



**BOROUGH OF CALDWELL
NEW JERSEY**



ORDINANCE# 1331-17

**AN ORDINANCE AMENDING CHAPTER 60 ARTICLE II OF THE CODE OF THE BOROUGH OF CALDWELL,
BEING THE SECTION TITLED ANIMALS, ARTICLE II DOGS**

BE IT ORDAINED by the Council of the Borough of Caldwell as follows:

That Chapter 60 of the Code of the Borough of Caldwell, New Jersey be amended as herein set forth:

That Section II of Chapter 60, the Section titled "Dogs" is hereby amended as follows:

The Section shall be titled "Domestic Pets"

1. Section 60-2, "Definitions" is amended by adding the definition of Domestic Animals and defining Domestic Animals as:

An animal that is not wild and is customarily maintained as a pet.

2. Section 60-2, "Definitions" is amended by deleting the definition of Kennel and defining Kennel as follows:

Any establishment wherein or whereon the business of boarding dogs is carried on, except a pet shop.

Section 60-2, "Definitions" is amended by deleting the definition of Pet Shop and defining Pet Shop as follows:

Any room or group of rooms, cage or exhibition pen, wherein domestic animals for sale to the general public are kept or displayed

3. Section 60-18 is repealed and replaced with the following:

No pet store, pet store operator, kennel or kennel operator shall sell, offer for sale, barter, auction, breed or otherwise improperly dispose of dogs of any breed, in the Borough of Caldwell. Despite the foregoing, nothing contained herein shall prohibit a shelter, kennel, pound or other establishment from keeping, displaying, selling or otherwise transferring any dog that has been seized, rescued or donated.

4. Section 60-24 is repealed and replaced with the following:

Violations and penalties.

- A. Subject to the terms of NJSA 4:19-1 et seq, any person who violates, or fails or refuses to comply with, any one or more provisions of this article shall be subject to a fine of not more than \$2,000 for each separate offense, or confinement in the Essex County Jail for a period of not more than 90 days, or community service for a period of not more than 90 days, or any combination of fine, imprisonment and/or community service, as determined at the discretion of the Municipal Court Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be subject to penalties as provided herein for each separate offense.

B. The violation of any one or more provisions of this article shall be subject to abatement summarily by a restraining order or by an injunction issued by a court of competent jurisdiction.



BOROUGH OF CALDWELL NEW JERSEY



NOTICE OF PUBLIC HEARING ON ORDINANCE

Please take Notice that the foregoing ordinance was introduced at a meeting of the Council of the Borough of Caldwell on the 16th day of May, 2017 and passed on first reading; and the same was then ordered to be published according to law; and that such ordinance will be further considered for final passage at a meeting of the Council to be held at the Caldwell Municipal Building, 1 Provost Square, Caldwell, NJ on the 20th day of June, 2017 at seven o'clock p.m. prevailing time or as soon thereafter as the matter may be reached, at which time and place, or at any time and place to which such meeting shall from time to time be adjourned, all persons interested will be given an opportunity to be heard concerning such ordinance.

BY ORDER OF THE COUNCIL

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|------------------------|--------------|-------------------------|---------------|
| DATE OF FIRST READING: | May 16, 2017 | DATE OF SECOND READING: | June 20, 2017 |
| DATE OF PUBLICATION: | May 25, 2017 | DATE OF ADOPTION: | June 20, 2017 |
| MOVED: | | MOVED: | |
| SECONDED: | | SECONDED: | |

RECORD OF COUNCIL VOTE

Councilman: _____ presented the following resolution - Seconded by Councilman: _____

COUNCILMAN Yes No Absent Abstain COUNCILMAN Yes No Absent Abstain

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| Cascarano | | | | | | Capozzoli | | | | |
| Hauser | | | | | | Brown | | | | |
| O'Donnell | | | | | | Rodgers | | | | |

Lisa O'Neill, Deputy Clerk

Ann Dassing, Mayor

This ordinance, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.