

**ORDINANCE OF THE TOWNSHIP OF DEPTFORD AMENDING AND
SUPPLEMENTING CHAPTER 8 ENTITLED "ANIMAL CONTROL" OF CODE
OF THE TOWNSHIP OF DEPTFORD**

WHEREAS, the Township Council of the Township of Deptford, a municipal corporation in the County of Gloucester, State of New Jersey, finds that an amendment to the § 8 of the Deptford Township Code concerning animal control minors is appropriate; and

WHEREAS, the amendment will ensure that the Township's regulation reflects the intent of the Township regarding Animal Control; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Township Council of the Township of Deptford, in the County of Gloucester and State of New Jersey, as follows:

Section 1. Deptford Township Municipal Code § 8 shall be amended in the following ways:

§ 8-1 DEFINITIONS, shall be amended to include and amend the following definitions:

ABANDONED ANIMAL

An animal of any age which has been left unattended or unclaimed 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 chapter, an "animal" refers to a dog, cat, or domesticated animal.

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 unleashed animal off the premises of the owner.

CAT

Any animal of the feline species (*Felis catus*), whether male or female, regardless of age.

DOG OR CAT OF LICENSING AGE

Any dog or cat which has attained the age of seven 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.

OWNER

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

PET SHOP

Any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein animals, including, but not limited to, dogs, cats, birds, fish, reptiles, rabbits, hamsters, or gerbils, for sale are kept or displayed.

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)

POUND

An establishment for the confinement for the confinement of dogs and cats seized under the provisions of this chapter.

PROPERTY

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

PUBLIC NUISANCE

An animal that causes damage to public or private property or causes harm to any person.

SHELTER

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

STRAY OR ABANDONED ANIMAL

Any domesticated animal, carnivorous or otherwise, to effectuate this section, which has been left unattended or unclaimed for a period of 72 hours or more, or having no known owner or custodian.

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 potentially dangerous by a municipal court pursuant to Section 7 of P.L. 1989, c. 307 (N.J.S.A. 4:19-23)

§ 8-2 LICENSING OF DOGS AND CATS

§ 8-2.1 License required

[Ord. No. 7-10-67; 1967 Code § 20-2]

No person shall keep, harbor or possess any dog or cat within the Township, without first obtaining a license therefor, to be issued by the Township Clerk and/or the enforcing official of the Township Board of Health, upon application by the owner and payment of the prescribed fee. No person shall keep, harbor or possess any dog or cat in the Township except in compliance with the provisions of this section.

§ 8-2.2 Application for license and registration

[Ord. No. 7-10-67; 1967 Code § 20-3]

Any person who shall own, keep or harbor a dog or cat of licensing age shall in the month of January 1967, and annually thereafter, apply for and procure from the Township Clerk and/or the enforcing official of the Township Board of Health a license and official metal registration tag for each such dog or cat so owned, kept or harbored, and shall place upon each such dog or cat a collar or harness with the registration tag securely fastened thereto.

§ 8-2.3 Fees; exception

[Ord. No. 7-10-67; Ord. No. 0-32-78; Ord. No. 9-28-81; Ord. No. 0-6-85 § 1; 1967 Code § 20-4]

A. The annual license fee for each dog or cat within the Township is as follows:

(1) Sexually altered or cat dog: \$7;

(2) Unaltered dog or cat: \$10;

The license for any dog or cat shall expire on the 31st day of December following the day of its issuance.

§ 8-2.4 Dogs or Cats of licensing age

[Ord. No. 7-10-67; 1967 Code § 20-5]

The owner of any newly acquired dog or cat of licensing age or of any dog or cat which attains licensing age shall make application for a license and registration tag for such dog or cat within 10 days after such acquisition or age attainment.

§ 8-2.5 Application information.
[Ord. No. 7-10-67; 1967 Code § 20-6]

The application shall state the breed, sex, age, color and markings of the dog or cat for which a license and registration are sought and whether it is of a long- or short-haired variety, and the name, street and post office address of the owner and the person who shall keep or harbor such dog or cat. The information on the application and the registration number issued for the dog or cat shall be preserved for a period of three years by the Township Clerk. In addition, he shall forward similar information to the State Department of Health each month on forms furnished by the Department. Registration numbers shall be issued in the order of the applications.

