

**TOWNSHIP OF EVESHAM**

**ORDINANCE NO. 16-6-2004**

**ORDINANCE AMENDING CHAPTER 67-11**  
**OF THE CODE OF THE TOWNSHIP OF EVESHAM**  
**WITH REGARD TO PENALTY PROVISIONS**

**WHEREAS**, Chapter 67 of the Code of the Township of Evesham governs "Dogs" and § 11 thereof governs violations and penalties under that Chapter; and

**WHEREAS**, Chapter 1-15 of the Code of the Township of Evesham governs general penalty provisions; and

**WHEREAS**, the Municipal Court Judge has requested the provisions Chapter 67-11 be made consistent with the provisions of Chapter 1-15.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Evesham, County of Burlington, State of New Jersey that Chapter 67-11 of the Code of the Township of Evesham is hereby amended to read as follows:

Except as otherwise provided in this Chapter, any person who violates or refuses to comply with this Chapter shall be liable to a penalty as established under the General Penalty provisions of this Code, at Chapter 1-15.

**BE IT FURTHER ORDAINED: REPEALER, SEVERABILITY AND EFFECTIVE DATE.**

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Council hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

B. As required by N.J.S.A. 4:19-31, there shall be an annual fee of \$700 for a license for a dog classified as potentially dangerous.

**§ 67-9. Humane treatment required.**

Any person who shall own, keep or harbor a dog shall provide it with proper and adequate food and water, proper shelter and protection from the weather and with humane care and treatment. No person shall inhumanely beat, ill-treat, torment or otherwise abuse a dog.

**§ 67-10. Township policy.**

It is hereby declared to be the policy of the township to:

- A. Provide a central agency for the rapid reuniting of lost dogs and their owners.
- B. Provide facilities for the quick removal of unwanted dogs from the community.
- C. Enable as many unclaimed dogs as possible to be placed in new homes and provide for the humane destruction of unwanted dogs.
- D. Provide clean comfortable shelter and adequate food and water for the animals impounded.
- E. Protect the rights of dog owners.
- F. Provide protection of the rights of citizens of the community against careless or thoughtless dog owners.

**§ 67-11. Violations and penalties.**

Except as otherwise provided in this chapter, any person who violates or who fails or refuses to comply with this chapter shall be liable to a penalty of not less than \$50 nor more than \$500, plus court costs up to \$25 for each offense.

~~this ordinance, or any action or proceeding brought for the enforcement of such right or liability.~~

- ~~C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision, or any penalty, punishment or forfeiture which may result therefrom.~~
- ~~D. Any prosecution, indictment, action, suit or other proceeding pending, or any judgment rendered, prior to the effective date of this ordinance, brought pursuant to any legislative provision.~~
- ~~E. Any franchise, license, right, easement or privilege heretofore granted or conferred.~~
- ~~F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place, or any portion thereof.~~
- ~~G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the township's indebtedness.~~
- ~~H. Ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract or obligation.~~
- ~~I. The levy or imposition of taxes, assessments or charges.~~
- ~~J. The dedication of property or approval of preliminary or final subdivision plats.~~
- ~~K. Any ordinance regulating traffic or parking.~~
- ~~L. Any ordinances pertaining to the salaries or compensation of township officers and employees.~~

**§ 1-15. Violations and penalties.**

- A. Unless a specific penalty is provided elsewhere in this Code, or in other ordinances of the Township Council for a

particular violation, any person, firm or corporation who shall violate any provision of the Code or any provision of any code or other regulation adopted by reference therein or any order promulgated under such provisions, code or regulation, by doing any act prohibited or declared to be unlawful or a violation thereby, or who shall engage in or exercise any business or occupation or do anything for which a license or permit is required thereby without having a valid license or permit therefor as required, or who shall fail to do any act required by any such provisions, or when such provision declares such failure to be unlawful or to be a violation, shall, upon conviction thereof, be punishable by a fine not exceeding \$1,250 or by imprisonment for a term not exceeding 90 days, or by both such fine and imprisonment, in the discretion of the Judge. [Amended 8-4-1992 by Ord. No. 17-8-92; 4-23-2002 by Ord. No. 10-4-2002]

- B. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

~~§ 1-16. Changes in previously adopted ordinances and ordinances adopted subsequent to February 15, 1977.~~

- ~~A. Errors in codification. In preparing the Code of Evesham Township pursuant to N.J.S.A. 40:49-4, minor errors were found with the numbering of certain ordinances. Therefore, it is necessary to make the following changes, amendments or revisions in the Code, to become effective upon the effective date of this ordinance. Chapter and section number references are to the ordinances as they~~