

**STILLWATER TOWNSHIP
BOARD OF HEALTH MEETING
MINUTES OF OCTOBER 21, 2014**

A REGULAR MEETING of the Stillwater Board of Health was called to order by Mayor Scott at 7:00 p.m. noting the meeting date, time and place were duly published in the New Jersey Herald and posted at the Town Hall and advised those present that this meeting was being held in compliance with provisions of P.L. 1975, Chapter 231, Sections 4 & 13.

Roll Call: PRESENT: Mayor Scott, Committeewoman Chammings, Committeeman Fisher, Committeeman Gross, Committeewoman Straway, Municipal Clerk Lynda Knott, and Attorney Richard Stein. ABSENT: NONE

Mayor Scott invited all present to join him in saluting the flag

Amendments to the Agenda: None

ADOPTION OF MINUTES OF OCTOBER 7, 2014 MEETING

Upon Motion by Mr. Gross, seconded by Mrs. Straway and Roll Call Vote: Ms. Chammings, yes, Mr. Fisher, yes, Mr. Gross, yes, Mrs. Straway, yes and Mayor Scott, yes – The Minutes of the October 7, 2014 were adopted.

OLD BUSINESS

ORDINANCE 2014-020 AMENDING SECTION 441-5 “LICENSE PROVISIONS” REGARDING LICENSE RENEWAL DATE [Public Hearing and Adoption October 21, 2014]

BE IT ORDAINED by the Board of Health of the Township of Stillwater as follows:

SECTION 1. Section 441-5 “ License Provisions” of the Code of the Township of Stillwater is hereby amended to read as follows:

- A. (no change)
- B. Expiration. Licenses issued or approved under the provisions of this section shall expire annually on December 31st of each year, and application for a renewal thereof shall be submitted, together with the required fee, prior to December 1st of the licensed year.
- C. (no change)

D. Penalty. Any person who violates any provision of or order promulgated under this chapter shall, upon conviction thereof, be punishable to pay a penalty of not less than \$5 nor more than \$500 for each violation.

SECTION 2. WHEN EFFECTIVE. This ordinance shall take effect in thirty (30) days after the date of the first publication hereof.

Upon Motion by Mr. Gross, seconded by Mrs. Straway and Roll Call Vote: Ms. Chamblings, yes Mr. Fisher, yes, Mr. Gross, yes, Mrs. Straway, yes and Mayor Scott, yes – the meeting was opened to the public for discussion on this ordinance. Seeing no one wishing to speak Mayor Scott closed this portion of the meeting.

Upon Motion by Mrs. Straway, seconded by Mr. Gross and Roll Call Vote: Ms. Chamblings, yes, Mr. Fisher, yes Mr. Gross, yes, Mrs. Straway, yes and Mayor Scott, yes – Ordinance 2014-020 was adopted.

ORDINANCE 2014-021 AMENDING CHAPTER 429 OF THE CODE OF THE TOWNSHIP OF STILLWATER ENTITLED “ANIMALS” TO REPEAL THOSE SECTIONS REQUIRING CAT LICENSES [Public Hearing and Adoption October 21, 2014]

BE IT ORDAINED by the Board of Health of the Township of Stillwater, Sussex County, New Jersey, as follows:

SECTION 1. Section 429-1 “Definitions” is hereby amended to read as follows:

As used in this article, the following terms shall have the meanings indicated:

ANIMAL CONTROL AUTHORITY

Any person or agency designated or certified by the State of New Jersey to enforce the provisions of this article.

CAT

Any member of the domestic feline species, male, female, or neutered or spayed

CERTIFICATION AUTHORITY

The agency or depart of the Township of Stillwater or any designated representative thereof charged with administering the issuance and/or revocation of permits and certification under the provisions of this article.

NEUTERED/SPAYED

Any dog or cat rendered permanently incapable of reproduction as certified by a licensed veterinarian.

OWNER/CAT

When applied to the proprietorship of a cat, includes every person having a right of property (or custody) in such cat and every person who has such cat in his/her keeping or who harbors, feeds or maintains a cat or knowingly permits a cat to remain on or about any premises occupied by that person.

PERSON

Any individual, corporation, partnership, organization or institution commonly recognized by law as a unit.

SECTION 2. Section 429-3 “Certification requirements” is hereby repealed in its entirety.

SECTION 3. Section 429-5 “Additional Definitions” is hereby amended to read as follows:

As used in this article, the following terms shall have the meanings indicated:

DOG

Any dog which has attained the age of six months or which possesses a set of permanent teeth.

KEEPER

Any person exercising control over a dog or cat or permitting a dog or cat to remain on premises under his control.

KENNEL

Any establishment where the business of boarding, selling or breeding dogs and/or cats for sale is carried on.

MISTREATED DOG

Any dog that is starved, beaten, dehydrated, injured and uncared for, or locked in a building unattended for a length of time which is adverse to the health of the dog, or induces the dog to bark incessantly and become a nuisance in the immediate vicinity.

OWNER/DOG

When applied to the proprietorship of a dog, includes every person having a right of property in the dog and every person who has a dog in his keeping or who harbors or feeds a dog.

POUND

An establishment for the confinement of dogs or cats seized either under the provisions of this article or otherwise.

SHELTER

Any establishment where dogs or cats are received and/or housed and/or cared for and/or distributed with or without charge.