§ 8-2.6 Dogs or cats from another state.
[Ord. No. 7-10-67; 1967 Code § 20-7]

Any person who shall bring or cause to be brought into the Township, any dog or cat licensed in another state for the current year, bearing a registration tag, and who shall keep the same or permit the same to be kept within the Township for a period of more than 90 days shall immediately apply for a license and registration tag for each such dog or cat, unless such dog or cat is licensed under subsection 8-3.4 of this chapter

§ 8-2.7 Removal of registration tag.
[Ord. No. 7-10-67; 1967 Code § 20-8]

No person, except an officer in the performance of his duties, shall remove a registration tag from the collar of any dog or cat without the consent of the owner, nor shall any person attach a registration tag to a dog or cat for which it was not issued.

§ 8-3.2 Application for license
[Ord. No. 7-10-67; 1967 Code § 20-9A]

The application shall describe the name and address of the owner/applicant, the street address where the establishment is located or proposed to be located, the purposes for which it is to be maintained, and shall be accompanied by the written approval of the enforcing official of the Board of Health or the Township Board of Health, showing compliance with the local and State rules and regulations governing the location of and sanitation at such establishments, and shall be accompanied in writing the approval of the adjoining property owners within 200 feet of a proposed establishment.

§ 8-3.3 Purpose; expiration; revocation of license.
[Ord. No. 7-10-67; 1967 Code § 20-9B]

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 on the last day of January of each year and be subject to revocation by the Township Council 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 the Township Board of Health governing the same after the owner has been afforded a hearing by either the State Department or the Township Board of Health. The Board of Health or its representatives shall at all times have right of reasonable inspection over the premises licenses as herein provided.

§ 8-3.4 Individual dog and cat licenses not required; nontransferable.
[Ord. No. 7-10-67; 1967 Code § 20-9C]

Any person holding such license shall not be required to secure individual licenses for dogs or cats owned by such licensee and kept at such establishments, and such licenses shall not be transferable to another owner or different premises.

§ 8-3.5 License fees.
[Ord. No. 7-10-67; Ord. No. 0-7-80; 1967 Code § 20-10]

The annual license fee for 10 or less dogs and 10 or less cats shall be \$50 and the license fee for more than 10 dogs or more than 10 cats shall be \$100 and the annual license fee for a pet shop shall be \$50. No fee shall be charged for a shelter or pound.

§ 8-3.6 Safe control required.
[Ord. No. 7-10-67; 1967 Code § 20-11]

No dog or cat kept in a kennel, pet shop, shelter or pound shall be permitted off such premises, except on leash or in a crate or other safe control.

§ 8-4.3 Registration tag fee forwarded to state department of health.
[Ord. No. 7-10-67; 1967 Code § 20-12]

The registration tag of \$0.50 for each dog or cat shall be forwarded within 30 days after the collection by the Township Clerk to the State Department of Health.

§ 8-5 ANNUAL DOG CANVASS.
[Ord. No. 7-10-67; 1967 Code § 20-14]

The Township shall, promptly after February 1, annually thereafter, cause a canvass to be made of all dogs and cats owned, kept or harbored within the limits of the Township and shall report to the Township Clerk, the Township Board of Health and to the State Department of Health the result thereof, setting forth in separate columns the names and addresses of persons owning, keeping or harboring such dogs and cats, the number of licensed dogs and cats owned, kept or harbored by each of the persons, together with the registration numbers of each of the dogs and cats, and the number of unlicensed dogs and cats owned, kept or harbored by each of the persons, together with a complete description of each of the unlicensed dogs and cats.

§ 8-6 DOG WARDEN

§ 8-6.1 Appointment; duties.

[Ord. No. 7-10-67; Ord. No. 0-27-77; 1967 Code § 20-15]

The Township Manager shall have the power to appoint a Dog Warden and a Deputy Dog Warden and to designate a person or facility for the impounding, destroying or disposing of dogs, cats, or other animals pursuant to the provisions of this chapter. The Dog Warden's and Deputy Dog Warden's duties shall be to enforce the provisions of this chapter, and they may impound all dogs and cats running at large in violation of the provisions of this chapter and perform such other acts as are allowed by law.

