

**ORDINANCE NO. 17-2005**

ORDINANCE OF THE TOWNSHIP OF LIVINGSTON AMENDING AND  
SUPPLEMENTING CHAPTER 68 , ARTICLE IV, (formerly Chapter 6, Article 36)  
OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF  
LIVINGSTON ESTABLISHING THE LIVINGSTON DOG PARK

**WHEREAS**, pursuant to Chapter 68, Article IV, of the Revised Ordinances of the Township of Livingston certain Rules and Regulations were adopted for permitting dogs and their owners to utilize the facilities of the Livingston Dog Park located at East Hills Park; and

**WHEREAS**, it has come to the attention of the Governing Body of the Township that there have been instances where the Rules and Regulations adopted as part of the original Ordinance have been violated, with no fines or penalties having been assessed, as no procedure has been in effect for the determination that a violation has taken place, for the issuing of a summons other than by the Livingston Police or upon a civilian complaint, or for a hearing other than before the Livingston Municipal Court; and

**WHEREAS**, as a result of the continued violations of such Rules and Regulations, procedures are required to be adopted to maintain, preserve and conserve the health and welfare, not only of the animals authorized to utilize the facilities of the Livingston Dog Park, but also the owners and/or authorized users of the facilities, as well as to provide a mechanism and forum for enforcement of the Rules and Regulations, and the imposition of fines and penalties which, while permitted under the original Ordinance were not set forth with any specificity, all of the foregoing to be authorized without creating an undue burden on the Livingston Police Department and/or the Livingston Municipal Court; and

**WHEREAS**, while the original Ordinance provides for fines and other relief to be determined by the Livingston Municipal Court, which itself requires the consumption of time and effort of Livingston's police, Animal Control Officer, other authorities and/or civilian complainants, it has been determined that it would be more appropriate to provide a forum for complaints alleging violations to be heard by a panel of mediators, in an atmosphere more conducive to resolution rather than by confrontation, and to permit hearings and determinations to be made by a Dog Park Dispute Resolution Committee, to be authorized and created by this Ordinance, which authorization is granted, upon the adoption of the instant Ordinance, and allowing the Committee to impose the fines, penalties and/or other relief; and

**WHEREAS**, the existing Ordinance has not specified specific offenses and/or specific fines, penalties or other consequences for initial and/or repeated violations of the existing Rules and Regulations, but only a maximum fine and general specification of offenses; and

**WHEREAS**, it has been determined that there is a need for the specification, in greater detail, of what fines, penalties and/or other consequences should be imposed for initial and/or subsequent violations of the Rules and Regulations governing the operation of the Livingston Dog Park. A schedule of specific fines and penalties is hereby determined, authorized and approved.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Livingston, in the County of Essex, State of New Jersey, as follows:

Section 1. The present Ordinance is hereby amended and supplemented by adding the following new Sections, to establish a Livingston Dog Park Dispute Resolution Committee (“Committee”) and permitting the Committee to establish procedures for the noticing of alleged violators of any Rules and Regulations now in effect or hereafter adopted and approved, to allow said Committee to conduct hearings on the charges set forth in a Notice of Violation to be issued by said Committee, and authorizing the Committee to impose such fines and penalties, including the revocation of Dog Park permits, if and when warranted, after a fair hearing of the alleged infractions or violations of the existing Rules and Regulations, as follows:

Section A: Establishment of Livingston Dog Park Dispute Resolution Committee.

- a. The committee currently operating Livingston Dog Park shall select from its members not less than five members to serve as its Dispute Resolution Committee. If possible, members shall have some familiarity and training in dispute resolutions and mediation, although such training shall not be a requirement for appointment to such Committee, in recognition of the fact that the Committee represents volunteers dedicating their time and effort to the operation and maintenance of the Dog Park.
- b. The Livingston Dog Park Dispute Resolution Committee shall, at a designated time and place, as frequently as shall be necessary by the number of written notices of violations referred to it, provide any complainant and the person using the facilities of Livingston Dog Park, and/or owning and/or controlling an animal on the premises of Livingston Dog Park, when the violation occurs, or having authority of the owner of the animal, and/or the owner of the animal himself/herself, as the case may be, who/which has been accused of violating the Rules and Regulations governing Livingston Dog Park, the opportunity to present or defend the violation(s) complained of, in a frank and open dialogue. If requested by a party to the complaint and/or if found to be necessary or determined to be necessary by the Committee, witnesses shall also be allowed to appear before the Committee. Witnesses must have actually observed the offending behavior, by the animal, and/or the owner or person authorized by the owner, and/or by the person visiting the facility.

