

**AN ORDINANCE
TOWNSHIP OF MENDHAM
MENDHAM COUNTY – NEW JERSEY
2012**

**RE: AN ORINANCE OF THE TOWNSHIP OF MENDHAM AMENDING CHAPTER 5
ANIMAL CONTROL**

BE IT HEREBY ORDAINED by the Township Committee of the Township of Mendham as follows:

SECTION ONE: Chapter 5 entitled “Animal Control” is hereby amended as follows

DOGS AND DOG ESTABLISHMENTS

5-1.1 Definitions

New definitions shall be added:

Commercial Purposes shall mean the operation of a kennel for the purpose of financial gain, or the receipt of fees, costs, compensation or other revenue. The presence, exclusive of puppies under the age of three (3) months, of more than ten (10) dogs at a premises or establishment shall give rise to the rebuttable presumption that said premises are operated as a kennel.

Kennel shall mean any premises or establishment wherein or whereupon the business of breeding, caring for, keeping, housing, selling, or training of dogs for sale, hire or for commercial purposes is carried on.

SECTION TWO

Chapter 5 Section 3 is hereby amended delete section 5-3.1 and to add the following:

5-3.1 Dog Nuisances

- A. Run at large within the limits of the Township of Mendham at any time.
- B. Be off the premises of such owner or person so harboring said dog, except when restrained by a leash or when otherwise under the strict control of some responsible person able to control said dog.
- C. Cause any injury to any person.

D. Do any damage to any shrub, tree or other property in the Township of Mendham.

E. Soil or defile or commit any nuisance upon any property, either public or private, within the Township of Mendham.

F. Habitually bark, howl or cry. The habitual barking, howling or crying of a dog or dogs in the Township of Mendham is hereby declared to be a disturbing noise and a nuisance.

G. Be or become a public nuisance or create a condition hazardous to safety and health.

H. Be upon any public playground, school yard or public recreation area in the Township of Mendham, while unleashed.

SECTION THREE

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason found to be unconstitutional or unenforceable, such decision shall not affect the remaining portion of this ordinance.

SECTION FOUR

All ordinances of the Township of Mendham which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION FIVE

This ordinance shall take effect upon final passage and publication thereof as provided by law.