**O: 2018 - 36**

**ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING CHAPTER 172, ANIMALS, THE CODE OF THE TOWN OF PHILLIPSBURG**

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council, Town of Phillipsburg, County of Warren, State of New Jersey as follows:

**Section One.**

Chapter §172-17A(1)(b) is amended by increasing the fee to $10.00 .

Chapter §172-37 is hereby amended by increasing a summons fee to $55.00.

Chapter §172-53 is hereby amended by increasing a summons fee to $55.00.

Chapter §172-26 is amended by deleting the last sentence of said section.

Chapter §172-43, §172-44, and §172-52 are hereby deleted in their entirety.

A new Chapter 172-42 is hereby created titled *Enforcement Officers* as follows:

§172-42. The Town Council shall appoint an Animal Control Officer and the duties shall be to enforce the provisions of this Article.

Chapter §172-43 is hereby created in the place instead of said sections titled *Duties of Animal Control Offices; Impounding and Disposition of Cats* as follows:

§172-27. Duties of Animal Control Officer; impounding and disposition of cats.

A. The Animal Control Officer shall take into custody and impound or cause to be taken into custody and impounded, and thereafter destroyed or offered for adoption as provided in this section:

(1)  Any cat off the premises of the owner or of the person keeping or harboring said cat which said official or his agent or agents have reason to believe is a stray cat;

(2) Any cat off the premises of the owner or of the person keeping or harboring said cat without a current registration tag on his collar;

(3) Any female cat in season off the premises of the owner or of the person keeping or harboring said cat;

(4) Any cat or other animal which is suspected to be rabid;

(5) Any cat or other animal off the premises of the owner reported to, or observed by, a certified animal control officer to be ill, injured or creating a threat to public health, safety or welfare, or otherwise interfering with the enjoyment of property.

B.  If any animal so seized wears a collar or harness having inscribed thereon or attached thereto the name and address of any person or a registration tag, or the owner or the person keeping or harboring said animal is known, any person authorized by the governing body shall forthwith serve on the person whose address is given on the collar, or on the owner or the person keeping or harboring said animal, if known, a notice in writing stating that the animal has been seized and will be liable to be offered for adoption or destroyed if not claimed within seven days after the service of the notice.

C. A notice under this section may be served either by delivering it to the person on whom it is to be served, or by leaving it at the person's usual or last known place of abode, or at the address given on the collar, or by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode, or to the address given on the collar.

D. The Animal Control Officer may cause an animal to be destroyed in a manner causing as little pain as possible and consistent with the provisions of N.J.S.A. 4:22-19 or to be offered for adoption seven days after seizure; provided that:

(1) Notice is given as set forth above and the animal remains unclaimed; or

(2) The owner or person keeping or harboring the animal has not claimed the animal and paid all expenses incurred by reason of its detention, including maintenance costs not exceeding $25 per day; or

(3) The owner or person keeping or harboring a cat which was unlicensed at the time of seizure does not produce a license and registration tag for the cat.

E.  At the time of adoption, the right of ownership in the animal shall transfer to the new owner. No cat or other animal so caught and detained or procured, obtained, sent or brought to a pound or shelter shall be sold or otherwise made available for the purpose of experimentation. Any person who sells or otherwise makes available any such cat or other animal for the purpose of experimentation shall be guilty of a crime of the fourth degree.

F.  After observation, any animal seized under this section suspected of being rabid shall be immediately reported to the executive officer of the Town and to the Department of Health and Senior Services.

Chapter §172-48 is hereby deleted in its entirety.

**Section Two.**

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder off this Ordinance shall not be affected thereby.

**Section Three.**

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

**Section Four.**

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

**ATTEST: TOWN OF PHILLIPSBURG**

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VICTORIA L. KLEINER, RMC STEPHEN R. ELLIS

Municipal Clerk Mayor

DATED:

**CERTIFICATION**

I, Victoria L. Kleiner, Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of an Ordinance duly adopted by the Town Council at their November 07, 2018 meeting.

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VICTORIA L. KLEINER,

Municipal Clerk