

Borough of Matawan

Notice of Pending Ordinance

The ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Borough of Matawan, in the County of Monmouth, State of New Jersey, on August 11, 2015. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the regular meeting of the governing body in the Borough on September 1, 2015 at 7:00 o'clock pm. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's office for the members of the general public who shall request the same.

Karen Wynne, RMC
Municipal Clerk

ORDINANCE 15-15 AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MATAWAN CHAPTER 5 – ANIMAL CONTROL

BE IT ORDAINED by the Council of the Borough of Matawan, recognizes if you own or keep animals, you have a legal duty to take care of those animals, and you need to take reasonable steps to protect their welfare and prevent their suffering. As a general principle, you must not leave or place animals in circumstances where they are likely to suffer; and

SECTION ONE:

BE IT ORDAINED, the following terms shall be added to Section 5-1 Definitions in alphabetical order:

Container shall mean a clean receptacle designed to hold water which is sturdy, hard to tip and suitable to the pet and circumstance.

Extreme Weather shall mean temperatures above 85 degrees or below 40 degrees, and depending on the species, age, condition, size and type of each animal, weather warnings and watches, hurricanes, tornadoes, floods and blizzards.

Shade shall mean an area out of the direct sunlight or an area having the direct sunlight blocked during the months of May through and including October.

Shelter (replaces current definition) shall mean shelter/doghouse that is suitable for the species, age, condition, size and type of each animal and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, and maintains the physical condition of the animal so as to maintain the animal in a state of good health. Such shelter shall be large enough for the animal to turn around and lay down yet not so tall that the animal's body heat dissipates easily.

Tufts Scale shall mean The Tufts Animal Care and Condition Scale for assessing body condition, weather and environmental safety, and physical care in dogs; authored by the Tufts University School of Veterinary Medicine.

Water shall mean fresh, clean water provided daily in all situations in sufficient quantity in an appropriate container for the pet and the circumstance (e.g., no metal bowls in winter).

BE IT ORDAINED, Section 5-6.2 Shelter and Care of Animals shall be amended and supplemented as follows:

The Tufts Animal Care and Condition Scale shall be used as a guide to assess reasonable treatment.

a. Condition of Pens and Premises. It shall be unlawful for any person keeping or harboring animals to fail to keep the premises where such animals are located free from excessive animal waste and offensive odors to the extent that such waste and odors disturb person(s) residing or located within twenty (20) feet of the premises. It shall be unlawful to allow the premises where animals are kept to become unclean and a threat to the public health by failing to diligently and systematically remove all animal waste from the premises. (Ord. No. 08-25)

b. No owner, caretaker or handler shall withhold proper shelter, protection from weather, safety in extreme weather, veterinary care and immediate care to any animal. No owner, caretaker, or handler shall fail to provide his or her animal with sufficient food and fresh drinkable water on a daily basis. Food and water must be in an animal food-consumption or water-consumption-type container, feeder or watering device.

c. No animal shall be subjected to unnecessary suffering and cruelty such as subjecting the animal to prolonged fear, injury, pain or physical abuse or extreme weather. Interaction with humans and other animals shall not be unreasonably withheld. This Section does not apply to any individual currently licensed by the State Board of Veterinary Medical Examiners to practice veterinary medicine, who is acting within his or her scope of practice to deliver acceptable and medically sound veterinary care for an animal.

d. No animal shall be left unattended in a motor vehicle without sufficient airflow or under extreme heat conditions (70 or more degrees on a sunny day and/or more than 84 degrees inside the vehicle) as to render the animal susceptible to heat prostration or any other adverse condition that would be caused by said behavior, including death.

SECTION TWO: Any portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this ordinance.

SECTION THREE: If any provisions of the ordinance or the application of any 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, to the end, the provision of this ordinance are declared to be severable.

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