

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
ORDINANCE NO. 2015-03**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER V,
“ANIMALS,” SECTION 5-1 “DOGS,” OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF RED BANK**

Councilwoman Horgan offered the following ordinance on final reading and moved its adoption:

WHEREAS, the Borough of Red Bank has consistently supported measures to ensure that animals are treated humanely; and

WHEREAS, the United States Department of Agriculture has found the continuous confinement of dogs by a tether to be inhumane; and

WHEREAS, studies by the Humane Society of the United States have shown that tethering a dog to a fixed location for extended periods of time inhibits socialization and often results in dogs becoming territorial and aggressive, potentially posing a nuisance and threat to nearby neighbors; and

WHEREAS, dogs tethered over a long time to a fixed location, without proper care, may become infected with parasites and diseases. Further, neighbors are exposed to health risks because of the associated concentration of urine and feces within a confined area; and

WHEREAS, dog tethering for extended periods of time can be injurious to the animal's health and may be life threatening, particularly during times of extreme heat and cold. Results of extended tethering include severe collar injuries and exposure-related illnesses amounting to animal cruelty, therefore,

BE IT ORDAINED by the Governing Body of the Borough of Red Bank that Chapter V, “Animals”, Section 5-1 “Dogs” of the Revised General Ordinances of the Borough of Red Bank, be amended and supplemented as follows:

SECTION ONE: Chapter V, “Animals”, Section 5-1 “Dogs” of the Revised General Ordinances of the Borough of Red Bank, be amended and supplemented as follows (stricken text denotes deletions, underlined text denotes additions):

Section 5-1.1 through Section 5-1.8 Unchanged.

Section 5-1.9 Motorists Hitting Animals.

- (a) Any person operating a motor vehicle who hits, runs over or causes injury to any animal shall stop at once, ascertain the extent of the injury, render such assistance as may be possible provided it can be accomplished safely and without danger to the motorist, pedestrians or other motorists, and promptly report to the nearest Police Station, Police Officer or the pound.
- (b) The motorist shall promptly report his name, address, operator's license and registration number and the location of the injured animal.

Section 5-1.10 Tethering of Animals.

- (a) Definitions.
 - 1. Tethering shall mean the restraining of an animal by the tying to any object or structure, including, without limitation, a house, tree, fence, post, garage, weight or shed, by any means, including, without limitation, rope, cord, leash or running line, but shall not include the use of a leash used to walk the animal or to forms of restraint used in the transportation of the animal.
- (b) It shall be unlawful for any person to tether, fasten, tie, restrain or cause an unattended dog to be fastened, tied or restrained to houses, trees, fences, garages,

stakes or other stationary or highly immobile objects by means of a rope, strap or other physical restraint for the purpose of confinement, except in circumstances where all of the following requirements are satisfied:

1. The tethering is for a total of no more than seven (7) hours within a twenty-four (24) hour period, with a maximum of four (4) hours at any one (1) interval and a minimum one (1) hour period between confinements.
 2. The tether is attached to the dog by a non-choke type collar, swivels at both ends and attached to the stationary object by anchors, latches or similar devices in a manner which the dog is able to move freely and prevents the tether from becoming entangled around the dog or any object so as to limit the dog's freedom within the tethered area or to prevent the dog, or any of its appendages from becoming entangled by the tether.
 3. The tether shall be of a type commonly used for the size of the dog involved.
 4. The construction of the tether shall be of a lightweight, yet durable, material, shall not exceed twenty (20) percent of the animal's weight and may not be thicker than one-eighth (1/8) inch.
 5. The tether must be a minimum of fifteen (15) linear feet in length, less than six (6) feet above the ground and shall remain tangle free.
 6. The tethered dog has easy access to potable drinking water, edible food, dry ground and adequate shade and/or shelter within the tethering area.
 7. The tethering area shall be clean, clear of obstructions and/or debris and no less than 150 square feet per dog in total area.
 8. The dog, whether used for hunting, farming, breeding or is an otherwise working dog, is regularly monitored while tethered for the aforementioned period of time.
- (c) No dog shall be tethered by means of a choke-type, pinch-type, prong-type or improperly fitting collar.
- (d) Chains shall be prohibited for use as a tethering device.
- (e) If there are multiple dogs, each dog shall be tethered separately and in such a manner that the tethers shall not become entangled with each other.
- (f) No dog shall be tethered within five (5) feet of another person's property, public thoroughfare and/or right-of-way.
- (g) No dog shall be tethered at a vacant structure or premises for any purpose when it is not monitored by a competent adult who is present at the property for the duration of such tethering.
- (h) Dogs that are not spayed or neutered shall not be tethered for any period of time.
- (i) No dog under the age of one (1) or under 20 pounds shall be tethered.
- (j) No dog that is sick or injured shall be tethered.
- (k) No dogs shall be tethered between the hours of 10:00 pm and 6:00 am.

Section 5-1.11 Restriction on Leaving Animals Outdoors.

- (a) It shall be unlawful for any person to leave any animal outdoors and unattended for a continuous period of time greater than one half (1/2) hour if the National Weather Service has issued weather alerts or storm warnings or if the temperature during such period is either below 32 degrees Fahrenheit or above 85 degrees Fahrenheit. The animal shall be considered outside regardless of access to an outdoor doghouse or similar structure, unless such structure is a properly functioning climate-controlled and weather-resistant structure.
- (b) No animal shall be left outside during snow storms, ice storms or thunderstorms.