STRAY DOG

Any dog that is not on the premises of the owner or keeper, unless on a leash or in the complete control, on command, of someone at least 12 years of age.

POTENTIALLY DANGEROUS DOG

Any dog that:

- (1) caused bodily injury as defined in N.J.S.2C:11-1(a) to a person during an unprovoked attack, and poses a serious threat of bodily injury or death to a person, or
- (2) severely injured or killed another domestic animal, and
 - (a) poses a threat of serious bodily injury or death to a person; or
 - (b) poses a threat of death to another domestic animal, or
- (3) has been trained, tormented, badgered, baited or encouraged to engage in unprovoked attacks upon persons or domestic animals.

A dog shall not be declared potentially dangerous for:

- (1) causing bodily injury as defined in N.J.S.2C:11-1(a) to a person if the dog was provoked, or
- (2) severely injuring or killing a domestic animal if the domestic animal was the aggressor.

SECTION 4. Section 429-7 “Pet Shops, kennels, shelters and pounds” is hereby amended to read as follows:

Section 429-7 Pet shops, kennels, catteries, shelters and pounds

- A. License required. Any person who keeps or operates or proposes to establish a kennel, shelter or pound shall apply to the Township Clerk for a license entitling him to keep or operate the establishment. Any person holding the license shall not be required to secure individual licenses for dogs owned by the licensee and kept at the establishment; licenses shall not be transferable to another owner or different premises.
- B. Application information. The application shall contain the following:
 1. The name and permanent and local address of the applicant.
 2. The street address where the establishment is located or proposed to be located, together with a general description of the premises.
 3. The purposes for which it is to be maintained.
 4. The maximum number of dogs or cats to be accommodated by the establishment at any one time.
- C. Approval of Health Officer. No license shall be issued until the proposed applicant submits a written statement from the Health Officer of the Board of Health that the establishment or proposed establishment complies with local and state rules governing the location of and sanitation at the establishment.

- D. License Term. All licenses issued for a kennel, shelter or pound shall state the purpose for which the establishment is maintained and all licenses shall expire on the last day of January of each year.
- E. License Fees. The annual license fees for a kennel, pound or shelter shall be \$100.00.
- F. Compliance with state regulations.
1. All licenses issued for a kennel, shelter or pound shall be subject to revocation by the Township Committee on recommendation of the State Department of Health or the Board of Health for failure to comply with the rules and regulations of the State Department of Health or the Board of Health, after the owner has been afforded a hearing by either the State Department of Health or the Board of Health.
 2. Any person holding a license to establish, keep or operate a kennel, shelter or pound shall comply with all Township ordinances and the rules and regulations promulgated by the State Department of Health governing the sanitary conduct and operation of kennels, shelters and pounds, the preservation of sanitation and the prevention of the spread of rabies and other diseases of dogs or cats within and from these establishments.
- G. Report to State Health Department. The Clerk shall forward to the State Department of Health a list of all kennels, shelters and pounds licensed within thirty (30) days after the licenses are issued, which list shall include the name and address of the licensee and the kind of license issued.
- H. Control of Dogs and Cats Off Premises. No dog or cat kept in a kennel, shelter or pound shall be permitted off the premises, except on leash or in a crate or under other safe control.

SECTION 5. Section 429-17 “Number of Cats” is hereby amended to read as follows:

“No more than five (5) cats shall be owned or harbored by any person except in a kennel, pound or shelter.”

SECTION 6. New section “Total Number of Domestic Animals”

Except in a duly licensed kennel, pound or shelter, no single property as defined by its Tax Lot and Block Number shall have more than five (5) cats and five (5) dogs allowed to be maintained on the property.

SECTION 7. When Effective. This ordinance shall take effect in thirty (30) days after the date of the first publication hereof.

Upon Motion by Mrs. Straway, seconded by Mr. Fisher and Roll Call Vote: Ms. Chamblings, yes Mr. Fisher, yes, Mr. Gross, yes, Mrs. Straway, yes and Mayor Scott, yes – the meeting was opened to the public for discussion on this ordinance. Seeing no one wishing to speak Mayor Scott closed this portion of the meeting.

Upon Motion by Mrs. Straway, seconded by Mr. Gross and Roll Call Vote: Ms. Chamblings, no, Mr. Fisher, no, Mr. Gross, yes, Mrs. Straway, yes and Mayor Scott, no – Ordinance 2014-021 was defeated.

Open Public Session: Mayor Scott opened the meeting to the public to speak on any matter.

Mrs. Kathy Fobes-Jacoby, 964 Mount Holly Road, questioned the cost of licensing cats. The ordinance in effect has not been enforced for cats so no fee has been established.

Mrs. Kathy Draghi, 1016 Route 619, voiced her concerns regarding feral cats and “cat hoarders” in the Township.

Mr. Cular, 992 Mt Benevolence Road, strongly voiced his concerns regarding his next door neighbor who houses and cares for forty cats.

Mrs. Sandra Banks Smith, 922 Mt Benevolence Road, further explained her concerns about the large cat colony that lives next door.

Seeing no one else wishing to speak Mayor Scott closed this portion of the meeting.

Attorney Report: None

There being no further business a Motion was made by Mr. Fisher to attend to adjourn the meeting, seconded by Mrs. Straway. In a voice vote at 7:40 p.m., all were in favor.

Respectfully submitted,

Lynda Knott, Municipal Clerk