§ 8-7 IMPOUNDMENT OF DOGS AND CATS

§ 8-7.1 Impounding, destroying or disposing of dogs.

[Ord. No. 7-10-67; Ord. No. 0-27-77; 1967 Code § 20-16]

A. The Dog Warden of the Township shall take into custody and impound, or cause to be taken into custody and impounded, and thereafter destroyed or disposed of as provided in this subsection:

(1) Any dog off the premises of the owner or of the person keeping or harboring the dog which the Dog Warden or his agent or agents have reason to believe is a stray dog.

(2) Any dog off the premises of the owner or of the person keeping or harboring the dog without a current registration tag on his collar.

(3) Any female dog in season off the premises of the owner or of the person keeping or harboring the dog.

(4) Any cat off the premises of the owner without a current registration tag on its collar.

(5) Any cat that has not been altered or sterilized.

B. If any dog or cat so seized wears a collar or harness having inscribed thereon or attached thereto the name and address of any person or a registration tag or if the owner or the person keeping or harboring the dog or cat is known, the Dog Warden shall forthwith serve on the person whose address is given on the collar or on the owner or the person keeping or harboring the dog or cat, if known, a notice in writing stating that the dog or cat has been seized and will be liable to be disposed of or destroyed if not claimed within seven days after the service of the notice.

C. A notice under this subsection may be served either by delivering it to the person on whom it is to be served, by leaving it at the person's usual or last known place of abode or at the address given on the collar or by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode or to the address given on the collar.

D. Every dog or cat so seized and impounded shall be kept, fed and kindly treated by the Dog Warden and Deputy Dog Warden or that person or facility designated by the Township Manager for the purpose of impoundment for the above period of seven days and may be redeemed by the owner by the payment of the license fee and maintenance fee, which shall be \$5 for the first day, \$4 for the second day and \$3 for each additional day that the dog or cat is impounded. All moneys collected by the Dog Warden shall be turned over to the Township Treasurer no later than the first day of each month following receipt thereof by the Dog Warden, and a report thereof shall be made to the Township Council at its next regular meeting.

E. Every dog or cat impounded as aforesaid and not redeemed within the period of seven days may be destroyed by such Dog Warden or such other person or facility designated by the Township Manager for such purpose but only in such humane manner causing as little pain as possible. A dog or cat which has bitten a human being or which is suspected of being a rabid dog or cat shall be held for 10 days.

F. If any resident of the Township shall deliver to the Dog Warden or such other person or facility authorized by the Township Manager any dog or cat owned by the resident who requests that the dog or cat be destroyed, that resident shall be required to pay to the Township a fee no less than \$3 or such other fee as may have been established by the Township by agreement with other persons or facilities. Upon good cause shown, the Township Manager may waive payment of the fee. No impounded dog or cat shall be redeemed or released until after the same has been duly licensed and tagged as required by this section.

§ 8-7.2 Access to premises authorized; exception.
[Ord. No. 7-10-67; 1967 Code § 20-17]

Any officer or agent authorized or empowered to perform any duty under this section is hereby authorized to go upon any premises to seize for impounding any dog or cat or dogs or cats which he may lawfully seize and impound when such officer is in immediate pursuit of such dog or cat or dogs or cats, except upon the premises of the owner of the dog or cat if the owner is present and forbids the same.

§ 8-9 CONTROL OF DOGS AND CATS

§ 8-9.1 Running at large prohibited
[Ord. No. 7-10-67; 1967 Code § 20-22]

Any person owning, keeping or harboring any dog (whether the dog is licensed or unlicensed) who shall suffer or permit the dog to run at large in or about the streets, highways or public places of the Township, or to run at large upon lands and premises of any person other than the owner or persons in possession of the dog without permission of the landowner first obtained in writing shall be guilty of a violation of this section.

It shall be a violation of this chapter for the owner of any cat, where such cat has not been altered or sterilized (and proof is shown thereof by the owner) and licensed in accordance with requirements of this chapter and properly displaying a tag as required, to allow such cat to run at large within the Township.