- c. The Committee shall issue a notice of violation against the alleged violator, in which the alleged violation(s) is/are specified, and to designate the date, time and place at which a hearing shall be held to determine if such violation(s) actually took place and, after such hearing, the Committee has the right and authority to impose such fine(s) and penalties as are specified in Schedule “A” annexed hereto, as such Schedule may be amended from time to time or at any time by the Township Council by resolution.
- d. A Notice of Violation may be issued by the Committee to any person owning, authorized by the owner, or accompanying with or without the approval of the owner, any animal entering the grounds of the Livingston Dog Park or the individual himself, herself or their selves, who violate any of the Rules and Regulations governing Livingston Dog Park, whether or not such violation occurs on the grounds of and/or within the confines of the Livingston Dog Park, upon the submission to the Committee of a complaint, dated and signed, and specifying the violation(s) complained of.
- e. The Committee shall encourage and provide ample time for the complainant(s) and alleged violator(s) to discuss the issues and open a line of communication between the parties, in a frank and open dialog, with a view to provide the parties the opportunity for a reasonable resolution of their dispute or the complaint.
- f. The Committee is imbued with all authority to impose a fine and/or revoke a pass after a finding that there has been a violation of the Rules and Regulations set forth in the original Ordinance, as supplemented as provided herein below, including those specified in Schedule “A” annexed hereto.
- g. The alleged violator may appeal any determination made by the Committee to the Livingston Municipal Court by requesting a hearing.
- h. The fines and/or other relief determined by the Committee, after the hearing, if not paid by the violator in the manner and within the time specified when the Committee makes its final determination, may be presented to the Livingston Municipal Court for enforcement. Where possible, at the time the final determination is made by the Committee, the offending party shall sign and date, and also signed by the members of the Committee hearing the offense(s) and making the determination, or, if not signed by the offending party, shall be signed by the Committee members hearing the offense(s) and making the determination, the annexed form of Consent Agreement, which document may be presented to the Livingston Municipal Court for enforcement and/or be presented to any other Court of competent jurisdiction in which the matter may subsequently be heard, as evidence that a hearing had been held in accordance with this Ordinance, and specifying the violation(s) charged and the determination made by the Committee. If certified to be a true copy of the determination, the same

shall be deemed to be the uncontroverted testimony of the Committee members holding the hearing and such Committee members need not appear in any Court unless and until ordered by the Court to which the document is presented for enforcement.

- i. Any fines collected by the Committee shall be paid by check payable to the Township of Livingston.
- j. The Committee shall present to the Town Council a yearly tally of the fines collected. The Town Council, at its discretion may utilize these funds for the betterment of the Livingston Dog Park.

**Section B. Authorizing Additional Fines and Penalties for Violations of Dog Park Rules and Regulations.**

- a. In addition to the fines and/or penalties permitted under the original Ordinance, the following fines and penalties are authorized to be imposed by the Livingston Dog Park Dispute Resolution Committee, all as are more particularly specified in Schedule "A" annexed hereto:
  - (1) Temporary or Permanent Revocation of a Dog Park Pass.
  - (2) Fines and penalties for first offenses.
  - (3) Enhanced fines for repeated or multiple offenses, to the maximum amount of \$1,000,000 permitted under the original Ordinance.
  - (4) Multiple fines for multiple offenses, which may be imposed to the maximum permitted under the original Ordinance, for each determined offense.
  - (5) Such other fines and penalties as may be adopted by the Committee, in its discretion, to carry out the purposes and aims of this Ordinance. Any supplemental fines and penalties adopted by the Committee shall, before becoming effective, be first submitted to the Livingston Township Council for approval and amendment to this Ordinance, which may be achieved by Resolution.

Section 2. Except as hereby amended, the Code of the Township of Livingston shall remain in full force and effect.

Section 3. This Ordinance shall take effect upon final passage and publication in accordance with the law.

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DAVID B. KATZ, Mayor

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GLENN R. TURTLETAUB, Township Clerk

Approved as to form:

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SHARON L. WEINER, Township Attorney

Adopted:

SCHEDULE "A"  
FINES AND PENALTIES AUTHORIZED

FAILURE TO APPEAR BEFORE THE COMMITTEE:

- A. IF NO REQUEST TO RESCHEDULE IS MADE \$100.00
- B. IF ADVISED OF FAILURE TO APPEAR, AND NO DATE FOR RE-HEARING IS SCHEDULED BY ALLEGED VIOLATOR: \$100.00 PLUS REVOCATION OF PASS.