Section 5-1.12 Collars.

- (a) It shall be unlawful for any person to collar an animal with a choke-type collar, prong-type collar, pinch-type collar or rope.
- (b) The collar must be at least as large as the circumference of the animal's neck plus one (1) inch and cannot be constructed primarily of metal.

Section 5-1.13 Prohibited Activities and Treatment.

- (a) No owner, caretaker, guardian or handler shall withhold proper shelter, light, space, protection from weather, veterinary care, and/or immune care from any animal.

- (b) No owner, caretaker, guardian or handler shall fail to provide his or her animal with sufficient edible food and potable drinking water on a daily basis. Food and water must be in an animal food consumption or water consumption type container, feeder or waterer.
- (c) No animal shall be subjected to unnecessary suffering or cruelty such as subjecting the animal to prolonged confinement, fear, injury, pain or physical abuse. Interaction with humans and other animals shall not be reasonably withheld.
- (d) No animal shall be confined in a parked or standing vehicle or enclosed trailer for a period of fifteen (15) or more minutes when the temperature during such period is either below 32 degrees Fahrenheit or above 85 degrees Fahrenheit.

Section 5-1.14 Outdoor Animal Enclosures

- (a) Animals shall be provided access to an enclosure/structure which protects them against inclement weather, is water resistant and keeps them dry, provides shade from direct sunlight and allows them to preserve a normal body temperature.
- (b) Animals shall not be housed on a temporary or permanent basis in any enclosure/structure constructed of metal, unless adequately insulated from inclement weather.
- (c) Outdoor animal enclosures, including pens, doghouses or other similar structures shall be soundly constructed, safely and properly positioned on a raised platform and properly maintained. The top of the enclosure shall be covered to provide the animal with shade and protection from the elements. The floor of the enclosure shall be constructed in such a manner that it protects the animals' feet and legs from injury.
- (d) Pet Taxis, plastic carriers, boxes, vari-kennels or metal houses shall not be acceptable as adequate outdoor enclosures.
- (e) Outside animal enclosure shall be no less than four (4) feet in height, no less than sixty-four (64) in square footage and must allow for the animal to freely turn around, stand, sit or lie in a normal position. The animal must be able to lie down while fully extended without the animals' head, tail, legs, face or feet touching any side of the enclosure. The interior height of the enclosure shall be at least six (6) inches higher than the head of the animal in the enclosure when it is at a normal standing position.
- (f) Outdoor animal enclosures shall contain bedding such as straw or other absorbent material in a sufficient quantity to provide adequate insulation for the structure. Bedding shall be maintained in a dry condition and renewed or changed as necessary.
- (g) Outdoor animal enclosure shall be kept dry, clean and free of animal waste.

Section 5-1.15 Enforcement.

- (a) In addition to imposing penalties set forth in this Chapter, and notwithstanding other seizure and impounding Sections of the Chapter, any Officer or Agent authorized or empowered to enforce and perform any duty under this Chapter is hereby authorized to go upon any premises and seize for impounding any animal when such Officer reasonably believes that any provision of this Article has been violated, except upon the premises of the owner of the animal if the owner is present and forbids the entry of the Officer or Agent, then a warrant shall be issued according to law at the request of such Officer or Agent.
- (b) Prior to seizing any animal under this Article, such Officer or Agent shall provide written Notice to the owner, either in person or by posting such written Notice upon the premises of the nature of the violation and such
- (c) Notice must contain an order to bring the violation into compliance within twenty-four (24) hours of receipt of such notice.

Section 5-1.16 Notice of Seizure and Impoundment

- (a) If such animal has been seized for impounding pursuant to Section 5-1.15, then the Officer or Agent shall notify the Health Officer immediately that he/she has seized and impounded the animal pursuant to Section 5-1.15. If the identity of the owner is not known, then the Officer shall, through a reasonable effort attempt to determine the identity of the owner of any animal seized and impounded pursuant to Section 5-1.15. If its owner cannot be identified within fourteen (14) days, then that animal shall be made available for adoption.
- (b) Any owner of any animal removed under this Article may gain possession of the animal within fourteen (14) days upon an adequate showing to the confiscating Officer or Agent that the violation has been brought into compliance. Should an

owner fail to adequately show that the violation has been brought into compliance within fourteen (14) days, then said animal shall be made available for adoption.

Section 5-1.17 Penalties.

- (a) The owner of a seized animal pursuant to Section 5-1.15 who is found by clear and convincing evidence to have violated with Article, or any rule or regulation adopted pursuant thereto, or to have failed to comply with a Court’s order shall be subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000) per day of the violation and each day’s continuance of the violation shall constitute a separate and distinct violation.
- (b) Any fines or penalties imposed under this Article shall be in addition to and not in lieu of any fines or penalties set forth in this Chapter or pursuant to any other applicable law.

SECTION TWO: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of Section 5-1, “Dogs” of the “Animal Control” Chapter of the Borough’s Ordinance, are ratified and remain in full force and effect.

SECTION THREE: If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION FOUR: This Ordinance shall take effect immediately upon its passage and adoption according to law.

Seconded by Councilwoman Horgan and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Murphy	(X)	()	()	()
Councilwoman Burnham	(X)	()	()	()
Councilwoman Horgan	(X)	()	()	()
Councilwoman Schwabenbauer	(X)	()	()	()
Councilman Zipprich	(X)	()	()	()
Councilman DuPont	()	()	()	(X)

Date: March 11, 2015