

BOROUGH OF WOODCLIFF LAKE

Hereto introduced on the 13th day of July, 2015 at 8:00 PM did pass on first reading and that said Ordinance be further considered for final passage at a meeting to be held on the 10th day of August, 2015 at 8:00 PM or as soon thereafter as the matter can be reached at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance, and that the Borough Clerk is hereby authorized and directed to publish said Ordinance according to law with a notice of introduction and passage on first reading and of the time and place when and where said Ordinance be further considered.

ORDINANCE NO. 15-08

“AN ORDINANCE AMENDING CHAPTER 98 REGULATING ANIMALS WITHIN THE BOROUGH OF WOODCLIFF LAKE”

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WOODCLIFF LAKE, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

WHEREAS, the Borough of Woodcliff Lake 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 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

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Woodcliff Lake, County of Bergen, as follows:

Section 1: the Definition section of Chapter 98-1 shall be amended with appropriate numbering to add the following terms:

<u>Animals</u>	mean any and all types of animals domesticated and wild, male and female.
<u>At large</u>	means off the premises of the owner or custodian of the animals and not under the immediate control of the owner or custodian.
<u>Dog license</u>	means a license and registration tag required to be issued annually for each individual dog.
<u>Keep or harbor</u>	means to maintain, possess, control and use.
<u>Tethering</u>	means 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 an animal.

Section 2: Chapter 98-16 of the Borough of Woodcliff Lake Code is amended by a change in title and adding subsections A, B and C. As such, Chapter 98-17 shall read as follows:

Title: 98-16: Dogs at running large, Leaving animals Outdoors, Outdoor Animal Enclosures.

- A. Dogs running at large. No person owning, keeping or harboring any dog shall suffer or permit it to run at large upon the public streets or in any public park or in any public building or in any other public place within the Borough of Woodcliff Lake, in the County of Bergen.
- B. Restrictions on Leaving Animals Outdoors.
 - 1. It shall be unlawful for any person to leave any animal outdoors and unattended for a continuous period of time greater than one half hour if the National Weather Service has issued weather alerts or storm warning, or if the temperature during such period is either below 32° F or above 85° F. 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.
- C. Outdoor Animal Enclosures.
 - 1. 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.

2. Animals shall not be housed on a temporary or permanent basis in any enclosure/structure constructed of metal, unless adequately insulated from inclement weather.
3. If there are multiple animals, each animal shall be provided with a separated space.
4. 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 animal's feet and legs from injury.
5. Pet Taxis, plastic carriers, boxes, vari-kennels or metal houses shall not be acceptable as adequate outdoor enclosures.
6. 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 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 in a normal standing position.
7. 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.
8. Outdoor animal enclosure shall be kept dry, clean, and free of animal waste.

Section 3: Chapter 98-17 of the Borough of Woodcliff Lake Code is amended by a change in title and adding subsections A, B and C. As such, Chapter 98-17 shall read as follows:

Title: 98-17: Leash, Collars, Tethering

- A. Leash. No person owning, keeping or harboring any dog shall suffer or permit it to be upon the public streets or in any of the public places of the Borough of Woodcliff Lake unless such dog is accompanied by a person capable of controlling such dog and is securely confined and controlled by an adequate leash not more than six feet long.
- B. Collars. IT shall be unlawful for any person to collar an animal with a choke-type collar, prong-type collar, pinch-type collar, or rope.

1. The collar must be at least as large as the circumference of the animal's neck plus one (1) inch and cannot be constructed primary of metal.

C. Tethering of Dogs.

1. 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:
 - a. 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 anyone (1) interval and a minimum one (1) hour period between confinements.
 - b. 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.
 - c. The tether shall be of type commonly used for the size of the dog involved.
 - d. 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.
 - e. 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.
 - f. The tethered dog has easy access to potable drinking water, edible food, dry ground, and adequate shade and or shelter within the tethering area.
 - g. The tethering area shall be clean, clear of obstructions and or debris, and no less than 150 square feet per dog in total area.
 - h. 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.

- i. No dog shall be tethered by means of a choke-type, pinch-type, prong-type, or improperly fitting collar.
- j. Chains shall be prohibited for use as a tethering device.
- k. 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.
- l. No dog shall be tethered within five (5) feet of another person's property, public thoroughfare, and/or right-of-way.
- m. 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.
- n. Dogs that are not spayed or neutered shall not be tethered for any period of time.
- o. No dog under the age of one (1) or under 20 pounds shall be tethered.
- p. No dog that is sick or injured shall be tethered.
- q. No dogs shall be tethered between the hours of 10:00 PM and 6:00 AM.

Section 4: Chapter 98-19 of the Borough of Woodcliff Lake Code is stricken in its entirety and replaced with the following language and shall read as follows:

Title: 98-19: 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 unreasonably withheld.

- D. No animal shall be contained 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° F or above 85° F.
- E. No person owning, keeping or harboring any animal shall permit or suffer it to do any injury or to do any damage to any lawn, shrubbery, flowers, grounds or property.

Section 5: Effective Date

This Ordinance shall take effect upon passage and publication according to law.

Attest

DEBORAH DAKIN
BOROUGH CLERK