DELAY IN APPEARING BEFORE THE COMMITTEE:

- A. REQUESTING UNREASONABLE DEFERRAL DATE (NOT WITHIN 30 DAYS OF DATE ORIGINALLY SCHEDULED) \$100.00

FILING FALSE REPORT/COMPLAINT:

- A. FIRST OFFENSE \$100.00
- SECOND OFFENSE \$250.00, PLUS REVOCATION OF PASS

LITTERING:

- A. FIRST OFFENSE \$25.00
- B. SECOND OFFENSE \$50.00
- C. THIRD OFFENSE: \$50.00 PLUS REVOCATION OF PASS.

FAILURE TO CLEAN-UP/REMOVE EXCRETION

- A. FIRST OFFENSE \$25.00
- B. SUBSEQUENT OFFENSE \$50.00
- C. THIRD OFFENSE: FINE OF \$50.00 PLUS REVOCATION OF PASS

FAILURE TO EXHIBIT OR POSSESS VALID LICENSE/PASS

- A. FIRST OFFENSE \$50.00
- B. SUBSEQUENT OFFENSE (S) \$100.00

PASS USED IMPROPERLY – TRANSFERRED TO ANOTHER DOG.

- A. FIRST OFFENSE \$75.00
- B. SECOND OFFENSE: FINE OF \$100.00 PLUS REVOCATION OF PASS.

BRINGING ILL DOG OR DOG IN HEAT TO PARK

- A. FIRST OFFENSE \$100.00
- B. SUBSEQUENT OFFENSE: FINE OF \$200.00 PLUS REVOCATION OF PASS.

EXCEEDING LIMIT OF TWO DOGS

- A. FIRST OFFENSE \$50.00
- B. SUBSEQUENT OFFENSE(S) \$100.00

SPIKED, PRONGED OR CHOKE COLLARS WITHIN RUNS

- A. FIRST OFFENSE \$25.00
- B. SUBSEQUENT OFFENSE: FINE OF \$100 PLUS REVOCATION OF PASS.

UNDERAGE DOGS (MUST BE OVER 4 MONTHS OF AGE TO USE PARK)  
WITHIN RUN

- A. FIRST OFFENSE \$50.00
- B. SUBSEQUENT OFFENSE(S) \$100.00

UNDERAGE ACCOMPANER OF DOG WITHIN RUN (MUST BE 10 OR OLDER  
TO ENTER RUNS AND/OR ACCOMPANY DOG WITHIN RUNS)

- A. FIRST OFFENSE \$50.00
- B. SUBSEQUENT OFFENSE(S) \$100.00

UNLEASHED DOG OUTSIDE RUN

- A. FIRST OFFENSE \$25.00
- B. SUBSEQUENT OFFENSE(S) \$50.00

FAILURE TO MONITOR DOG WITHIN OR OUTSIDE RUN

- A. FIRST OFFENSE \$50.00
- B. SUBSEQUENT OFFENSE(S) \$100.00

UNRULY BEHAVIOR BY OWNER/PERSON AUTHORIZED BY OWNER OR DOG  
ITSELF, NOT INCLUDING BITES BY DOG

- A. FIRST OFFENSE \$200.00
- B. SUBSEQUENT OFFENSE: FINE OF \$400 PLUS REVOCATION OF PASS.

UNRULY BEHAVIOR BY DOG RESULTING IN BITE:

- A. UP TO MAXIMUM FINE OF \$1,000 PLUS PERMANENT REVOCATION OF  
PASS.

SMOKING WITHIN PARK:

- A. FIRST OFFENSE \$50.00
- B. SECOND OFFENSE \$100.00
- THIRD OFFENSE: FINE OF \$100.00 PLUS REVOCATION OF PASS.

VANDALISM, DEFACING PROPERTY:

- A. FIRST OFFENSE \$100.00, PLUS COSTS OF  
REPAIRS.
- B. SECOND OFFENSE: \$250.00, PLUS COSTS OF  
REPAIRS AND REVOCATION OF PASS.

