

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

ORDINANCE

No. **21-062**

1ST READING October 19, 2021

DATE TO MAYOR _____

2ND READING & PUBLIC HEARING Nov. 8, 2021

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WITHDRAWN _____ LOST _____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, CHAPTER 108, ANIMALS

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, Chapter 108, Animals*, as amended and supplemented, be further amended and supplemented as follows:

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.

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SPAY

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

STERILIZE

The term 'sterilize' means to render an animal incapable of reproducing by either spaying or neutering.

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.

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VICIOUS DOG

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

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WILDLIFE

All animals that are neither human nor domesticated.

Article II. General Provisions

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Article III. Dogs

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

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§ 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] the Hamilton Township Health Officer or his designee within 12 hours of notification.
- B. Have the dog kept in quarantine in the owner's home, [or] at a kennel or at the Township Shelter (fees apply) for a period of 10 days.
- C. At the end of 10 days have the dog examined by the Hamilton Township Health Officer or his designee or [re]examined by a veterinarian at their own cost and a written report of the dog's state of health sent to the Township of Hamilton's Division of Health within 24 hours of the visit.

§ 108-22. Potentially Dangerous dogs.

In addition to the obligations of licensing 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.

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Article IV. Cats

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Article V. Animal Shelter

§ 108-26. Euthanasia.

A. Not less than three (3) business days before the euthanasia of any domesticated animal residing in the care of the Hamilton Township Animal Shelter, the Shelter shall:

- (1) Notify or make a reasonable attempt to notify in writing Township approved animal rescue organizations of the Township's decision to euthanasia the animal; and**
- (2) Allow any Township approved animal rescue organization to take possession of the domesticated animal in question.**

B. If the domesticated animal is healthy and has been deemed safe to adopt as per the Township Shelter manager and/or her designee, the Township Animal Shelter may not euthanize said animal without contacting and documenting Township approved animal rescue groups, foster and adoption possibilities.

C. Only a veterinarian or veterinarian technician at the direction of a veterinarian shall be permitted to lawfully euthanize a domesticated animal in accordance with state law.

D. Any and all documentation regarding the euthanasia of any domesticated animal residing at the Hamilton Township Animal Shelter shall be detailed in writing and maintained with the animal's complete file as required by state law.

E. Exclusions.

Subsection A shall not apply to:

- (1) Any animal suspected of carrying and exhibiting signs of rabies, as determined by the Hamilton Township Health officer or a veterinarian;**
- (2) A dog that has been deemed dangerous or vicious by a court of law;**
- (3) A domesticated animal that has been deemed unadoptable as determined by the Shelter Manager or his/her designee;**
- (4) Any animal experiencing suffering as determined and documented by a veterinarian; and**
- (5) Wildlife.**

F. The Township shall dispose of all domesticated animals euthanized at the direction of the Township by cremation unless the Hamilton Township Health Officer orders the remains held or disposed of in an alternative matter.

§ 108-27. Animal Welfare.

A. The Hamilton Township Animal Shelter shall provide all animals during the entirety of their shelter stay with fresh food and fresh water.

B. The Hamilton Township Animal Shelter shall contract with a veterinarian to develop and follow a care protocol for all animals.

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- C. For any domesticated animal receiving veterinary care, the shelter shall request a copy of any and all records from the veterinarian/treating facility within one week after the animal is discharged from care.

§ 108-28. Sterilization prior to adoption.

No domesticated cat or dog may be adopted without first being spayed or neutered unless deemed medically exempted by a veterinarian.

§ 108-29. Documentation

The Hamilton Township Animal Shelter shall provide and make available on the Township website for a minimum period of one year:

- A. Annual Report; and
B. Shelter Statistics.

§ 108-30. Volunteers

- A. The Hamilton Township Animal Shelter shall develop and maintain a written policy for volunteering at the Township Shelter. The written policy and application shall be available on the Township website. Violations of the written policy shall be basis to terminate the volunteer relationship with the Shelter.
- B. The Hamilton Township Animal Shelter shall develop and maintain relationships with animal rescue groups or other animal shelters. All Township approved animal rescue organizations shall be listed on the Township website.

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

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.						
RICHARD L. TIGHE, JR.	✓						RICHARD L. TIGHE, JR.						
CHARLES F. WHALEN	✓					✓	CHARLES F. WHALEN						
NANCY PHILLIPS	✓				✓		NANCY PHILLIPS						
PASQUALE "PAT" PAPERIO, JR.	✓						PASQUALE "PAT" PAPERIO, 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\MUNCODE\Ord.Chpt108.Animals.10-15-2021.docx

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