

# **ORDINANCE O-24-10**

## **ORDINANCE AMENDING CHAPTER 57, ARTICLE II, “DOMESTIC ANIMALS” AND AMENDING CHAPTER 139- 2 “LICENSE REGISTRATION AND PERMIT FEES” OF THE TOWNSHIP CODE OF THE TOWNSHIP OF HOWELL**

**WHEREAS**, Chapter 57 of the Howell Township Code (the “Code”) regulates various pet shops, kennels, and pet licensing and regulations within the Township; and

**WHEREAS**, the Township is desirous of clarifying and expanding some definitions within the code regulating domestic animals, to expand upon the definition of pet shop, clarify boarding facilities, and include grooming establishments in the Code; and

**WHEREAS**, the Township also needs to update its license, registration, and permit fees regarding pet shops, kennels, dog training facilities, and grooming establishments; and

**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, Article II, entitled “Domestic Animals” of the Code of the Township of Howell is hereby amended as follows:

§ 57-3. Definitions. As used in this article, the following terms shall have the meanings indicated:

### BOARDING

The act of providing food and/or shelter to dogs, regardless of whether it involves an overnight stay, for a fee, at the request of the owner or caretaker. **This definition shall also include pet hotel and doggie daycare establishments.**

### CAT

Any member of the domestic feline species, male, female or neutered female.

### COMMERCIAL BREEDER/OWNER

Any person, establishment or facility that controls, possess, owns or maintains 15 or more dogs, in whole or in part, for the purpose of sale of their offspring as companion animals, or any person, facility or establishment that purchases or breeds for sale more than three litters per year, shall be considered a commercial breeder/owner. The sale of the litters shall be calculated in the aggregate and shall be in the calendar year. A commercial breeder shall be subject to the same rules and regulations and licensing requirements as that of a kennel as promulgated by N.J.A.C. 8:23A et seq., and as required by Chapter 57 of the Howell Township Revised Ordinances. The annual cost for a commercial breeder/owner license shall be the same cost as that of a kennel license. Any person, establishment or facility shall retain the right to apply to the Zoning Board of Adjustment, regardless of what zone such person, facility or establishment is located in, for an interpretation in the event there is a

question as to whether or not such person, facility or establishment will be considered a commercial breeder/owner as defined herein.

#### DOG

Any dog, bitch or spayed bitch.

#### DOG OF LICENSING AGE

Any dog which has attained the age of seven months or which possesses a set of permanent teeth.

#### DOG TRAINING FACILITY

Refers to a facility where techniques are used to teach a dog appropriate responses to cues, usually with respect to getting it to stop, stand still or move in a certain manner. The cues employed may include, but are not restricted to, the use of restraining devices such as halters, motivational devices, or repetitive routines. Boarding of dogs at dog training facilities is prohibited.

#### DURATION OF IMMUNITY

Rabies vaccines have a very low rate of adverse reaction compared to other vaccines. Revaccinating an animal before expiration of the previous vaccine has not been associated with an increased occurrence of adverse reactions and is not medically contraindicated. Veterinarians can choose to use rabies vaccines with either a one- or three-year duration of immunity.

#### IMMEDIATE

Shall mean that the pet solid waste is removed at once, without delay.

#### 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.

#### LICENSE DATE

The date upon which a license and official metal registration tag is issued by the Township Clerk.

#### LICENSE PERIOD

The period of time beginning March 1 and ending upon February 28 of the following year during which a person who owns, keeps or harbors a dog of licensing age must apply for and procure from the Township Clerk a license and official metal registration tag for each such dog so owned, kept or harbored.

#### LICENSE YEAR

The one-year period commencing on the license date and lasting until the renewal date.

## LICENSING AGE

Owners of dogs seven months of age or older are required by state statute to license their dogs in the municipality where the dogs are housed.

## OWNER/KEEPER

Any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.

## PERSON

Any individual, corporation, company, partnership, firm, association or political subdivision of the state subject to municipal jurisdiction.

## PET

A domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

## PET SHOP

~~Any person engaged in the ordinary course of business in the sale of dogs for profit.~~ **Any place of business which 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.**

## PET GROOMING ESTABLISHMENT

**Any place of business which is not part of a kennel, where domesticated animals, such as dogs and cats, are bathed, brushed, clipped, or styled.**

## PET SOLID WASTE

Waste matter expelled from the bowels of the pet; excrement.

## POUND

An establishment for the confinement of dogs seized either under the provisions of this article or otherwise.

## PROPER DISPOSAL

Placement in a designated waste receptacle or other suitable container.

## PUBLIC ASSISTANCE

Any form of aid provided to individuals by a public agency, such as, but not limited to, food stamps, aid to families with dependent children, medicaid, pharmaceutical assistance to the aged and disabled and supplemental security income.

## REGISTRATION AGE

The age of seven months or the age when a set of permanent teeth appears.

## RENEWAL DATE

The date in the next following calendar year upon which the license year and license expires.

## SHELTER

Any establishment where dogs are received, housed and distributed without charge.

## WORKING DOG

A special class of dogs that perform a service for a profit or are not otherwise regulated by state or federal legislation.

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§ 57-5. Kennel, pet shop, shelter, pound, dog training facility, **boarding facility, pet grooming establishment,** or commercial breeder.

