

1 TOWNSHIP OF HAMILTON

ORDINANCE NO. 1828-2016

**AN ORDINANCE SUPPLEMENTING AND AMENDING
MUNICIPAL CODE SECTION 105-5.1 TO INCLUDE PROVISIONS
FOR PROTECTION OF DOGS**

Dogs suffer because of varying interpretations of what constitutes adequate care, including protection from the weather; and

The governing body of the Township of Hamilton believes it is in the best interests of the public safety and general welfare, and the welfare of dogs present within our Township to adopt an interpretation which is consistent with and yet provides greater protection than afforded by N.J.S.A. 4:22 et seq. governing the prevention of cruelty to animals.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Township of Hamilton, Atlantic County, New Jersey, as follows:

SECTION 1. REPEAL OF SECTION 105-5.1. Section 105-5.1 Chapter 105 of the Township of Hamilton Municipal Code is hereby repealed in its entirety.

SECTION 2. AMENDMENT OF SECTION 105-5.1. Section 105-5.1 of Chapter 105 of the Township of Hamilton Township municipal Code is amended to read as follows:

A. INCORPORATION OF STATE LAW

The provisions of N.J.S.A. 4:22-11-1 through N.J.S.A. 4:22-60 governing the prevention of cruelty to animals are incorporated herein by reference.

B. DEFINITIONS

BEDDING – Material to provide a bed or resting place for a dog.

CARETAKER – Any person who takes care of the house or land of an owner who may be absent and is responsible for the keeping of a dog.

DOGHOUSE – A covered and protected domicile for a dog.

HANDLER – Any person in immediate physical charge of a dog.

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.

OWNER – When applied to the proprietorship of a dog, includes every person having a right of property in such dog and every person who has such dog in his keeping.

PEN – An enclosure for a dog.

PET SHOP – Any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein dogs for sale are kept or displayed.

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

SHELTER – Any structure used to restrict a dog or dogs to a limited amount of space, such as a pen, run, cage or compartment and/or any establishment where dogs are received, housed and/or distributed with or without charge.

TETHER - To restrain an animal by tying to any object or structure, including but not limited to a house, tree, fence, post, garage or shed, by any means, including but not limited to, a chain, rope, cord, leash or pulley/running line, but shall not include the use of a leash when walking an animal.

C. SHELTER REQUIREMENTS.

No person shall keep, use, or maintain a dog on any premises unless the dog is provided full access to an enclosed building, dog house, or similar shelter at all times. The dog must have equal space outside its shelter to move around and relieve itself away from its confinement. Said shelter shall:

- 1) Have five sides, including a top, a bottom and three sides and be soundly built.
- 2) Have a floor, raised off the ground, free of cracks, depressions and rough areas where insects, rodent or eggs from internal parasites may lodge. An effective program for the control of insects, ectoparasites, and other pests shall be established and maintained.
- 3) Be cleaned and maintained in a manner designed to insure the best possible sanitary conditions. Excreta shall be removed from the shelter as often as necessary. Rugs, blankets or other bedding material shall be on the floor and shall be kept clean and dry.
- 4) Be of adequate size to allow the dog to stand up and turn about freely, stand easily, sit and lie in a comfortable normal position, being a minimum of 4 feet in height as follows:

Number of Dogs	Square Footage
1	64
2	96
3	144
4	196
Over 4	An additional 24 square feet for each additional dog.

- 5) Have a floor constructed so as to protect the dog's feet and legs from injury.
- 6) Allow dogs kept outdoors to remain dry during rain.
- 7) Have sufficient clean bedding material or other means of protection from weather elements provided when the ambient temperature falls below that temperature to which the dog is acclimated.
- 8) Provide sufficient shade to allow the dogs kept outdoors to protect themselves from the direct rays of the sun, when sunlight is likely to cause overheating or discomfort.
- 9) Be structurally sound and maintained in good repair to protect the dog from injury.
- 10) Be constructed and maintained so that the dog contained therein has convenient access to food and water

D. WATER REQUIREMENTS.

No person shall keep, use or maintain any dog on any premises unless the dog has access to clean and fresh water at all times. Clean potable water shall be available to the dog unless restricted for veterinary care ; and

- 1) If the water is kept in a container, this container shall be designed sufficiently to prevent tipping and spilling of the water contained therein. If necessary to accomplish this, the container shall be secured to a solid structure or secured in the ground. Watering containers shall be kept clean, kept out of sun, and must be emptied and refilled with fresh water at least once a day; or
- 2) If the water is provided by an automatic or demand device, the water supply connected to the device must function 24 hours a day.

E. FEEDING REQUIREMENTS.

No person shall keep, use or maintain any dog on any premises unless the dog is provided sufficient food daily to maintain proper body weight and good health.