§ 8-9.3 Injury to person, property prohibited.
[Ord. No. 7-10-67; 1967 Code § 20-24]

No person owning, keeping or harboring a dog or cat shall permit or suffer it to do any injury to persons, or to do any damage to any lawn, shrubbery, flowers, grounds or property of any kind. It shall also be a violation of this chapter for an owner of a dog or cat to suffer, allow, or permit the following prohibited acts:

- (1) Biting, chasing, jumping upon, interfering with, or otherwise impeding pedestrian traffic or the mobility of any person on public property or within a public sidewalk or right-of-way.
- (2) Chasing, leaping upon, interfering with, or otherwise impeding 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.
- (3) Barking, growling, or otherwise displaying aggressive behavior towards a human being and placing a person in reasonable apprehension of bodily harm or injury.
- (4) Destroying or damaging any structure or equipment on any public park, public building or other public place or upon private property.

Section 2. Deptford Township Municipal Code § 8 shall be amended by the addition of the following new sections:

§ 8-2.8 Permitted Number of Dogs and Cats

A. A property within the Township shall be limited to three dogs and three cats, with the exception of those having a valid commercial kennel license. Apartment complexes shall be exempt from this section, subject to the requirements of such apartment complex.

B. Grandfather clause. Notwithstanding Subsection A of this section, an owner who possesses more than three dogs and/or three cats as of the effective date of this chapter and in compliance with all prior ordinances shall be permitted to keep and maintain said number of dogs and/or cats as long as all such dogs and/or cats are properly licensed and altered or sterilized in accordance with the requirements of this chapter as of that date. Any owner shall be entitled to maintain the presently existing number of dogs and/or cats greater than the number permitted by this chapter until such dog and/or cat dies or is otherwise transferred out of the Township. When one of the number of dogs and/or cats in excess of the number permitted by this chapter shall die or be transferred out of the

Township, such animal may not be replaced unless and until the number of dogs or cats owned or possessed by said owner is in compliance with this chapter.

C. Application for waiver. An owner desirous of owning and maintaining a number of dogs or cats in excess of that permitted by this chapter shall have the right to make application to the Township Board of Health for a waiver of the maximum number of animals permitted under this chapter. The application for a hearing before the Board of Health must be submitted not less than 10 days prior to a regularly scheduled Board of Health meeting, with notice published in the official newspaper of the Township not less than 10 days prior to said meeting and written notice given to all property owners within 200 feet of the applicant's property. The applicant shall obtain a certified list of all property owners within 200 feet of his/her property from the Gloucester County Tax Assessor's office.

(1) Type of notice. Notice must be made to all property owners within 200 feet of the applicant's property by regular and certified mail, return receipt requested, with proof of service being presented to the Board of Health at the time of the hearing, with an affidavit setting forth that the mailing has been made to the appropriate property owners.

(2) Form of notice. The notice shall set forth the following:

- (a) The name and address of the applicant.
- (b) The address and lot and block number of the household or dwelling unit for which the applicant is requesting a number of dogs and/or cats in excess of the chapter requirement.
- (c) The nature of the waiver requested, setting forth the total number of dogs and/or cats and the number of dogs and/or cats requested in excess of the chapter requirement.
- (d) The date, time and place of the hearing before the Board of Health.

(3) Considerations for granting of waiver, burden of proof and vote. By majority quorum of the Board of Health, the Board may grant or deny an application for a request for a waiver based upon a preponderance of evidence that the applicant has demonstrated good cause for the granting of such waiver. In examining whether or not a waiver should be granted, the Board of Health shall include the following factors in its consideration:

- (a) The size of the property of the applicant where the dogs and/or cats are intended to be kept.
- (b) The distance between the locations of where the dogs and/or cats are intended to be kept on the applicant's property and the physical location of an adjacent property owner's home or dwelling unit.
- (c) Whether the applicant's household is an apartment, condominium or townhouse or a single-family detached dwelling.
- (d) Whether the applicant's property is fenced so as to shield the cats and/or dogs from the sight of the surrounding property owners.
- (e) Whether the dogs and/or cats are kept in the applicant's home or remain primarily outside of the applicant's home.
- (f) The breed and size of each dog or cat.

(g) The prior history of complaints filed against the applicant for violation of this chapter, or previous ordinances pertaining to animal control, or its predecessor.

(h) The zoning district of the applicant's property.

(i) Whether the dogs and/or cats serve some purpose related to the applicant's use of his/her property, i.e., whether the dogs are utilized for security or the cats are utilized for rodent control.

(j) Other such reasons as the Board may feel appropriate to consider according to the case, facts and circumstances presented to the Board.

(4) Stating of number of dogs and/or cats. Should the Board grant the applicant's request for a waiver, the Board shall set the number of dogs and/or cats permitted for the applicant's household or dwelling unit in excess of that permitted by this chapter.

(5) Licensing and fees. In the event a variance is granted, the application fee shall be \$175. Such variance shall not be transferable to another owner or different premises. Each dog or cat must be licensed yearly in accordance with the Township Code.

(6) Revocation of waiver. A waiver granted by the Board of Health to an applicant may be revoked by the Board by proper application made by a Township official or a Township resident by making application to the Board of Health at least 10 days prior to a Board of Health meeting and by serving notice upon the owner by regular and certified mail, return receipt requested, of the application for revocation of the waiver. The notice shall also include a factual basis for the requested revocation. A hearing shall then be held by the Board of Health on the application for revocation. The Board will evaluate the application for revocation of waiver based upon the same criteria previously set forth herein under Subsection C(3)(a) through (j) of this chapter and any other factors brought out in the factual basis.

§ 8-2.9 Vaccination

All dogs and cats within the Township shall be vaccinated against rabies in accordance with the following:

(1) Vaccination shall be performed by a veterinarian licensed to practice in the State of New Jersey. The vaccine utilized shall be from a manufacturer licensed by the Bureau of Animal Husbandry of the United States Department of Agriculture or such other agency as shall be approved by the State Department of Health. The dosage shall be as recommended by the manufacturer. All dogs and cats shall be revaccinated before the expiration of the period of time for which the vaccine used is known to be effective.

(2) The Health Officer may exempt any dog or cat from the provisions of this Subsection E if there is presented to him/her a certificate from a licensed veterinarian stating that it would not be desirable to vaccinate a particular dog or cat for a specified period of time because of the animal's age, infirmity or other physical condition.

(3) No vaccination shall be required for any dog or cat confined to a licensed kennel, pet shop, shelter, pound or veterinary hospital.

(4) The fact that a dog or cat has been vaccinated against rabies shall be evidenced by a certificate from the veterinarian performing the vaccination. The certificate shall either be on a form approved by the Health Officer or a State or County Board of Health officer or a standard immunization certificate shall be used by the veterinarian. The certificate shall be presented to the Health Officer within 10 days after each vaccination. In the case of dogs or cats vaccinated before being brought into the Township, the certificate shall be presented to the Health Officer within 10 days after the animal is brought into the Township.

(5) No dog or cat license shall be issued until the certificate indicating that the dog or cat has been vaccinated against rabies or the certification that it is not necessary to vaccinate the dog or cat is endorsed by the Township Health Officer or other designated person and has been presented to the Township Clerk.

§ 8-18 OUTDOOR MAINTENANCE OF ANIMALS

A. 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 excepting that:

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

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

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

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

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

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

(1) The housing shall be provided with five weatherproof sides, including a top, a bottom, and a minimum of three 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.

- (2) The housing must be moistureproof, weathertight, and maintained in good repair.
- (3) The housing must be placed in a dry area free of debris, feces, and standing water.
- (4) The housing area shall be maintained in a clean and sanitary condition.
- (5) If multiple animals are present in one location, each animal must have separate and clean housing.

C. No person shall at any time fasten, chain, or tether any dog, cat, or domesticated animal or cause or allow such animal to be fastened, chained, or tethered on private or public property within the Township excepting that:

- (1) Any restraint system shall be situated and terminate no less than 10 feet from any adjacent property boundary.
- (2) Any restraint system must be situated and terminate no less than five feet from any fence, pool, wall, vehicle, tree, or any other object or obstruction upon which any animal may harm itself.
- (3) The tether is to be constructed of a secure, lightweight material that shall not exceed 1/8 of said animal's total body weight.
- (4) 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.
- (5) The tether shall be at least 15 feet in length and not less than 3 1/2 times the length of the animal, whichever is longer, as measured from the animal's nose to the base of its tail.
- (6) The tether shall be provided with swivels at both ends and shall be maintained tangle free.
- (7) Tethered dogs and cats must be altered or sterilized. The tethered animal shall have access to adequate animal housing in accordance with the following section of this chapter
- (8) It shall be prohibited to tether any dog or cat less than six months of age.
- (9) 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.

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

D. Fencing. No person shall at any time cause or allow any dog, cat, or domesticated animal to be kept within a fenced area on private or public property within the Township excepting that:

(1) Any dog, cat, or domesticated animal confined within a fenced area must have adequate space for exercise and movement, which space shall not be less than 100 square feet.

(2) 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.

§18-19 Potentially dangerous dogs.

A. Pursuant to N.J.S.A. 4:19-17 et seq., if the Municipal Court declares any dog to be potentially dangerous, it shall issue an order and a schedule for compliance which, in part:

(1) Shall require the owner to comply with the following conditions:

(a) To apply, at his/her own expense, to the Municipal Clerk or other official designated to license dogs for a special municipal potentially dangerous dog license, municipal registration number, and red identification tag issued pursuant to Section 14 of this Act. The owner shall, at his/her own expense, have the registration number tattooed on the dog in a prominent location. A potentially dangerous dog shall be impounded until the owner obtains a municipal potentially dangerous dog license, municipal registration number, and red identification tag;

(b) To display, in a conspicuous manner, a sign on his/her premises warning that a potentially dangerous dog is on the premises. The sign shall be visible and legible from within 50 feet of the enclosure required pursuant to Subsection A(1)(c) of this section; and

(c) To immediately erect and maintain, for the potentially dangerous dog, on the property where the potentially dangerous dog will be kept and maintained, an enclosure which has sound sides, top and bottom to prevent the potentially dangerous dog from escaping by climbing, jumping or digging and a fence of a least six feet in height separated from the confined area by at least three feet. 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 within a radius of no more than three feet from the owner and under direct supervision of the owner.

(2) 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.

B. 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 (N.J.S.A. 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.

Section 3. All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflict.

Section 4. If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not effect the remaining provisions of this ordinance. The governing body of the Township of Deptford declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 5. The ordinance shall take effect immediately upon passage and publication according to law.

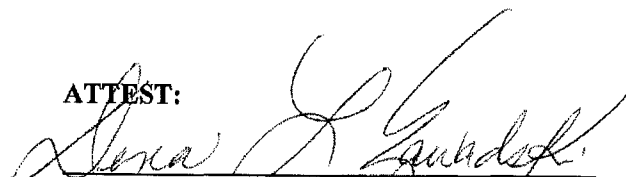


TOWNSHIP OF DEPTFORD



PAUL MEDANY, MAYOR

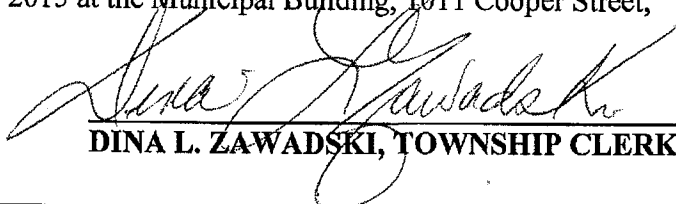
ATTEST:



DINA L. ZAWADSKI, TOWNSHIP CLERK

CERTIFICATION

The foregoing Ordinance was introduced at a Work Session Meeting of Township Council of the Township of Deptford held on the 23rd day of February, 2015 and will be considered for final passage and adoption at a Work Session Meeting at which time any person interested therein will be given an opportunity to be heard. Said meeting to be held on the 16th day of March, 2015 at the Municipal Building, 1011 Cooper Street, Deptford, New Jersey.


DINA L. ZAWADSKI, TOWNSHIP CLERK

Introduction

Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		O.8.15				
Medany			✓			
Hufnell			✓			
Barnshaw			✓			
Lamb			✓			
Love			✓			
Schocklin			✓			
Scott			✓			

Adoption

Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		O.8.15				
Medany			✓			
Hufnell			✓			
Barnshaw						✓
Lamb			✓			
Love			✓			
Schocklin						✓
Scott			✓			