

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE # 2015-02

TITLE: ORDINANCE AMENDING CHAPTER 166, ANIMALS, OF THE CODE OF TOWNSHIP OF LOWER

WHEREAS, the Township Council of the Township of Lower desires to amend Chapter 166, Animals, of The Code of the Township of Lower.

NOW, THEREFORE, BE IT ORDAINED that the Township Council of the Township of Lower, County of Cape May, State of New Jersey hereby determines and declares that the following sections of Chapter 166 read as follows:

**Section 1.** 166-1 E. shall read as follows:

E. Chaining or tethering of dogs.

Dogs must be able to move freely when chained or tethered and shall be confined for a period no greater than nine (9) hours within a twenty-four hour period. The size of the tether or chain must be a minimum of 15 linear feet and shall remain tangle free. Dogs must be equipped with properly fitted harness or buckle type collar. The tether or chain shall be constructed of lightweight cable. A doghouse shall be accessible to dogs that are chained or tethered. No Dog shall be chained or tethered outside for more than thirty (30) minutes after sunset or before sunrise. When chaining or tethering dogs, individuals shall strictly adhere to the prohibitions contained within section 166-1(g)(1) and section 166-1(g)(2).

**Section 2.** A new paragraph "F" is hereby added to Section 166-1 which shall read as follows:

F. Extreme Weather.

In extreme weather below thirty-two (32) degrees and above ninety (90) degrees and in major storms where evacuation is recommended, all outdoor dogs and indoor/outdoor cats (with the exception of feral cats) must be brought indoors whether tethered or kenneled, unless the kennel is heated or air conditioned in accordance with the safety code. Indoors will include any area of the residence and shall conform to the above temperature specifications and must be adequately ventilated.

**Section 3.** Section G shall read as follows:

G. Prohibited activities and treatment

a. The following specific acts are declared to be prohibited activities and treatment directed towards animals, but said enumeration shall not be deemed to be exclusive:

(1) No owner, caretaker, guardian or handler shall withhold proper shelter, protection from weather, veterinary care and immune care to any animal. No owner, caretaker, guardian or handler shall fail to provide his or her animal with sufficient food and drinkable water on a daily basis. Food and water must be in animal food consumption or water consumption type container, feeder or waterer.

(2) No animal shall be subjected to unnecessary suffering and cruelty such as subjecting the animal to prolonged fear, injury, pain or physical abuse. Interaction with humans and other animals shall not be unreasonably withheld. 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 to an animal, shall be exempt from this subsection

2<sup>nd</sup> May 18  
Eff date: May 28

**Section 4.** Section H shall read as follows:

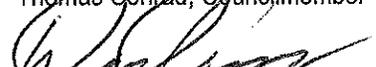
Failure to comply with the provisions of Subsections A, B, C, D, E, F and/or G of this section shall be deemed a separate offense, and each violation shall subject the violator, upon conviction, to a fine of not less than \$100 nor more than \$1,000.

**Section 5.** All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

**Section 6.** Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provision of this Ordinance are hereby declared to be severable.

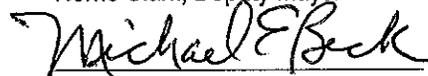
**Section 7.** This Ordinance shall become effective immediately upon final passage and publication, according to law.

  
Thomas Conrad, Councilmember

  
David Perry, Councilmember

  
Erik Simonsen, Councilmember

  
Norris Clark, Deputy Mayor

  
Michael E Beck, Mayor

Adopted: May 18, 2015.

Attest:   
Julie A Picard, Township Clerk