- A. License required. Any person who keeps or operates or proposes to establish or may otherwise be considered a kennel, pet shop, shelter or pound, dog training facility, **boarding facility, pet grooming establishment,** or commercial breeder, as defined herein, shall apply to the Township Clerk for a license entitling him or her to keep or operate such establishment.
- B. Application for license. The application shall describe the premises where the establishment is located or is proposed to be located and the purpose or purposes for which it is to be maintained, and shall be accompanied by the written approval of the Health Officer of the Township showing compliance with Township and state rules and regulations governing location and sanitation at such establishment.
- C. Purpose of license; expiration. All licenses issued for a kennel, pet shop, shelter or pound shall state the purpose for which the establishment is maintained, and all such licenses shall expire January 31 of each year and be subject to revocation by the Township on recommendations of the State Department of Health or the Township Board of Health for failure to comply with the rules and regulations of the State Department or Board of Health governing the same, after the owner has been afforded a hearing by the Board of Health.

- D. Individual dog licenses not required. Any person holding such license shall not be required to secure individual licenses for dogs owned by such licensee and kept at such establishments, and such licenses shall not be transferable to another owner or different premises.
- E. License fees for kennels and pet shops; no fee for shelter or pound. The annual license fees for kennels and pet shops shall be as set forth in Chapter 139, Fees. No fee shall be charged for a shelter or pound
- F. Permitting dogs off premises. No dog kept in a kennel, pet shop, **boarding facility, pet grooming establishment**, shelter or pound, shall be permitted off such premises, except on leash or in a crate or other safe control.

**SECTION 2.** Chapter 139 - 2, entitled “License, registration, and permit fees”, of the Code of the Township of Howell is hereby amended as follows:

§ 139-2 License, registration and permit fees.

- A. Each applicant for a license pursuant to the provisions of Chapter 57 shall pay an annual license fee in the following manner:
  - 1. For each and every dog so licensed which has not had its reproductive capacity permanently altered through sterilization, the sum of \$17.
  - 2. For each and every dog so licensed which has had its reproductive capacity permanently altered through sterilization, the sum of \$14.
  - 3. A late fee of \$5 shall be charged for each application for an animal license submitted after the filing date as provided for in Chapter 57.
- B. The foregoing fees shall in each case include and shall not be in addition to the fee established for registration tags in § 57-4B. The cost of any replacement registration tag shall be \$5.
- C. Any person claiming that a dog to be licensed has had its reproductive capacity permanently altered through sterilization shall only be entitled to pay the lesser license fee described herein where said person presents to the Clerk a certificate signed by a licensed

veterinarian of the State of New Jersey stating that the dog to be licensed has been spayed or neutered.

D. Explanatory statement. By virtue of Chapters 172, 180 and 181, P.L. 1983, the State of New Jersey established a program of spaying and neutering dogs and cats. Included in said legislation is a requirement that any person applying for a license and registration tag for a dog shall pay the sum of \$0.20 to be forwarded to the State Treasurer and placed in the Pilot Clinic Fund. Further, said laws require that any person applying for a license and registration for a dog shall pay a fee of \$3 for any dog of reproductive age which has not had its reproductive capacity permanently altered through sterilization, which moneys are to be deposited in the Animal Population Control Fund. The purpose of this section is, therefore, to authorize the collection of said additional moneys, as required by the state, together with an additional \$0.30 per licensed dog to be paid to the Township to cover the additional administrative expenses incurred by it in conjunction with the new state requirements.

E. Potentially dangerous dog: \$700.

F. Cat registration (spayed): \$4.

G. Cat registration (nonspayed): \$6.

H. Cat registration (public assistance): \$2.

I. Kennel license. If less than 10 dogs: ~~\$10~~\$30; more than 10 dogs: ~~\$25~~ \$50 per annum.

J. Pet shop license: ~~\$10~~\$75

K. Swine permit fee: \$10.

**L. Dog training facility: If less than 10 dogs: \$30; more than 10 dogs: \$50.**

**M. Pet grooming establishment: \$75.**

**SECTION 3.** 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 4.** All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 5.** This Ordinance shall take effect upon passage, publication and as required by law.

**NOTICE**

Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading by the Township Council of the Township of Howell on April 2, 2024 and will be further considered for final passage and adopted at the Municipal Building, 4567 Route 9 North, Howell, New Jersey 07731 on April 16, 2024 at 7:00 O'clock 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 to, and up to and including, the date of such meeting, copies of said Ordinance will be made 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		X			
Councilman Gasior			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 April 2, 2024. WITNESS my hand this 3rd day of April 2024.

*Diane Festino*  
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 DIANE FESTINO, Municipal Clerk

**Adoption:**

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

This is to certify that the foregoing Ordinance was adopted by the Township Council at a regular meeting of the Township of Howell held April 16, 2024.

*Diane Festino*  
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 DIANE FESTINO, Municipal Clerk

**Explanatory Statement:** Clarifying and Expanding Some Definitions Within The Code Regulating Domestic Animals, To Expand Upon The Definition of Pet Shop, Clarify Boarding Facilities and Include Grooming Establishments in the Code. Also Updating License, Registration, and Permit Fees Regarding Pet Shops, Kennels, Dog Training Facilities And Grooming Establishments.