

1st reading (2) 4-17-13

Theresa Castellano

Sponsored by: Castellano

Seconded by: [Signature]

CITY OF HOBOKEN
ORDINANCE NO.: Z-238

238

**AN ORDINANCE TO AMEND PORTIONS OF CHAPTER 93
TITLED "DOGS AND OTHER ANIMALS,"
SPECIFICALLY SECTION 93-1, SECTION 93-15
AND SECTION 93-17**

WHEREAS, Chapter 93 of the Administrative Code of the City of Hoboken titled "Dogs and Other Animals" currently addresses issues regarding animals in the City of Hoboken, including, but not limited to, licensing of dogs, kennels and pet shops; and

WHEREAS, the City Council wishes to ban the retail sale of dogs and cats within the City of Hoboken in the future;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hoboken that Sections 93-1, 93-15 and 93-17 of Chapter 93 of the Administrative Code of the City of Hoboken shall be amended as follows (additions noted in underline; ~~deletions~~—noted in ~~strikethrough~~):

SECTION ONE: AMENDMENTS

§ 93-1. Definitions

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

AUTHORIZED AGENT

A Sanitary Inspector First Grade or a Public Health Nuisance Investigator of the Hoboken Board of Health.

DOG

Any dog, bitch or spayed bitch.

DOG OF LICENSING AGE

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

GUIDE DOG

Any dog certified to serve and aid those members of our nation who suffer from a verified disability, and are at the time serving or aiding a person with a verified disability.

HEALTH OFFICER

The legally designated Health Officer of the City of Hoboken or his authorized representative.

KENNEL

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

LEGALLY-EXISTING NONCONFORMING USE

Any pet shop wherein dogs or cats for sale are kept or displayed or any kennel where the business of boarding, selling or breeding dogs for sale is carried on or any pet shop operator in the City of Hoboken prior to the effective date of this ordinance. A legally-existing nonconforming use does not include any pet shop, pet shop operator or kennel whose license issued in accordance with § 93-7 is subsequently revoked.

OWNER (WHEN APPLIED TO THE PROPRIETORSHIP OF A DOG)

Includes every person having a right of property in such dog and every person who has such dog in his keeping.

PET GROOMING SHOP

Any room or group of rooms wherein dogs, cats or other animals are washed, cleaned or groomed.

PET SHOP

Any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein dogs, cats, birds, fish, reptiles, lawful wildlife, rodents or insects for sale are kept or displayed.

PET SHOP OPERATOR

A person who owns and/or operates a pet shop.

POUND

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

RULE OR ORDER

Directive of the Health Officer.

SHELTER

Any establishment where dogs are received, housed and distributed without charge.

§ 93-15. ~~(Reserved)~~ Prohibited acts, exceptions.

No pet shop or pet shop operator shall sell, offer for sale, barter, auction, breed or otherwise improperly dispose of cats or dogs, or both, in the City of Hoboken. This section shall not apply to legally-existing nonconforming uses or to the adoption of cats or dogs, or both. Nothing

contained herein shall prohibit a shelter, pound or other establishment from keeping, displaying, selling or otherwise transferring any cat or dog, or both, that has been seized, rescued or donated.

§ 93-17. Violations and penalties.

- A. Any person who shall violate any provision of this chapter shall, upon conviction, be punished by:
 - (1) A fine of not more than \$1,000, except with respect to a violation of § 93-16, which shall have a minimum fine of \$100 and a maximum fine of \$2,000; and/or;
 - (2) Community service for a period not more than 90 days or imprisonment for a term not exceeding 90 days.
- B. Each day's failure to comply with any provision, rule or other, except violations of § 93-16, shall constitute a separate and distinct offense.
- C. Each violation of § 93-16, regardless of the number of violations in any given day, shall constitute a separate and distinct offense.
- D. The names of those individuals convicted of violating § 93-16 shall be publicized by prominently placing their names, along with the date and location of the violation, and any other information deemed relevant by the City, on the website operated by the City of Hoboken, www.hobokennj.org, for a period of not less than two months following the date of conviction. This provision does not preclude the City from taking other steps as necessary to increase public awareness of violations of § 93-16.
- E. Any person who is convicted of violating any provision of Chapter 93 of the Code of the City of Hoboken, within one year of the date of a previous violation of that same provision, and who was fined for the previous violation, shall be sentenced to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum nor shall it exceed the maximum fine fixed for a violation of the chapter, but shall be calculated separately from the fine imposed for the violation of the chapter, as provided for by N.J.S.A. 40:69A-29.
- F. The violation of one of more provisions of § 93-15 shall be subject to abatement summarily by a restraining order or by an injunction issued by a court of competent jurisdiction.

SECTION TWO: REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative

intent that all ordinances or part of ordinances now existing or in effect unless the same being conflict or are inconsistent with any provision of this Ordinance shall remain in effect.

SECTION THREE: SEVERABILITY

The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not effect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION FOUR: EFFECTIVE DATE

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

SECTION FIVE: CODIFICATION

This Ordinance shall be a part of the code of the City of Hoboken as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Code.

The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Hoboken in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

Date of Introduction: April 17, 2013

Introduction:

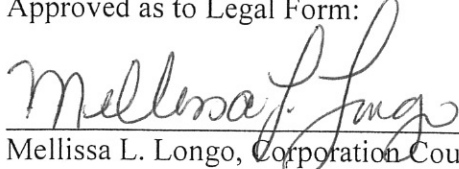
Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla	/			
Theresa Castellano	/			
Jen Giattino	/			
Elizabeth Mason	/			
David Mello	/			
Tim Occhipinti	/			
Michael Russo	/			
President Peter Cunningham	/			

Final Reading:

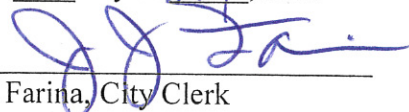
Councilperson	Yea	Nay	Abstain	No Vote
Ravi Bhalla	/			

Theresa Castellano	/			
Jen Giattino	✓			
Elizabeth Mason	✓			
David Mello	✓			
Tim Occhipinti	✓			
Michael Russo	✓			
President Peter Cunningham	✓			

Approved as to Legal Form:


 Mellissa L. Longo, Corporation Counsel


Adopted by the Hoboken City Council
 By a Vote of 8 Yeas to 0 Nays
 On the 1 day of May, 2013


 James Farina, City Clerk

Vetoed by the Mayor for the following reasons: _____

~~-or-~~

Approved by the Mayor
 On the 2 day of May, 2013


 Dawn Zimmer, Mayor

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