

TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY

ORDINANCE #2008-04

AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING CHAPTER 20, "ANIMALS" OF THE REVISED GENERAL ORDINANCES

BE IT ORDAINED, by the Township Committee of the Township of Andover, in the County of Sussex, and State of New Jersey, as follows:

SECTION 1. Chapter 20, Animals, Section 20-2, License required; replacement tags, Subsection (B) of the aforesaid Revised General Ordinances is hereby amended to read as follows:

§ 20-2. License required; replacement tags.

- B. The owner of any dog may, if the license tag is mislaid, stolen or lost, procure a replacement tag for \$2.00. The owner must provide adequate proof that the dog is currently licensed for the year in which the replacement tag is desired.

SECTION 2. Chapter 20, Animals, Section 20-4, Fees; expiration of license, Subsection (B), of the aforesaid Revised General Ordinances is hereby amended to read as follows:

§ 20-4. Fees; expiration of license.

- B. The fee for any dog, other than a potentially dangerous dog as defined herein, shall be **\$8.80** for each dog plus a registration fee of \$1 and \$0.20 for the pilot clinic fee for each dog. In addition, there will be an additional surcharge of \$3 on all licenses issued for nonspayed and nonneutered dogs. The same fees shall be charged for the annual renewal of each license and registration tag

SECTION 3. Chapter 20, Animals, Section 20-4, Fees; expiration of license, Subsection (C), of the aforesaid Revised General Ordinances is hereby repealed.

SECTION 4. Chapter 20, Animals, Section 20-6, Delinquent fees, Subsection (B), of the aforesaid Revised General Ordinances is hereby amended to read as follows:

§ 20-6. Delinquent fees.

- B. The Township Clerk *or Animal Control Officer* shall levy a per-calendar-month additional late fee of \$5 for any license issued after January 31 ***through May 31 and \$10 per month for the remainder of the calendar year***, effective January 1, **2009**.

SECTION 5. Chapter 20, Animals, Section 20-12, Kennels, pet shops, shelters and pounds, Subsection (F), of the aforesaid Revised General Ordinances is hereby amended to read as follows:

§ 20-12. Kennels, pet shops, shelters and pounds.

- F. The fees for kennels and pet shops shall be as follows and shall be paid with the application:
- (1) Kennel accommodating 10 or fewer dogs: **\$25.**
 - (2) Kennel accommodating more than 10 dogs: **\$50**
 - (3) Pet shop: **\$50**
 - (4) Shelter or pound: no fee.

SECTION 6. Chapter 20, Animals, Section 20-15, Dog census, of the aforesaid Revised General Ordinances is hereby amended to read as follows:

§ 20-15. Dog census.

Any person appointed by the Township Committee, for the purpose set forth pursuant to N.J.S.A. 4:19-15.15, shall biennially cause a canvass to be made of all dogs owned, kept or harbored within the limits of the Township and shall report on or before September 1 ***of the year in which the census is taken, to the Township Clerk*** and to the local 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 unlicensed dogs, the number of unlicensed dogs owned, kept or harbored by each of said persons, together with a complete description of each of said unlicensed dogs.

SECTION 7. Chapter 20, Animals, Section 20-28, Violations and penalties, of the aforesaid Revised General Ordinances is hereby amended to read as follows:

§ 20-28. Violations and penalties.

- A. Any person found guilty of violating any provision of this article shall, upon conviction thereof, be subject to one or more of the following: imprisonment in the county jail, or in any place provided by the municipality for the detention of prisoners, for any term not exceeding 90 days; or a fine not exceeding \$2,000; or a period of community service not exceeding 90 days; provided, however, that the following mandatory fines shall apply:
- (1) Failure to obtain license (§§ 20-3, 20-8, 20-10 and 20-12A, B, C and D): **\$50.**
 - (2) Dogs running at large (§§ 20-12G and 20-21B):
 - (a) Section 20-12G: **\$50.**
 - (b) Section 20-21B: **\$50.**
 - (3) Disturbing the peace (barking or crying) [§ 20-21A]: **\$50**
 - (4) Dogs attacking person: ***minimum fine of \$100 not to exceed \$500.***
 - (5) Removal of tag; attaching a tag wrongfully (§ 20-11A): **\$50.**
 - (6) Dogs attacking other animals: ***minimum fine of \$100 not to exceed \$500.***
 - (7) Interference with an officer (§ 20-20): **\$50.**

(8) Defecation (§§ 20-23A, B, C and D): **\$50.**

- B. Any person who is convicted of violating this article within one year of the date of a previous violation of the same provision of this article, the penalty for which is not governed by N.J.S.A. 14:19-15.19, and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the article, but shall be calculated separately from the fine imposed for the violation of the article.

SECTION 8. Chapter 20, Animals, Article II, Wildlife Feeding, Section 20-34, Violations and penalties, of the aforesaid Revised General Ordinances is hereby amended to read as follows:

§ 20-34. Violations and penalties.

Any person(s) who is found to be in violation of the provisions of this article shall be subject to a fine not to exceed **\$500.**

SECTION 9. All ordinances of the Township of Andover, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 10. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION 11. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

ATTEST:

**TOWNSHIP OF ANDOVER
COUNTY OF SUSSEX
STATE OF NEW JERSEY**

Vita Thompson, Clerk

By: _____
Gail Phoebus, Mayor

TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY

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SECTION 11. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

NOTICE OF PENDING ORDINANCE

PUBLIC NOTICE is hereby given that the foregoing Ordinance was introduced and passed at first reading at a Regular Meeting of the Township Committee of the Township of Andover held on March 24, 2008. A public hearing regarding same will be held at a meeting scheduled for April 14, 2008 beginning at 7:30 P.M., at the Municipal Building, 134 Newton-Sparta Road, Andover Township, NJ, at which time all persons interested both for and against said ordinance shall be given an opportunity to be heard concerning same.

Vita Thompson, R.M.C.
Municipal Clerk