

**TOWNSHIP OF UPPER**

**CAPE MAY COUNTY**

**ORDINANCE**

**ORDINANCE NO. 006-2014**

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE  
CHAPTER VIII (ANIMAL CONTROL) OF THE CODE OF UPPER TOWNSHIP**

---

**BE IT ORDAINED** by the Township Committee in the Township of Upper, County of Cape May and State of New Jersey as follows:

**SECTION 1:** Chapter VIII of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be revised to add the following Section 8-13:

**8-13 Prohibited Activities and Treatment.**

8-13.1 Care of Animals

No owner, caretaker, guardian or handler shall withhold proper shelter, protection from weather, veterinary care and immune care to any animal. No owner, caretaker, guardian or handler shall fail to provide his or her animal with sufficient food and drinkable water on a daily basis. Food and drinkable water must be in an animal food consumption or water consumption type container, feeder or waterer.

8-13.2 Unnecessary Suffering and Cruelty

No animal shall be subjected to unnecessary suffering and cruelty such as subjecting the animal to prolonged fear, injury, pain or physical abuse. Interaction with humans and other animals shall not be unreasonably withheld. Any individual, currently licensed by the State Board of Veterinary Medical Examiners to practice veterinary medicine, who is acting within his or her scope of practice to deliver

acceptable and medically sound veterinary care to an animal, shall be exempt from this section.

#### 8-13.3 Extreme weather

In extreme weather below 32 degrees and above 95 degrees and in major storms where evacuation is recommended, all outdoor dogs and indoor/outdoor cats (with the exception of feral cats) must be brought indoors whether tethered or kenneled, unless the kennel is heated or air conditioned according to safety code. Indoors will include any area of the residence which is temperature controlled and garage and basement unless heated in cold or air conditioned in heat will not be considered adequate.

#### 8-13.4 Enforcement, Violations and Penalties

Violations of this Section shall be enforced and shall be punishable pursuant to Sections 8-6 and 8-7 of this Chapter.

**SECTION 2: REPEALER:** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

**SECTION 3: SEVERABILITY:** If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

**SECTION 4: EFFECTIVE DATE:** This Ordinance shall take effect immediately upon final adoption and publication as required by law.

**SECTION 5: CODIFICATION:** This Ordinance shall be codified in Chapter VIII of the Upper Township Code.

ATTEST:

\_\_\_\_\_  
BARBARA L. YOUNG, Township Clerk

\_\_\_\_\_  
RICHARD PALOMBO, Mayor

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 10<sup>th</sup> DAY OF MARCH, 2014 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 14<sup>th</sup> DAY OF APRIL, 2014 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.

BARBARA L. YOUNG, TOWNSHIP CLERK  
TOWNSHIP OF UPPER

Legislative History:

Introduced: March 10, 2014

Publication: March 18, 2014

Newspaper(s): The Press of Atlantic City

Second Reading & Public Hearing: April 14, 2014

Final Adoption: April 14, 2014

Final Publication Date: April 21, 2014

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on April 14, 2014 and notice of adoption was thereafter published pursuant to law in The Press of Atlantic City on April 21, 2014.

---

BARBARA L. YOUNG, Township Clerk