

TOWNSHIP OF DELAWARE
COUNTY OF HUNTERDON
BOARD OF HEALTH
ORDINANCE #2012-10 BH

AN ORDINANCE OF THE BOARD OF HEALTH OF THE TOWNSHIP OF DELAWARE AMENDING AND SUPPLEMENTING THE “REVISED GENERAL ORDINANCES OF THE BOARD OF HEALTH OF THE TOWNSHIP OF DELAWARE, 1992” TO REGULATE THE NUMBER OF DOGS THAT HOUSEHOLDS IN DELAWARE TOWNSHIP MAY KEEP. #2012-10BH

WHEREAS, pursuant to N.J.S.A. 26:3-31, boards of health have the power to pass ordinances in regard to the public health “to regulate, control, or prohibit the keeping or slaughtering of animals;” and

WHEREAS, the Board of Health has determined there may exist a direct correlation between the number of dogs per household and issues of waste management and elimination, which impacts the transmission of diseases among animals and people; and

WHEREAS, in considering the adoption of the ordinance, the Board of Health has recognized potential environmental concerns and the introduction through storm water runoff or intrusion into the ground water of fecal waste, phosphates and nitrates; and

WHEREAS, the Board of Health has considered public health nuisances including but not limited to: noise and odor and the impact of vectors including rodents and insects and bacteria and viral pathogens which could be related to the number of dogs maintained per household; and

WHEREAS, the health, safety and welfare of dogs and the proper maintenance and care of dogs by households, including but not limited to: boarding, registration, inoculation, waste management and removal and licensing are advanced by the adoption of an ordinance establishing limitations on the number of dogs that may be maintained by households located in the Township; and

WHEREAS, the Delaware Township Board of Health finds that it is in the best interest of public health, safety and welfare to establish a limitation on the number of dogs that may be maintained by households located in the Township.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Health of the Township of Delaware, County of Hunterdon and State of New Jersey that the “Revised General Ordinances

of the Board of Health of the Township of Delaware, 1992” are amended by the adoption of a new Chapter IX entitled “Regulations on the Keeping of Dogs” to read as follows:

Section 1. Chapter BH:IX and its subsections are hereby created as follows:

BH:9 CHAPTER BH:IX REGULATIONS ON THE KEEPING OF DOGS

BH:9-1 DEFINITIONS. As used in this section:

- a. “Dog” shall mean any dog, bitch, spayed bitch or neutered male.
- b. “Board” or “Boarding” shall mean the act of providing food and/or shelter to dogs or cats, regardless of whether it involves an overnight stay, for a fee, at the request of the owner or caretaker.
- c. “Facility” shall mean any kennel, pet shop, shelter or pound as said terms are defined by N.J.S.A. 4:19-15.1.
- d. “Household” shall mean any owner, resident or occupant of a building improvement or of real property within the Township including anyone having a right of occupancy as a tenant, caretaker or other interest evidencing right of possession or control.
- e. Consistent with N.J.S.A. 4:19-15.1, “Kennel” shall mean any establishment wherein or whereupon the business of boarding or selling dogs or breeding dogs for sale is carried on, except a pet shop.
- f. “Kept” shall mean having a right of ownership, custody, care and/or control.
- g. Consistent with N.J.S.A. 4:19-15.1, “Pet Shop”: means any place of business which is not part of a kennel, wherein animals, including, but not limited to: dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils, are kept or displayed chiefly for the purpose of sale to individuals for personal appreciation and companionship rather than for business or research purposes.
- h. Consistent with N.J.S.A. 4:19-15.1, “Pound” means any establishment for the confinement of dogs or other animals seized either under the provisions of N.J.S.A. 4:19-15.1 or otherwise.
- i. Consistent with N.J.S.A. 4:19-15.1, “Shelter” means any establishment where dogs or other animals are received, housed and distributed.

BH-9-2 MAXIMUM NUMBER OF DOGS PER HOUSEHOLD

- a. Effective thirty (30) days after the date the ordinance is adopted on second (2nd) reading, the maximum number of intact dogs allowed per household shall be six (6) over the age

of seven (7) months and not more than a total combined number of intact and/or spayed or neutered dogs of ten (10) dogs per household. Said animals must be licensed and any combination in excess of the maximum shall be prohibited and may not be harbored, sheltered or kept by a household. This restriction shall not apply to properly licensed kennels, pet shops, pounds and shelters operating in conformity with all State, County and local statutes, codes, rules, and regulations, including, without limitation, applicable zoning approvals and improvements. An approved kennel or facility must pay the annual licensing fee prescribed by the Township.

b. Exceptions: Litters of Pups.

The maximum number of intact dogs per household imposed by this section shall not apply to litters of pups sheltered for a period of six (6) calendar months from the date of birth. No household may shelter more than two (2) litters of pups per intact female within a consecutive twenty-four (24) month period. This restriction shall not apply to properly licensed kennels, pet shops, pounds and shelters operating in conformity with all State, County and local statutes codes, rules and regulations, including, without limitation, applicable zoning requirements.

c. Grandfather Provision.

Notwithstanding the terms and provisions of this ordinance and the restrictions recited herein, a household possessing more than six (6) intact dogs and not more than a total combined number of intact and/or spayed or neutered dogs of ten (10) dogs per household as of the effective date of this ordinance, shall be permitted to keep and maintain all of said dogs as long as all such dogs are properly licensed on December 5, 2012. Any household shall be entitled to maintain the presently existing number of dogs greater than the number permitted by this ordinance until such dog(s) die or are otherwise transferred out of the household's possession or for a period not to exceed twelve (12) years from the effective date of this ordinance whichever event is later. When one of the number of dogs in excess of the number permitted by this ordinance shall die or be transferred out of the household's possession, custody or control, such animal(s) may not be replaced unless and until the number of dogs owned, possessed, kept or harbored by said household is in compliance with subsection 6(c) of this ordinance. Households maintaining more than six (6) intact dogs under this grandfathering provision are subject to inspection to ensure the health and welfare of the animals and the household are maintained. Inspections shall be scheduled and undertaken by the Township Animal Control Officer as reasonably necessary, to enforce the terms and provisions of this ordinance. An application, on forms prescribed by the Board of Health, for a determination whether a household is subject to being grandfathered shall be submitted for review and approved by the Board of Health.

Section 2. Severability. If any section, paragraph, sentence, clause or phrase of this Ordinance is for any reason held or adjudged to be unconstitutional or invalid, such adjudication shall not affect the remainder hereof.

Section 3. Repealer. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 4. Effective Date. Except as otherwise herein provided, this ordinance shall take effect upon passage and thirty (30) days following its initial publication, as set forth in N.J.S.A. 26:3-69.

ATTEST:

Danene Gooding, Secretary
November 15, 2012
Published 11/21/12
Adopted:

Jorge H. Berkowitz, Ph.D., Chairman

PLEASE TAKE NOTICE that the Delaware Township Board of Health approved the above ordinance on first reading at its Regular Meeting held on November 15, 2012. It will be considered on second reading for final adoption and will have a public hearing at a Regular Meeting beginning at 7:30 p.m. on December 3, 2012 at the Delaware Township Municipal Bldg., 570 Rosemont Ringoes Rd. (County Rt. 604), Sergeantsville, NJ. At that time an opportunity will be given for all interested citizens to be heard.