

**TOWNSHIP OF MONTAGUE
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE 2026-10

**AN ORDINANCE AMENDING CHAPTER 34 (DOGS) AND CHAPTER 76
(ZONING) OF THE CODE OF THE TOWNSHIP OF MONTAGUE,
COUNTY OF SUSSEX, STATE OF NEW JERSEY TO MODIFY DOG
LICENSING REQUIREMENTS TO ESTABLISH A SPECIAL PERMIT
FOR A FIFTH DOG, AND REMOVE PRIVATE KENNEL AS A
LICENSED USE**

WHEREAS, the Township Committee desires to establish a special permit process for the keeping of a fifth dog of licensing age on an occupied residential lot, with applicable fees based on the spay or neuter status of such dog; and

WHEREAS, the Township Committee further desires to eliminate private kennels as a licensed use within the Township and to remove all references to private kennels from Chapter 76 of the Township Code; and

WHEREAS, the Township Committee has determined that these amendments are consistent with the health, safety, and welfare of the Township and its residents;

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Township Committee of the Township of Montague, County of Sussex, State of New Jersey, as follows:

SECTION 1. Section 34-2 of Chapter 34 of the Code of the Township of Montague is hereby amended and restated in its entirety to read as follows:

§ 34-2. License required; limit on number of dogs; fees.

Any dog of licensing age must be licensed by the owner or person who has the dog in his or her keeping. No more than four dogs of licensing age may be kept per occupied residential lot. The fee to be paid annually for a dog license and for each renewal thereof is \$15. However, when the owner presents a certificate signed by a licensed veterinarian stating that the dog has been spayed or neutered, the license fee shall be \$10. Any person obtaining a license after March 31 will be charged a \$5 late fee per month or part thereof.

A. An owner or keeper who wishes to keep a fifth dog of licensing age on an occupied residential lot may apply to the Dog Licensing Official for an annual special permit. Such special permit must be renewed annually concurrent with the dog's license. The special permit fee, which is in addition to the applicable annual license fee for that dog, shall be as follows:

1. \$20 if the fifth dog has been spayed or neutered, as evidenced by a certificate signed by a licensed veterinarian; or
2. \$30 if the fifth dog has not been spayed or neutered.

B. The Dog Licensing Official may deny a special permit application upon a finding that:

1. The applicant has an outstanding violation of this chapter that has not been remediated;
2. The applicant has been convicted of a violation of this chapter within the preceding 24 months; or
3. The applicant has been convicted of animal cruelty under N.J.S.A. 4:22-1 et seq.

C. A special permit issued under this section is non-transferable. Any person aggrieved by the denial of a special permit application may appeal such denial to the Township Committee within 30 days of the date of the denial by filing a written notice of appeal with the Township Clerk.

SECTION 2. The definition of "KENNEL, PRIVATE" in Chapter 76 of the Code of the Township of Montague is hereby repealed in its entirety.

SECTION 3. Section 76-21.4 of Chapter 76 of the Code of the Township of Montague is hereby amended and restated in its entirety to read as follows:

§ 76-21.4. Kennels: License required; compliance with chapter.

- A. Any person who proposes establishing a kennel, a shelter, or a pound shall apply to the Township Clerk or Animal Control Officer for a license entitling him/her to keep or operate such an establishment.
- B. The application shall describe the premises where the establishment is located or is proposed to be located, the purpose or purposes for which it is to be maintained, and shall be accompanied by the written approval of the local Board of Health and Land Use Board, showing compliance with the local and state rules and regulations governing the location of and sanitation at such establishments.
- C. All licenses issued for a kennel, shelter, or pound shall state the purpose for which the establishment is maintained. Such license shall expire on the last day of June of each year, and shall be subject to revocation by the Township on recommendation of the State Department of Health or the local Board of Health for failure to comply with the rules and regulations of the State Department of Health or the local Board of Health governing the same, after the owner has been afforded a hearing by either the State Department of Health or the local Board of Health in accordance with the statutes providing for such hearings.

- D. Any person holding such license shall not be required to secure individual licenses for dogs owned by him/her and kept at such establishments. Such license shall not be transferable to another owner or different premises.
- E. The fees for kennels and pet shops shall be \$25. No fee shall be charged for a shelter or pound.
- F. No dog kept in a kennel, pet shop, shelter, or pound shall be permitted off such premises except on a leash or in a crate or other safe control device.
- G. The rules and regulations of the New Jersey Department of Health governing the sanitary operation of kennels, pet shops, pounds, and shelters, as set forth in N.J.A.C. 8:23A, are hereby adopted as provisions of this chapter by reference without incorporating the same herein in full. A copy of the rules and regulations shall be maintained in the Township Clerk's Office and shall be made available during any reasonable business hours to any person desiring to see the same.

SECTION 4. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 6. This Ordinance shall take effect upon final passage, approval, and publication as required by law.

Introduced: April 14, 2026

Adopted: April 28, 2026

George Zitone, Mayor
Montague Township

ATTEST:

Dana Klinger, RMC
Montague Township Municipal Clerk

RECORD OF COMMITTEE VOTES – Ordinance 2026-10				
<u>COMMITTEE MEMBER</u>	<u>AYES</u>	<u>NAYES</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
BARBARA HOLSTEIN		X		
RICHARD INNELLA	X			
JAMES LEDONNE	X			
FRED MERUSI	X			
MAYOR GEORGE ZITONE	X			

CERTIFICATION

I hereby certify that this is a true and accurate copy of an ordinance adopted by the Montague Township Committee in the County of Sussex, State of New Jersey, at a regular meeting held on April 14, 2026.

Dana Klinger, RMC/CMR
Montague Township Municipal Clerk