ORDINANCE NO. 2012-3

AN ORDINANCE OF THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN, STATE OF NEW JERSEY, REPEALING AND REPLACING CHAPTER 6.08.060 OF THE CODIFIED ORDINANCES OF THE TOWNSHIP AND REDESIGNATING SAME AS "KENNELS, PET SHOPS, SHELTERS, POUNDS-FEES.

BE IT ORDAINED, by the Township of Ocean, County of Ocean, State of New Jersey, as follows:

SECTION 1. Chapter 6.08.060 shall be deleted in its' entirety and replaced with the following "Kennels, Pet Shops, Shelters, Pounds- Feesds," which shall read as follows:

§6.08.060 Licensing Requirements.

A. Any person who keeps or operates or proposes to establish a kennel, pet shop, shelter or pound shall apply to the Township for a license entitling him or her to keep or operate such establishment. Any person holding such a license shall not be required to secure individual licenses for dogs or cats owned by such licensee and kept at such establishments. Such licenses shall not be transferable to another owner of different premises.

B. The application shall describe the premises where the establishment is located or proposed to be located. The purpose or purposes for which is to be maintained and shall be accompanied by the written approval of the local municipal and health authority showing compliance with the local and state rules and regulations governing location and sanitation at such establishment. The application will also describe the maximum number of dogs, cats or other animals to be accommodated by such establishment at any one time.

C. All licenses issued for a kennel, pet shop, shelter or pound shall state the purpose for which the establishment has been maintained, and all such licenses shall expire on the last day of June of each year and be subject to revocation by the municipality on recommendation of the State Department of Health and Senior Services or Township for failure to comply with the rules and regulations of said board, after the owner has been afforded a hearing by either the State Department or Township, except as provided below in this section.

D. Any person holding such license shall not be required to secure individual licenses for dogs owned by such licensee and kept at such establishment since licenses shall not be transferable to another or different premises.

E. Review of pet shop licenses; suspension or revocation.

(1) The license for a pet shop shall be subject to review by the Township, upon recommendation by the State Department of Health and Senior Services or the local health authority for failure by the pet shop to comply with the rules and regulations of the state department or local health authority governing pet shops or if the pet shop meets the criteria for recommended suspension or revocation provided under subsection (c) or (d) of N.J.S.A. 56:8-96, after the owner of the pet shop has been afforded a hearing pursuant to subsection (e) of N.J.S.A. 56:8-96.

(2) The Township, based on the criteria for the recommendation of the local health authority provided under subsections (c) and (d) of N.J.S.A. 56:8-96, may suspend the license for 90 days or may revoke the license if it is determined at the hearing that the licensed facility:

(a) Failed to maintain proper hygiene and exercise reasonable care in safeguarding the health of animals in its custody; or

(b) Sold a substantial number of animals that the pet shop knew, or reasonably should have known, to be unfit for purchase.

F. The Township may issue a license for a pet shop that permits the pet shop to sell pet supplies for all types of animals, including cats and dogs, and sell animals other than cats and dogs but restricts the pet shop from selling cats or dogs, or both.

G. Every pet shop licensed in the state shall submit annually and no later than May 1 of each year records of the total number of cats and dogs, respectively, sold by the pet shop each year to the Township in which it is located, and the Township shall provide this information to the local health authority.

H. The Animal Control Officer, as agent of the Township, shall ensure any person holding a license to establish, keep or operate a kennel, pet shop, shelter or pound shall comply with applicable state and local laws.

I. License Fees. The annual license fees for kennel and pet shop licenses shall be as follows:

1) Kennel accommodating ten or less dogs, $10.

2) Kennel accommodating more than ten dogs, $25.

3) Pet shop, $25.

4) Shelter/pound, no fee.

J. State Health Department Reporting.

The Township shall forward to the State Department of Health a list of all kennels, pet shops, shelters and pounds licensed within 30 days after the licenses therefore are issued. The list shall include the name and address of each licensee and the kind of license issued.

K.Control of animals off premises.

No, dog, cat or other animals kept in a kennel, pet shop, shelter or pound shall be permitted off the premises except on a leash, in a crate or other like method. Except as otherwise provided in this chapter, any person who violates, fails or refuses to comply with the provisions of this chapter shall be liable to a penalty of not less than $5 nor more than $50 for each offense, to be recovered by and in the name of the Township of Ocean.

L. Violations and Penalties.

Any person violating or failing to comply with any other section of this chapter shall, upon conviction thereof, be punishable by a fine not more than $1,250, for a term of imprisonment not to exceed 90 days or by community service of not more than 90 days or any combination of fine, imprisonment and community service as determined in the discretion of the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

M. The violation of provisions of this chapter shall be subject to abatement, summarily by a restraining order or by injunction issued by the court of competent jurisdiction.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting held on the 12th day of Jan, **2012**, and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the 9th day of Feb, **2012**, at 6:30 p.m., at the Municipal Building located at 50 Railroad Avenue, Waretown, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Diane B. Ambrosio, RMC
Municipal Clerk