ORDINANCE - 2005-29

AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK IN THE COUNTY OF MONMOUTH AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 79 OF THE CODE OF THE TOWNSHIP OF COLTS NECK ENTITLED "ANIMALS"

BE IT ORDAINED by the Township Committee of the Township of Colts Neck, County of Monmouth, State of New Jersey as follows: (additions to text indicated by underline; deletions to text indicated by ~~strikeout~~).

1. That Section 79-4 "Nuisance on public property" of Article I "Dogs" in Chapter 79 "Animals" is herby amended and supplement as follows:

§ 79-4 Nuisances on public property.

No person owning or having the care, custody or control of any dog shall permit such dog to do any injury or damage to ~~soil or defile~~ or to commit any nuisance upon any sidewalk, street or thoroughfare, in or upon any public property or in or upon the property of persons other than the owner or person having the care, custody or control of such dog.

2. That Section 79-5 "Nuisances on private property" of Article I "Dog" in Chapter 79 "Animals" is herby amended as follows:

§ 79-5 Nuisances on private property.

No person owning or having the care, custody or control of any dog shall suffer or permit it to ~~soil or defile or~~ do any injury or damage to any lawn, shrubbery, trees, flowers, grounds or any property of persons other than the owner or person having the care, custody or control of such dog.

3. The Chapter 79 "Animals" of the Code of the Township of Colts Neck is hereby amended and supplemented to establish a new Article III entitled "Pet Waste" as follows:

ARTICLE III
Pet Waste

§ 79-16 Purpose:

To establish requirements for the proper disposal of pet solid waste in the Township of Colts Neck so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 79-17 Definitions:

For the purpose of this Article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

a. Immediate – shall mean that the pet solid waste is removed at once, without delay

b. Owner/Keeper – any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet

c. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction

d. Pet – a domesticated animal (other than a disability assistance animal) kept for amusement or companionship

e. Pet solid waste – waste matter expelled from the bowels of the pet; excrement

f. Proper disposal – placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

§ 79-18 Requirement for disposal:

All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

§ 79-19 Exemptions:

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this Article while such animal is being used for that purpose.

§ 79-20 Enforcement:

The provisions of this Article shall be enforced by the Police Department and/or Code Enforcement Officer of the Township of Colts Neck

§ 79-21 Violations and penalties:

Unless otherwise specified herein, for a violation of any provision of this Article, the maximum penalty, upon conviction thereof, shall be a fine not exceeding $1,000.00 or community service not exceeding 90 days or any combination thereof.

4. That Chapter 79 "Animals of the Code of the Township of Colts Neck is hereby amended and supplemented to establish a new Article IV entitled "Wildlife Feeding" as follows:

ARTICLE IV
Wildlife Feeding

§ 79-22 Purpose:

To prohibit the feeding of the unconfined wildlife in any public park or on any other property owned or operated by the Township of Colts Neck, so as to protect public health, safety and welfare and to prescribe penalties for failure to comply.

§ 79-23 Definitions:

For the purpose of this ordinance the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

a. Feed – to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

c. Wildlife – all animals that are neither human nor domesticated.

§ 79-24 Prohibited conduct:

No person shall feed, in any public park or on any other property owned or operated by the Township of Colts Neck, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers). Notwithstanding the above, the feeding of feral cats as part of an approved Trap, Neuter and Release (TNR) program is allowed.

§ 79-25 Enforcement:

The provisions of this Article shall be enforced by the Police Department and/or Code Enforcement Officer of the Township of Colts Neck.

§ 79-26 Violations and penalties:

Unless otherwise specified herein, for a violation of any provision of this Article, the maximum penalty, upon conviction thereof, shall be a fine not exceeding $1,000.00 or community service not exceeding 90 days or any combination thereof.

5. Severability. If any section, paragraph subsection, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

6. Repealer. The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this ordinance shall remain in full force and effect.

7. Inconsistent ordinance. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

8. This ordinance shall take effect immediately upon passage, publication and filing according to law.

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Township Committee of the Township of Colts Neck on the 21st day of December, 2005

Benjamin T. Forester, Mayor

Robert Bowden, Township Clerk

ORDINANCE READING	DATE
1ST READING BY TITLE:	November 30, 2005
2ND READING BY TITLE:	December 21, 2005

COLTS NECK TOWNSHIP COMMITTEE					
RECORD OF VOTE	MAYOR FORESTER	DEPUTY MAYOR FLOREK	BURRY	HENNESSY	STUART
Motion To Approve		X			
Motion Seconded				X	
Approve	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					