, nylon, or comparable material.* Said collar shall be maintained in good condition. Metal and choke collars are prohibited.

The tether shall be *at least 15 feet in length* and not less than three and a half (3½) times the length of the animal, whichever is longer, as measured from the animals nose to the base of its tail.

The tether shall be provided with *swivels at both ends* and shall be maintained tangle free.

Tethered animals must be altered or sterilized.

The tethered animal shall have *access to adequate Animal Housing* in accordance with Subsection B of this ordinance.

It shall be *prohibited to tether any animal less than six (6) months* of age.

It shall be prohibited to tether animals to barrels, vehicles, *any object which is not stationary*, or other objects which may harm or injure the animal.

The tether area must be kept clean and *clear of any debris* that may harm or cause any dog or cat to become entangled.

Any owner who chooses to *tether a cat must comply* with the above standards.

E. FENCING

A fence for the purpose of restraining any dog, or domesticated animal, other than a cat, must meet all of the following requirements:

The animal confined within a fence must have adequate space for exercise and movement, which shall *not be less than 100 square feet.*

The fencing shall be *constructed and maintained* as to prevent the animal from leaving or escaping the fenced area and to prevent other animals from entering the fenced area.

59-13. Nuisances; prohibited acts.

Habitual barking: No person shall own any dog which habitually cries or barks in a manner which would annoy or disturb a reasonable person. An "annoyance or disturbance," for the purpose of this section, shall be defined as barking, howling or crying continuously for a period of *10 minutes or more or intermittently for 30 minutes* or more. A violation of this section shall subject the owner of the offending dog to the penalties for a violation of this chapter.

Damage to property prohibited: No person owning or in control of a dog or cat shall allow it to damage any lawn, shrubbery, flowers or grounds of any public park, public building or other public place within the Township or upon any private property.

Damage or injury to other property, pets, or persons prohibited: It shall be a violation of this chapter for an owner of a dog or cat to suffer, allow, or permit the following prohibited acts:

1) *Bite, chase, jump upon, interfere with*, or otherwise impedes pedestrian traffic or the mobility of any person on public property or within a public sidewalk or right of way.

Chase, leap upon, interfere with, or otherwise impede the progress of any bicyclist or other person utilizing self-powered transportation or motor vehicle or motorized transportation on any public or private road, public property, or within a public right of way

Barks, growls, or otherwise displays aggressive behavior towards a human being and places in such person a reasonable apprehension of bodily harm or injury.

To destroy or damage any structure or equipment on any public park, public building, other public place or upon any private property.

D. Placement of food outside a residence without a licensed pet prohibited. No person shall place food for dogs or cats outside of their home unless they are the owner of a licensed dog or cat and such food is intended solely for their dog or cat.

59-14. Quarantine of animals.

Biting of person by dog or cat. When any dog or cat bites a person, the Township Official may order the owner of the dog or cat to confine it, either on the owner's premises, or at any other reasonable location at the owner's sole cost and expense which the officer shall designate, for a period of not less than 10 days.

Examination of confined animal. The Officer of the County Board of Health or Animal Control Officer shall have the right to examine any dog or cat confined under the provisions of Subsection A, herein at any time, including daily examinations for a period of 10 days after the dog or cat has attacked or bitten any person, to ascertain whether the animal shows signs or symptoms of rabies.

Release of animals confined. Following the passage of 10 days as required by Subsection A herein, and animal so quarantined shall be released, but only upon the issuance of a certificate of release which shall indicate that the animal appears to be healthy and free from rabies. Said certificate shall be maintained by the appropriate Township official, and a copy shall be provided to the owner and individual bitten by the animal upon its release.

59-15 Animal Cruelty Investigations

Gloucester County Animal Control Officers (GCACO), or other designated person(s) ~~as defined above~~ may investigate, and/or require compliance for violations pursuant to N.J.S.A. 4:22. In the event that the GCACO, or designated person(s) sees, or recognizes a potential criminal situation, or the need arises where a criminal investigation is warranted, the GCACO shall make contact/report to the Municipal Humane Law Enforcement Officer for further action. The GCACO may continue to contribute to the investigation as requested or required.

59-16. Enforcement.

A. The Designated Township Official shall enforce the provisions of this chapter. Nothing herein shall prohibit a private citizen from bringing or signing a complaint for an alleged violation of this chapter.

B. Compliance with Requirements. Any owner of an animal within the Township, by the act of owning such animal does thereby authorize the Designated Township Official to enter the property where such animal is kept to investigate any alleged or suspected violation of any provision of this Chapter, or N.J.S.A. 4:22.

59-17. Interference prohibited.

No person shall hinder, molest, or interfere with anyone authorized or empowered to perform any duty under this chapter.

59-18. Violations and penalties.

Any person found to be in violation or found to have failed to comply with any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not less than $100.00 and not more than $1,000.00; or imprisoned for a term not to exceed 90 days, or both, in the county jail. Each day of such violation or failure to comply shall constitute a separate offense and, therefore, are not subject to merger either for the purposes of the violation or imposition of fines and penalties.

Township of Woolwich

Vernon Marino, Mayor

ATTEST:
Jane DiBella, Clerk

CERTIFICATION

The foregoing Ordinance was introduced upon first reading by the Township Committee of the Township of Woolwich at a meeting held on the 22nd day of January, 2019. It will further be considered for final adoption upon second reading and subsequent to a public hearing to be held on such Ordinance, at the next regular meeting of the Township Committee at which time any interested person(s) may be heard. Said meeting to be conducted on the 4th day of February, 2019 at the Woolwich Township Municipal Building, 120 Village Green Drive, Woolwich Twp., beginning at 7:00 p.m.

Jane DiBella, Clerk

CERTIFICATION OF ADOPTION

The foregoing Ordinance was adopted upon second reading and subsequent to a public hearing held on same, at a meeting of the Woolwich Township Committee held on the 4th day of February, 2019.

Jane DiBella, Clerk