- 1) The dog shall be provided food, which shall be free from contamination, wholesome, palatable, and sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.
- 2) Food receptacles shall be accessible to the dog and shall be located so as to minimize contamination by excreta and/or insects. Feeding pans shall be durable and kept clean. Disposable food receptacles may be used but must be discarded after each feeding. Self-feeders may be used for the feeding of dry food, and they shall be sanitized regularly to prevent molding, deterioration or caking of feed. Spoiled or contaminated food shall be disposed of in a sanitary manner.

F. CONFINEMENT REQUIREMENTS

Though highly discouraged, tethering is only acceptable if:

- 1) The tether is attached to a stake in the ground with a pulley like system.
- 2) The tether is attached to the dog by a non-choke type collar or body harness allows the dog access to food, water and shelter, but free from obstructions.
- 3) The dog must be tethered by a non-choke type collar or a body harness to a tether that is at least three (3) times the body length of the dog, measured from the dog's nose to the back of the hindquarters and which tether is free from entanglement.
- 4) The dog must have access to food, water and shelter as described above.
- 5) If female, the dog is sterilized or not in estrus.
- 6) The tether does not exceed ten percent of the dog's body weight.
- 7) The tether is at least three times the length of the dog from the tip of its nose to the base of its tail.
- 8) The tether allows the dog to easily stand, sit, lie, turn around, and make all other normal body movements in a comfortable, normal position for the dog.
- 9) The tether allows the dog to interact safely with other animals, if at all.
- 10) Only one dog is attached to a single tether.

G. PROHIBITED ACTIVITIES AND TREATMENT

(1) No owner, caretaker or handler shall withhold proper shelter, protection from weather, veterinary care and immune care to any animal. No owner, caretaker or handler shall fail to provide his or her animal with sufficient food and drinkable water on a daily basis. Food and water must be in an animal food consumption-type container, feeder or waterer.

(2) No animal shall be subject to unnecessary suffering and cruelty, such as subjecting the animal to prolonged fear, injury, pain or physical abuse. Interaction with humans and other animals shall not be unreasonably withheld.

(3) No dog or other domesticated animal shall remain outdoors, tethered, untethered or penned during a period of extreme weather, including but not limited to, extreme heat (above 90 degrees Fahrenheit), extreme cold (below 32 degrees Fahrenheit), during thunderstorms, tornadoes, tropical storms, or hurricanes.

H. DUTIES OF CITIZENS

(1) Any operator of a motor vehicle who accidentally strikes a dog shall stop and render such assistance to the dog as may be possible, provided it can be accomplished safely and without danger to the motorist, pedestrians or other motorists.

(2) The operator of a motor vehicle involved in such an accident shall promptly report such injury or death to the appropriate law enforcement agency.

I. ENFORCEMENT, VIOLATIONS AND PENALTIES.

(1) Enforcement of §105-5.1 shall be commenced by the filing of a complaint with the Municipal Court of the Township of Hamilton. In addition to other methods of enforcement provided by law, any violations of this article may be enforced by the issuance of a notice of violation by members of the Hamilton Township Police Department, the Hamilton Township Animal Control Officer.

(2) Violation of any provision of §105-5.1, shall upon conviction thereof, be punished by a minimum fine of \$200 or a maximum of \$1,000 or by imprisonment for a term not exceeding 30 days or by a period of community service not exceeding 30 days. Each and every violation shall be considered a separate violation. Any person who is convicted of violating the provisions of this article within one year of the date of a previous violation and who was fined for the previous violation may be sentenced to the court with an additional fine as a repeat offender. The additional fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein, and same shall be calculated separately from the fine imposed for the violation of this article. The court shall order restitution be paid to any agency or member of the public that incurs expenses related to the investigation and prosecution of any offender of this article. The court shall also require the offender to pay restitution for any costs for food, drink, shelter or veterinary care or treatment or other costs incurred by any agency, entity or organization. The court may direct the term of community service to be served by providing assistance to the New Jersey Society for the Prevention of Cruelty to Animals.

SECTION 3. REPEALER CLAUSE. All Ordinances or portions thereof inconsistent with this Ordinance are repealed to the extent of such inconsistency.

SECTION 4. SAVINGS CLAUSE. If any portion of this Ordinance is declared to be invalid by a Court of competent jurisdiction, it shall not affect the remaining portions of the Ordinance which shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon final passage and publication and adoption in the manner prescribed by law.

WITNESSED:

TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF HAMILTON,
COUNTY OF ATLANTIC CITY

RITA MARTINO, RMC
TOWNSHIP CLERK

ROGER SILVA, MAYOR

COMMITTEE MEMBER	MOTION	YES	NO	ABSTAIN	ABSENT
GATTO					
GUISHARD					
KURTZ					
SCHENKER					
MAYOR SILVA					

FIRST READING AND INTRODUCTION: July 18, 2016

FINAL READING AND ADOPTION: