

**TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE

No. **20-056**

1ST READING	<u>December 1, 2020</u>	DATE TO MAYOR	_____
2ND READING & PUBLIC HEARING	<u>Dec. 15, 2020</u>	DATE RESUBMITTED TO COUNCIL	_____
WITHDRAWN _____	LOST _____	DATE EFFECTIVE	_____

APPROVED AS TO FORM AND LEGALITY

FACTUAL CONTENTS CERTIFIED TO BY

TOWNSHIP ATTORNEY

TITLE

ORDINANCE AMENDING AND SUPPLEMENTING THE *CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART II, GENERAL LEGISLATION, CHAPTER 108, ANIMALS, AND REPEALING THE PREVIOUS CHAPTER 108 IN ITS ENTIRETY*

Be It Ordained by the Council of the Township of Hamilton, in the County of Mercer and State of New Jersey, that the *Code of the Township of Hamilton, New Jersey, Part II, General Legislation, Chapter 108, Animals*, as amended and supplemented, be further amended and supplemented to include the following:

Section 1. Chapter 108, *ANIMALS*, be and hereby is deleted in its entirety and replaced with the following:

CHAPTER 108

ANIMALS

ARTICLE I. DEFINITIONS

§ 108-1. Definitions.

Definitions: For purposes of this chapter, the following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ANIMAL

Any live vertebrate creature including mammals, birds, reptiles, amphibians and fish, but not humans.

ANIMAL CONTROL OFFICER (“ACO”)

See N.J.S.A. 4:19-15.1 et seq. as same may be amended.

ANIMAL RESCUE ORGANIZATION

A group or organization, which, with or without salary or compensation, house, provide necessary medical care for and feed homeless or unlicensed animals in a home –or– facility, with the intent of placing the animals in permanent homes as soon as one becomes available. The organization shall be classified as a not-for-profit organization which has been granted tax-exempt status under §501(c)(3) of the United States Internal Revenue Code.

ANIMAL RESCUE ORGANIZATION FACILITY

The home or facility in which an animal rescue organization houses and cares for animals.

ANIMAL SHELTER

Any establishment where dogs, cats, or other animals are received, housed and adopted out, but not a pet store.

TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY

ORDINANCE

No. **20-056**

ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART II, GENERAL LEGISLATION, CHAPTER 108, ANIMALS, AND REPEALING THE PREVIOUS CHAPTER 108 IN ITS ENTIRETY

AT-LARGE

An animal is considered "at large" when said animal is off the property of its owner and:

- A. has entered the property of another person without that owner's authorization; or
- B. has entered onto public property, street or right-of-way.

This definition does not apply if the animal is restrained by its owner, or a caretaker, with a leash of no less than six feet in length, or other physical control device, such that the animal is under the physical control of the owner or caretaker.

Nothing in this definition is intended to prevent dogs from being on training leashes or retractable leashes or engaging in other appropriate activities under adequate, responsible supervision where care is taken to assure control as needed to prevent violations of this ordinance.

BITE

To seize especially with teeth or jaws so as to enter, grip, or wound. The Dunbar Scale shall be relied upon to determine the severity.

CAT

A member of the species *felis catus*, both male and female.

CAT OF LICENSING AGE

Any cat, which is not a community cat, reaching the age of seven months or, if age cannot be determined, a cat which possesses a set of permanent adult teeth.

COMMUNITY CAT:

Any free-roaming cat, which may or may not be feral, with a known caretaker. Community cats shall be distinguished from other cats through ear-tip and sterilization.

These cats are exempt from the licensing, stray and at-large provisions of this ordinance.

COMMUNITY CAT CAREGIVER

Any person who, in accordance with a community cat management/TNVR (Trap Neuter Vaccinate Release) program will work to trap, sterilize, vaccinate for rabies, ear-tip then return free-roaming cats or feral cats to the area in which they were trapped. A caregiver shall not be considered an owner of a community cat. A caregiver shall not possess, keep or harbor a community cat. A community cat caregiver is not an owner of community cats for the purpose of this ordinance but is subject to the provisions pertaining to community cat caregivers.

COMMUNITY CAT COLONY

A single community cat or a group of community cats that congregate together outside as a unit. Any non-feral cat(s) that congregate with a colony shall be deemed part of the colony.

DOG

A member of the species *canis lupus*, both male and female.

DOG OF LICENSING AGE

Any dog, reaching the age of seven months or, if age cannot be determined, a dog which possesses a set of permanent adult teeth.

EARTIPPING/EAR-TIPPED:

TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY

ORDINANCE

No. **20-056**

ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART II, GENERAL LEGISLATION, CHAPTER 108, ANIMALS, AND REPEALING THE PREVIOUS CHAPTER 108 IN ITS ENTIRETY

The straight-line cutting of the tip of one ear of a cat, while the cat is anesthetized for spray or neuter. The left ear is the universally accepted practice; although in the past a cat's right year may have been tipped.

FERAL CAT:

A cat with no owner, which is unsocialized and un-domesticated, with a temperament of extreme fear of, and resistance to contact with humans. Feral cats can be considered community cats and are typically born in the wild, or are unsocialized offspring of socialized or feral cats who through abandonment, reverted to an unsocialized state.

FOSTER HOME

Placement of an animal by an animal rescue organization with a caretaker, who may be an individual or group, for the purpose of providing temporary care for an animal, without the caretaker assuming ownership, and with the intent that the caretaker relinquishes the animal to the animal rescue organization or a suitable owner upon one being located. A foster home may provide care to an animal without the effect of the fostered animal counting toward the household pet limit, however a foster home must comply with all other aspects of this ordinance.

FREE-ROAMING CAT:

Any cat that is not confined in a house or other type of enclosure. This includes pets, strays and feral cats.

HABITUALLY

A minimum of two separate occasions within a time period of 30 days. Howling, barking, squawking, crying, or screaming by an animal habitually, means making the sound persistently for at least 30 minutes on two separate days within a 30-day period. See also "Persistently".

HARBOR

The act of caring for and keeping an animal or the act of providing a premises or residence to which the animal returns for food, shelter or care, where the caregiver is providing the primary source of sustenance for the animal for at least ten days. Community cat caregivers do not harbor community cats for the purposes of this ordinance.

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.

MICROCHIP

An electronic identification device inserted into an animal, typically between the shoulder blades, by a veterinarian in accordance with professional medical standards.

NEUTER

The act of surgically sterilizing a male animal by a licensed veterinarian.

NUISANCE

As defined in § 317-1.

OFFER FOR SALE

To sell, offer for sale or adoption, advertise for the sale of, barter, auction, or give away an animal.

TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY

ORDINANCE

No. **20-056**

ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART II, GENERAL LEGISLATION, CHAPTER 108, ANIMALS, AND REPEALING THE PREVIOUS CHAPTER 108 IN ITS ENTIRETY

OTHER ANIMALS

Any other domesticated animal or household pet, including horses.

OUTDOOR CAT

Domesticated owned cats which are allowed to free-roam.

OWNER

Any person, household, firm, corporation, or other organization who possesses a legal title to, a property interest in, or permanent custody of any animal regulated by this ordinance, this definition does not include a foster or foster home.

PERSISTENTLY

Non-stop utterances for 30 consecutive minutes with interruption of less than 30 seconds at a time. See also "Habitually".

PET SHOP

Any place of business which is not part of an animal shelter or animal rescue organization facility, 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.

POTENTIALLY DANGEROUS DOG

Any dog declared potentially dangerous pursuant to the criteria set forth in N.J.S.A. 4:19-23, as same may be amended.

PROPER SHELTER

A structure that:

- A. is sufficiently ventilated and insulated to protect an animal from weather and provide refuge from precipitation, wind, extreme temperature and/or direct sunlight; and
- B. is fully enclosed with walls on three sides, with a fourth wall having an entranceway low enough to allow the animal to enter and exit comfortably, but not so large as to allow all heat to escape in cold temperatures; and
- C. has a solid, waterproof roof; and
- D. has a solid floor that does not sag under the animal's weight; and
- E. has a door or flap covering the entranceway during temperatures of 40 degrees or below; and
- F. is positioned at a sufficient elevation to prevent water from running into the structure; and
- G. is small enough to retain the animal's body heat in cold weather and large enough for the animal to stand, turn around and lay down in comfortably; and
- H. is sturdy, structurally sound and in good repair; and
- I. if it contains bedding such bedding shall be clean and dry; and

TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY

ORDINANCE

No. **20-056**

ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART II, GENERAL LEGISLATION, CHAPTER 108, ANIMALS, AND REPEALING THE PREVIOUS CHAPTER 108 IN ITS ENTIRETY

J. is surrounded by an area of at least five (5) feet that is clear of debris, feces, and urine.

SPAY

The act of surgically sterilizing a female animal by a licensed veterinarian.

STRAY

Any animal found to be at-large, whether lost by its owner or otherwise, or that is in the common areas of apartments, condominiums, trailer parks or other multi-residential premises, and that does not have identification tag or microchip and for which there is no identifiable owner.

SUFFICIENT FOOD

Access to uncontaminated, palatable food, appropriate for the species of animal, on a regular, ongoing basis in quantities sufficient to maintain a regular body weight.

SUFFICIENT WATER

Access to clean, potable water on a regular, ongoing basis in quantities sufficient to prevent the animal from experiencing dehydration.

TRAP/HUMANE TRAP

Any trap used to capture animals that is constructed so that it does not harm the animal and that is regularly monitored.

TRAP-NEUTER-VACCINATE-RETURN (“TNVR”) PROGRAM

A program in which community feral and stray cats are humanely trapped, spayed or neutered, vaccinated against rabies, ear-tipped and returned to the location at which they were trapped.

VACCINATION

Treatment with a vaccine to produce immunity against a disease; inoculation.

VETERINARIAN:

An individual who is licensed to engage in the practice of veterinary medicine in the State of New Jersey.

VICIOUS DOG

Any dog declared vicious pursuant to the criteria set forth in N.J.S.A. 4:19-22, as same may be amended.

ARTICLE II. GENERAL PROVISIONS

§ 108-2. Interference with officials.

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

§ 108-3. Authority to order quarantine of dogs and cats.

The Division of Health may by proclamation require all dogs and cats to be quarantined during such period in each year as may seem advisable to the Division of Health.

§ 108-4. General Responsibilities of owner.

TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY

ORDINANCE

No. **20-056**

ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART II, GENERAL LEGISLATION, CHAPTER 108, ANIMALS, AND REPEALING THE PREVIOUS CHAPTER 108 IN ITS ENTIRETY

- A. Any person who owns, keeps, feeds or harbors any animal at any place within the Township or who permits any animal to enter the limits of the Township shall exercise sufficient and proper care and control over such animal at all times.
- B. No person owning, keeping or harboring an animal shall permit or suffer it to do any injury or to do any damage of another's lawn, shrubbery, flowers, grounds or property.
- C. In addition to violations of this chapter, an owner shall be responsible for violations of Chapter 311 Noise Ordinance and Chapter 317 Nuisance Ordinance.

§ 108-5. Setback; sanitation.

No person shall erect, construct or maintain within the Township any shed, coop, runway or pen, for horses, swine, sheep, goats, rabbits, poultry or pigeons, which is nearer than 100 feet to any door or window of a dwelling, nor shall any shed, coop, runway or pen be kept in an unclean or otherwise unsanitary condition.

§ 108-6. Removal of waste required.

- A. Any person owning, harboring, keeping or in charge of any dog, cat or other animal which soils, defiles, defecates on or commits any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area or park, or any other place where people congregate or walk, or upon any public property whatsoever, or upon any private property without the permission of the owner of the property, shall immediately remove all feces deposited by such dog, cat or other animal by any sanitary method.
- B. The feces removed from the area designated in this section shall be disposed of by the person owning, harboring, keeping or in charge of any such dog, cat or other animal, in accordance with the provisions of this section, in a sanitary manner.
- C. The provisions of this ordinance shall not apply to blind persons who may use dogs as guides.

§ 108-7. Animals at large; Exceptions.

- A. No owner or person having temporary custody of any animal shall permit the animal to be, or fail to provide physical control to restrain the animal from becoming, at large.
- B. A cat shall be considered exempt from these provisions if:
 - (1) The ear-tipped cat is part of a community cat management/TNVR Program in accordance with this ordinance.
 - (2) An ear-tipped cat, part of the TNVR program, without leash is considered walking freely and not considered an animal-at-large.
 - (3) A domesticated outdoor cat with a tag and/or microchip identifying ownership.

§ 108-8. Abandonment.

No person may desert or abandon any animal at any public or private location.

TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY

ORDINANCE

No. **20-056**

ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART II, GENERAL LEGISLATION, CHAPTER 108, ANIMALS, AND REPEALING THE PREVIOUS CHAPTER 108 IN ITS ENTIRETY

§ 108-9. Animal Traps; Fees.

- A. It shall be unlawful for any person to use inhumane methods to trap animals. Traps utilized to capture animals shall be humane traps.
- B. Trapping of animals:
Traps and the trapping of animals must meet the following requirements:
- (1) Traps shall not be left unattended for more than two hours; and
 - (2) Traps shall not be left set overnight, unless traps are checked at least every two hours; and
 - (3) Traps shall not be left unattended for any length of time of time in temperatures below 45 degrees Fahrenheit or above 80 degrees Fahrenheit; in rain or snow; or in any other extreme weather.
- C. The fee for utilization of an animal trap provided by the Hamilton Township Animal Shelter shall be a deposit in the amount set forth in Chapter 215-6, Fees, of the Township Code.

§ 108-10. No-Kill Shelter.

The Hamilton Township Animal Shelter shall aspire to be a no-kill animal shelter which does not kill healthy or treatable animals even when the shelter is full, reserving euthanasia for terminally ill animals or those considered dangerous to public safety.

§ 108-11. Adoption from Hamilton Township Animal Shelter; Exemption.

There will be an initial fee, as set forth in Chapter 215-6, Fees, of the Township Code, to be paid to the Township for each animal adopted from the Hamilton Township Animal Shelter. The fee or any portion thereof may be waived by the Director of the Department of Health, Recreation, Senior and Veterans Services based upon a finding of genuine hardship.

Exemption from adoption fee. The Township Division of Police and other law enforcement agencies as well as accredited organizations which obtain dogs from the Township shelter for the purposes of training as Seeing Eye dogs are exempt from the adoption fees provided in this section.

§ 108-12. Fees for redemption of an animal from Township shelter.

Any animal may be claimed by its owner during the seven-day custodial period upon the payment to the Animal Control Officer of a pickup fee and a daily maintenance fee for each day or fraction thereof that the animal has been in custody. The fee or any portion thereof may be waived by the Director of the Department of Health, Recreation, Senior and Veterans Services, based upon a finding of genuine hardship.

§ 108-13. Pet shops, kennels, shelters and pounds; pets from animal care facilities and animal rescue organizations.

- A. License required; transfer of license. Any person who keeps or operates or proposes to establish a kennel, pet shop, shelter or pound shall apply to the Health Officer for a license entitling the person to keep or operate such establishment. Any person holding such license shall not be required to secure individual licenses for dogs owned by such licensee

TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY

ORDINANCE

No. 20-056

ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART II, GENERAL LEGISLATION, CHAPTER 108, ANIMALS, AND REPEALING THE PREVIOUS CHAPTER 108 IN ITS ENTIRETY

and kept at such establishments. Such licenses shall not be transferable to another owner or different premises.

B. Application for license. The application shall contain the following information:

- (1) The name and Corporate and local address of the applicant;
- (2) The street address where the establishment is located or proposed to be located, together with a general description of the premises;
- (3) The purposes for which the establishment is to be maintained; and
- (4) The maximum number of animals to be accommodated by such establishment at any one time.

C. Approval by Division of Health. No license shall be issued until the proposed licensee submits a written statement to the Health Officer of the Division of Health that the establishment or proposed establishment complies with local and state rules governing the location of and sanitation at such establishment.

D. Contents of license; expiration of license. 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 June 30 of each year.

E. License fees. The annual license fees for kennel and pet shop licenses shall be as set forth in Chapter 215-6, Fees, of the Township Code. There shall be no fee for a shelter or pound.

F. Revocation; compliance with applicable regulations.

- (1) All licenses issued for a kennel, pet shop, shelter or pound shall be subject to revocation by the Township Council on recommendation of the New Jersey Department of Health or the Township Division of Health for failure to comply with the rules and regulations of the New Jersey Department of Health or the Township Division of Health, after the owner has been afforded a hearing by either the New Jersey Department of Health or the Township Division of Health.
- (2) Any person holding a license to establish, keep or operate a kennel, pet shop, shelter or pound shall comply with all Township ordinances and the rules and regulations promulgated by the New Jersey Department of Health governing the sanitary conduct and operation of kennels, pet shops, shelters and pounds, the preservation of sanitation therein and the prevention of the spread of rabies and other diseases of dogs within and from such establishments.

G. Reports to New Jersey Health Department. The Health Officer shall forward to the New Jersey Department of Health a list of all kennels, pet shops, shelters and pounds licensed within 30 days after the licenses therefor are issued, which list shall include the name and address of the licensee and the kind of license issued.

H. Control of dogs off premises. No dog 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.

I. Restrictions on the sale of animals.

TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY

ORDINANCE

No. **20-056**

ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART II, GENERAL LEGISLATION, CHAPTER 108, ANIMALS, AND REPEALING THE PREVIOUS CHAPTER 108 IN ITS ENTIRETY

- (1) A pet shop may offer for sale only those animals that the pet shop has obtained from or displays in cooperation with:
 - (a) An animal shelter; and
 - (b) An animal rescue organization.
- (2) A pet shop shall not offer for sale a dog or cat that is younger than eight weeks old.

§ 108-14. Exemption for veterinary treatment centers.

No provision of this article shall be construed to apply to any establishment wherein or whereon dogs/cats or other animals are received or kept for diagnostic, medical, surgical or other treatments, owned by and operated under the immediate supervision of a graduate veterinarian licensed in the state.

§ 108-15. Violation and penalties:

Any person who violates any of the provisions of this chapter shall, upon conviction, be subject to the penalties in Chapter 1, General Provisions, § 1-2, Violation; penalties, of the Township Code, per violation.

ARTICLE III. DOGS

§ 108-16. Dogs to wear collar and tag; removal or unlawful use of registration tag.

- A. All dogs for which licenses are required by the provisions of this article shall wear a collar or harness with the registration tag for such dog securely fastened thereto.
- B. No person, except an officer in the performance of his duties, shall remove a registration tag from the collar of any dog without the consent of the owner, nor shall any person attach a registration tag to a dog for which it was not issued.

§ 108-17. License.

- A. Required. Licenses shall be required for the following dogs of licensing age:
 - (1) Any dog owned or kept within the Township by a resident of the Township on January 1 of any calendar year.
 - (2) Any dog acquired by any person during the course of any calendar year and kept within the Township for more than 10 days after acquisition.
 - (3) Any dog attaining licensing age during the course of the calendar year.
 - (4) Any unlicensed dog brought into the Township by any person and kept within the Township for more than 10 days.
 - (5) Any dog licensed by another state which is brought into the Township by any person and kept within the Township for more than 90 days.
 - (6) Any potentially dangerous dog. See also additional requirements § 108-21.
- B. Application.

TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY

ORDINANCE

No. 20-056

ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART II, GENERAL LEGISLATION, CHAPTER 108, ANIMALS, AND REPEALING THE PREVIOUS CHAPTER 108 IN ITS ENTIRETY

- (1) Each application for a license under this article shall give the following information:
 - (a) A general description of the dog sought to be licensed, including breed, sex, age, color and markings and whether such dog is of a long- or short-haired variety.
 - (b) The name, street and post office address of the owner of and the person who shall keep or harbor such dog.
 - (2) Registration numbers shall be issued in the order in which applications are received.
 - (3) Applications for licenses for dogs which are required to be licensed by the provisions of Subsection A(1) of this section shall be made to the Health Officer before February 1 of each calendar year. In all other cases, the application for a license shall be made within 10 days of the day upon which the dog in question first becomes subject to the provisions of this section. Each application for a license shall be accompanied by evidence that the dog to be licensed and registered has been inoculated against rabies in accordance with N.J.S.A. 4:19-15.2a.
- C. Record of licenses. The information on all applications under this article and the registration number issued to each licensed dog shall be preserved for a period of three years by the Health Officer. In addition, he shall forward similar information to the New Jersey Department of Health each month on forms furnished by the Department.
- D. Fees.
- (1) The person applying for a license shall pay a license fee and a registration tag fee for each dog. The same fees shall be charged for the annual renewal of each license and registration tag. The fees are set forth in Chapter 215-6, Fees, of the Township Code.
 - (2) Any resident of the Township who shall have attained the age of 65 years of age applying for a license shall pay a reduced license fee and registration tag fee for each dog. The same fees shall be charged for the annual renewal of each license and registration tag. The fees are set forth in Chapter 215-6, Fees, of the Township Code.
 - (3) There shall be an additional fee payable annually, applicable to Subsections D(1) and (2) above, for each dog which has not had its reproductive system surgically altered. The additional fee is set forth in Chapter 215-6, Fees, of the Township Code.
 - (4) The fee for a potentially dangerous dog license are set forth in Chapter 215-6, Fees, of the Township Code.
- E. Expiration. Each dog license and registration tag shall expire on January 31 of the calendar year following the calendar year in which it was issued.
- F. Exceptions.
- (1) Dogs used as guides dogs or service dogs (as defined in N.J.S.A. 10:5-5 as same may be amended) shall be licensed and registered as other dogs as hereinabove

TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY

ORDINANCE

No. **20-056**

ORDINANCE AMENDING AND SUPPLEMENTING THE *CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART II, GENERAL LEGISLATION, CHAPTER 108, ANIMALS, AND REPEALING THE PREVIOUS CHAPTER 108 IN ITS ENTIRETY*

provided for, except that the owner or keeper of such dog shall not be required to pay any fee therefor.

- (2) A dog temporarily placed in a foster home as part of a formalized training to be a guide dog or service dog shall not be required to be licensed and registered while the dog remains in the foster home for such training.
- (3) A dog temporarily placed in a foster home as part of the Hamilton Township's Animal Shelter Foster Program.

G. Penalty. All penalties for late licensing of dogs are set forth in in Chapter 215-6, Fees, of the Township Code.

§ 108-18. Disposition of fees.

- A. License fees and other moneys collected and received under the provisions N.J.S.A. 4:19-15.3, 4:19-15.8, 4:19-15.9 and 4:19-15.16 as same may be amended, except for registration tag fees shall be collected, maintained and distributed in accordance with N.J.S.A. 4:19-15.11 as same may be amended.
- B. The registration tag fee of \$1 for each dog shall be forwarded within 30 days after collection by the Health Officer to the State Department of Health.

§ 108-19. At -Large Dogs; Leashing.

- A. No person owning, keeping or harboring any dog shall suffer or permit the dog to run at large within the Township. Nothing in this section is intended to apply to dogs running and playing in a Township -designated off-leash dog park.
- B. No person owning, keeping or harboring any dog shall suffer or permit it to be upon the public streets or in any of the public places of the Township unless such dog is accompanied by a person and is securely confined and controlled by an adequate leash not more than six feet long, or other physical control device.

§ 108-20. Dogs trained to attack prohibited.

No person, with the exception of duly appointed public officials or employees acting in their official capacity, shall keep, harbor or have custody or possession of any dog which has been or shall be intentionally trained to attack, injure, maim or kill any human being or domestic pet, either voluntarily or upon command.

§ 108-21. Dog bites.

Pursuant to N.J.S.A. 26:4-79, as same may be amended, where it has been determined by a physician that a person has been bitten by a dog, such individual, or his parent or guardian if he is a minor, shall immediately notify the police. The owner or keeper of any dog shall be notified by the police that the dog has bitten any individual, and the owner or keeper of the dog must comply with the following procedures:

- A. Have the dog examined by a licensed veterinarian within 12 hours.
- B. Have the dog kept in quarantine in the owner's home or at a kennel for a period of 10 days.

TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY

ORDINANCE

No. **20-056**

ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART II, GENERAL LEGISLATION, CHAPTER 108, ANIMALS, AND REPEALING THE PREVIOUS CHAPTER 108 IN ITS ENTIRETY

C. At the end of 10 days have the dog reexamined by a veterinarian and a written report of the dog's state of health sent to the Township of Hamilton's Division of Health.

§ 108-22. Potentially Dangerous Dogs.

In addition to the obligations of licensing as set forth in § 108-16, in the event a Court of competent jurisdiction has declared that a dog is a potentially dangerous dog, the owner of said animal shall be responsible for complying with all requirements and conditions imposed by the Court, including those set forth in N.J.S.A. 4:19-24, as same may be amended.

§ 108-23. Impounding or destruction of certain dogs.

A. Causes for impounding. The Township shall take into custody and impound, or cause to be taken into custody and impounded, any of the following dogs:

- (1) Any dog found at large in violation of the provisions of this Chapter.
- (2) Any dog off the premises of the owner or of the person keeping or harboring such dog, which the Township has reason to believe is a stray dog.
- (3) Any dog off the premises of the owner or of the person keeping or harboring such dog without a current registration tag on its collar.
- (4) Any female dog in season off the premises of the owner or of the person keeping or harboring such dog.
- (5) Any dog which has been determined to be a vicious dog, provided that such dogs may also be seized by any police officer, and provided further that, if such dogs cannot be seized with safety, they may be killed.

B. Access to premises.

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

C. Notice of seizure.

- (1) If any dog so impounded or seized wears a registration tag, collar or harness having inscribed thereon or attached thereto the name and address of any person, or if the owner of or the person keeping or harboring the dog is known, the officer shall immediately serve on the person whose address is given on the collar, or on the person owning, keeping or harboring the dog, a notice in writing stating that the dog has been seized and will be liable to be disposed of or destroyed if not claimed within seven days after service of the notice.
- (2) A notice under this subsection may be served either by delivering it to the person on whom it is to be served or 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 mail in a prepaid letter addressed to that person's usual or last known place of abode or to the address given on the collar.

TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY

ORDINANCE

No. 20-056

ORDINANCE AMENDING AND SUPPLEMENTING THE *CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART II, GENERAL LEGISLATION, CHAPTER 108, ANIMALS, AND REPEALING THE PREVIOUS CHAPTER 108 IN ITS ENTIRETY*

ARTICLE IV. CATS

§ 108-24. Collar and tag of outdoor cats.

Outdoor cats as defined in § 108-1 which are allowed to roam freely outdoors by their owners shall wear a collar and tag.

§ 108-25. Trap Neuter Vaccinate and Return (“TNVR”)

- A. Community cat colonies may be permitted and caregivers shall maintain said colonies in accordance with the terms and conditions of this article.
- B. The Township shall not be liable for any costs related to the implementation of and/or the daily operation of the Trap Neuter Vaccinate and Return program.
- C. TNVR Program Requirements:
- (1) Community cat colonies shall only be cared for on private property.
 - (a) The location of community cat colonies must be cared for in compliance with trespassing and property laws.
 - (b) Community cat caregivers must obtain permission from land owner(s) before caring for a cat colony on private land including but not limited to leased or multi-family residential property.
 - (c) It is unlawful for any person to feed feral cats on any property owned by the Township of Hamilton unless provided prior written authorization by the Township of Hamilton.
 - (d) Property Owners who have not provided written permission to a community cat caregiver for the care of a community cat colony on private land reserve the right to demand the Township remove said colony off their property.
 - (2) Community Cat Caregivers shall make all reasonable efforts to ensure community cats are sterilized, vaccinated against the threat of rabies, provided care, including sufficient food and water, shelter and medical care to the cats, and ear-tipped, and must cooperate with the Township of Hamilton to abate any nuisance as defined in Chapter 317. If these requirements are met the community cat is exempted from licensing, stray and at-large provisions of this ordinance.
 - (3) Community cat colonies shall be maintained in a sanitary manner, where the cats are free from disease, stress, and hunger. The Township reserves the right to limit the number of individual cats in a community cat colony when the community cat caregiver is unable to supply sufficient food and water, medical care and substitute community caregiver cannot be assigned.
 - (4) Nothing in this section shall be deemed to prohibit or limit the authority of Animal Control Officers and/or other authorized officials to remove or authorize the removal of any community cat because of an immediate public health or safety concern.

TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY

ORDINANCE

No. **20-056**

ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART II, GENERAL LEGISLATION, CHAPTER 108, ANIMALS, AND REPEALING THE PREVIOUS CHAPTER 108 IN ITS ENTIRETY

D. Responsibilities of Caregiver:

- (1) The caregiver shall make all reasonable efforts to provide community cats under their care certain necessities on a regular/ongoing basis including but not limited to sufficient food, sufficient visibly clean and fresh water, proper shelter and protection from weather; veterinary care as needed to prevent suffering; and humane care and treatment. If medical care is unavailable or too expensive, the community cat caregiver must not allow the cat to suffer.
 - (a) Feeding areas must have food only during the 6:00 am to 9:00 pm hours and must be maintained in a clean and sanitary condition. Food must be offered to cats in a container and shall not be dumped on the ground. Any food remaining after cats have eaten must be removed by 9:00 pm.
 - (b) All community cat caregivers shall make all reasonable efforts to vaccinate the community cat colony population for rabies.
 - (c) All community cat caregivers shall make all reasonable efforts to spay/neuter, by a licensed veterinarian, at least 90% of the community cat colony population.
 - (e) All community cat caregivers shall make all reasonable efforts to ear-tip community cats in their community for easy identification purposes.
- (2) It shall be unlawful for the caregiver to allow the community cat(s) to create a nuisance.
- (3) In the event that kittens are born to a colony cat, the community cat caregiver shall take steps to remove the kittens from the colony after they have been weaned for placement of the kittens in homes or foster homes for the purpose of subsequent permanent placement.
- (4) In order for a community cat to be identified, all community caregivers must microchip any and all trapped community cats for which the caregiver is responsible.
- (5) In order for a community cat to be identified, all community caregivers shall make reasonable efforts to microchip any previously ear-tipped community cats.

E. Nuisance:

A nuisance by a community cat or colony is set forth in Chapter 317, Nuisance, of the Township Code.

F. Nuisance Abatement Process and Mitigation:

- (1) Upon the notice of violation, the community cat caregiver shall abate the nuisance within 48 hours and make all reasonable efforts to resolve the nuisance as quickly as possible, not to exceed 30 days. If the community cat caregiver is unable to resolve the nuisance within 30 days, the caregiver may apply to the Director of Health, Recreation, Senior and Veterans Services in writing for a good faith extension of time.
- (2) If the Township determines that a cat is injured or poses a significant threat to

TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY

ORDINANCE

No. **20-056**

ORDINANCE AMENDING AND SUPPLEMENTING THE *CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART II, GENERAL LEGISLATION, CHAPTER 108, ANIMALS, AND REPEALING THE PREVIOUS CHAPTER 108 IN ITS ENTIRETY*

public health, the Township reserves the right to terminate the compliance period and seize the cat or colony.

- (3) In the case of a natural disaster or medical/veterinary emergency, the animal control officer or police officer may remove the cat, but within 24 hours or as soon thereafter as practicable the animal control officer should provide any known caregiver or owner with notice of the community cat's whereabouts and allow the caregiver or owner an opportunity to retrieve the cat for treatment, return, or relocation.

G. Ear-Tipped Community Cats:

- (1) An ACO who has trapped a community cat whose left ear has been tipped or which bears some other distinguishing mark indicating that it belongs to a community cat colony shall transport the cat to the Hamilton Township Animal Shelter, where the cat will be scanned for a microchip. If a registered microchip is found, the registered caregiver will be contacted and advised that the cat is located at the Shelter.
- (2) The caregiver shall be responsible for retrieving the community cat from the Hamilton Township Animal Shelter within 7 business days or advising the shelter if the owner or caregiver does not intend to retrieve the community cat. If the caretaker retrieves the community cat, they must release the community cat back to its colony, assuming the animal is neither sick, rabid, injured or otherwise unwell. If no identification, microchip or information of caregiver is available to Hamilton Township Animal Shelter, a stray hold period of 7 days will be maintained as per N.J.S.A. 4:19-15.16(d) as same may be amended.
- (2) If a trapped community cat is suspected of being rabid, the animal will be immediately reported to the Health Officer of the Township of Hamilton and shall be quarantined and all provisions of N.J.S.A. 4:19-15.16(i) as same may be amended shall be followed.

H. Enforcement of Community Cat Management:

The Township of Hamilton shall have the following rights:

- (1) The right to seize or remove cats from a colony which have not been vaccinated against rabies and which are demonstrating signs of the disease.
- (2) The right to seize or remove a cat from a colony which is creating a nuisance as defined in this ordinance, after the community cat caregiver has been given 30 days to resolve the nuisance.
- (3) The right to seize or remove a cat or colony when the community caregiver fails to comply with the colony care requirements of this chapter and the caregiver has not been able to obtain a replacement or substitute caregiver within 30 days of the Township of Hamilton or ACO having given notice to the caregiver.

I. Abandonment Exception:

- (1) Only the community cat caregiver who cares for a particular community cat colony may place a community cat from said colony back within the colony however, no other cats may be placed in the colony.

TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY

ORDINANCE

No. **20-056**

ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART II, GENERAL LEGISLATION, CHAPTER 108, ANIMALS, AND REPEALING THE PREVIOUS CHAPTER 108 IN ITS ENTIRETY

- (2) An ACO may return a community cat back to its established colony, if known, however no other cats may be placed in the colony.

Any Ordinance or Ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

- / This Ordinance shall become effective immediately upon final adoption and publication thereof according to law.

PRESIDENT

MUNICIPAL CLERK

RECORD OF VOTE

First Reading							Second Reading						
COUNCIL	AYE	NAY	NV	AB	ORD	SEC	COUNCIL	AYE	NAY	NV	AB	ORD	SEC
ANTHONY P. CARABELLI, JR.	✓						ANTHONY P. CARABELLI, JR.						
NANCY PHILLIPS	✓					✓	NANCY PHILLIPS						
CHARLES F. WHALEN	✓				✓		CHARLES F. WHALEN						
PASQUALE "PAT" PAPERIO, JR.	✓						PASQUALE "PAT" PAPERIO, JR.						
RICHARD L. TIGHE, JR.	✓						RICHARD L. TIGHE, JR.						

X - Indicates Vote A.B. - Absent N.V. - Not Voting ORD. - Moved SEC. - Seconded

REJECTED _____

JEFFREY S. MARTIN, MAYOR

DATE

APPROVED _____

RECONSIDERED BY COUNCIL _____

OVERRIDE VOTE

AYE _____

NAY _____

L:\COUNCIL\Ordinance\MUNICODE\REPEAL\Chpt108.Animals.RepealReplace.9.30.2020.docx

EXPLANATION Matter UNDERLINED thus in this legislation is new matter.
Matter contained in **BRACKETS [thus]** is to be omitted from the law.