

ORDINANCE 2011-22 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 55 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED “DOGS AND OTHER ANIMALS”

WHEREAS, Chapter 55 of the Code of the Township of Berlin (“Township”) establishes and sets forth the rules, regulations and requirements for the keeping, maintaining and licensing of dogs and other animals; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township is authorized to make, amend, repeal and enforce ordinances as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the Governing Body has determined that it is in the best interest of the public health, safety and welfare of the Township and its residents to amend Chapter 55;

NOW THEREFORE, be it Ordained by the Mayor and Township Council of the Township of Berlin, County of Camden, State of New Jersey, as follows:

SECTION 1: Article I (“Maintaining and Housing of Animals”) of Chapter 55 of the Code of the Township of Berlin is hereby amended, revised and supplemented to read as follows:

A. § 55-3.6.1. Limits on numbers of dogs, cats and birds.

No person shall own, keep, harbor or maintain more than three dogs of licensing age, three cats and/or three birds within the Township, unless such person shall maintain a licensed kennel or pet shop as provided for in this Chapter.

B. § 55-3.11. Public nuisance defined.

The keeping or housing of animals other than permitted by this Chapter, or in violation of any applicable rule, law, regulation or statute, or the finding of an animal anywhere in the Township, other than on the lands and premises of the owner or keeper of same, shall be deemed to be a public nuisance. Such animal so identified and/or found may be seized at once by the Property Maintenance Officer or any police officer

appointed within the Township, or any other duly authorized and designated official. If it is practicable, such officer shall hold and promptly dispose of such animal in as humane a manner as possible. If, during the course of seizing and impounding any such animal, the animal does pose a risk of serious physical harm or death of any person, such person or persons authorized by the Property Maintenance Officer or police officer may render said animal immobile by means of tranquilizers or other safe drugs. If it is not practicable to seize and/or hold such an animal because it poses an immediate threat of physical harm to either such official or to any other person in the Township, then such official may destroy the animal in order to prevent risk of serious physical harm or death to any person. Any reasonable cost incurred by the Township in seizing and/or impounding an animal for violation of this article shall be charged against the owner, keeper, custodian or harbinger of such animal and there shall be a charge to be collected by the Township to defray such cost and expense. This charge shall be in addition to any fine or penalty provided for violating this article.

SECTION 2: The Table of Contents of Chapter 55 shall be amended to revise Section 55-3.6.1 to read “Limits on numbers of dogs, cats and birds.”

SECTION 3: Except as set forth in Sections 1 and 2 above, the balance of Chapter 55 shall not be affected by this Ordinance.

SECTION 4: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 6: This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Introduced: September 26, 2011

Notice is hereby given that the foregoing Ordinance was introduced and passed upon first reading at a meeting of the Mayor and Council of the Township of Berlin, Camden County, New Jersey on September 26, 2011 and the same was ordered published pursuant to statute. Said ordinance will be further considered for final adoption at a meeting of the Mayor and Council of the Township of Berlin on October 24, 2011 at 6:30 p.m. at the Berlin Township Municipal Hall, 135 Route 73 South, West Berlin, NJ.

Catherine Underwood
Township Clerk