EATING FOOD INSIDE THE RUNS:

A. FIRST OFFENSE \$25.00  
B. SECOND OFFENSE \$50.00 PLUS  
REVOCATION OF PASS.

POSSESSION OF ALCOHOLIC BEVERAGE IN PARK:

A. FIRST OFFENSE \$ 100.00  
B. SECOND OFFENSE: \$250.00 PLUS  
REVOCATION OF PASS.

(NOTE) NON-ALCOHOLIC BEVERAGES ARE PERMITTED WITHIN THE  
PARK AND WITHIN THE RUNS, PREFERABLY IN PLASTIC CONTAINERS, NO  
GLASS CONTAINERS ARE PERMITTED

**CONSENT AGREEMENT**

**DOG PARK DISPUTE RESOLUTION COMMITTEE DETERMINATION**

**WHEREAS**, the undersigned, is the person complained of and/or the owner, authorized representative of the owner of a dog, and/or person who accompanied a dog complained of, for having been in violation of the Rules and Regulations governing the Livingston Dog Park, and, after having been afforded the opportunity to appear before the Livingston Dog Park Dispute Resolution Committee; and

**WHEREAS**, as a result of such hearing, or as a result of my failure or refusal to attend the hearing, but with testimony having been presented to the Committee as to the violation which I or my animal, or the animal within my authorized control has/have been charged, I and/or the animal which I own, and/or for whose owner I am the authorized representative, have been determined to be in violation of one or more of the Rules and Regulations of Livingston Dog Park, and, as a result of such determination, one or more fines and/or other penalties authorized by Ordinance have been imposed, as specified below, I have agreed to accept the determination(s) of said Committee and the payment of the specified fines and/or agree to abide by the other penalties imposed, as specified below; and/or

**WHEREAS**, the undersigned members of the Livingston Dog Park Dispute Resolution Committee have conducted a hearing, in accordance with the authority granted to us under the applicable Ordinance(s) of the Township of Livingston, have made the determination(s) set forth below, imposed the specified fines and/or other penalties, but state that the offending party has failed or refused to appear and provide contradictory testimony to the complaint, and/or to sign and/or acknowledge our determination(s) set forth below;

**NOW, THEREFORE, I/ WE**, hereby certify, acknowledge and/or consent, to the following determination(s) and the imposition of the specified fine(s) and/or other penalties resulting from the hearing and determination(s) of the Livingston Dog Park Dispute Resolution Committee, against:

NAME: \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
TOWN: \_\_\_\_\_  
DOG'S NAME (if applicable): \_\_\_\_\_  
DOG PASS NUMBER (if known): \_\_\_\_\_

**DETERMINATION OF FINE(S)/PENALTY:**

1. \_\_\_\_\_.
2. \_\_\_\_\_.

3. \_\_\_\_\_.
4. \_\_\_\_\_.
5. \_\_\_\_\_.
6. \_\_\_\_\_.

I/ We, the undersigned, acknowledge by my/our signature(s) hereto, that I/We have read the foregoing document, state that it was, if signed by the person, owner or authorized representative of the owner of an animal, against whom a complaint has been filed, entered into willingly and without force and/or coercion, and that I/We understand its terms, conditions and import. Further, the determination(s) set forth above were made after the hearing to which I, if the person, owner or authorized representative of the owner of an animal, against whom a complaint has been filed, was afforded the opportunity to defend the charges, including having the right to present witnesses to the facts underlying the determination(s) made, or, if such person has failed and/or refused to attend the hearing and defend the charges, or, if this document has not been signed by the person, himself, and/or being the owner or authorized representative of the owner of an animal, against whom a complaint has been filed before the Committee, we are the Committee members who conducted the hearing, as aforesaid, and certify, by our signatures below, all of the facts, terms and determinations made by the Committee after such hearing. We, further, if this document is only signed by the members of the Committee hearing the complaint(s) further certify that the determination(s) were duly and properly made, at a hearing conducted for such purpose, were explained to the person complained of, as described above, who stated that he/she fully understood the complaint, or, if the person owning or having authorization of the owner of the animal complained of has failed or refused to attend the hearing after being afforded the opportunity to appear, or, after the hearing and the making of our determination(s) has refused to sign this document, we certify that the determinations made were those set forth above.

By my/our signature(s) below, I/We further consent that a certified to be true copy of this document may be presented in the Livingston Municipal Court and/or any other Court of competent jurisdiction for enforcement of the fine(s) and/or penalties imposed, and/or as proof of the findings of the Committee, as specified above.

Dated: \_\_\_\_\_, 200\_\_ \_\_\_\_\_ (L.S.)  
 Offending Party/Dog Owner

Dated: \_\_\_\_\_, 200\_\_ \_\_\_\_\_ (L.S.)  
 Committee Member

Dated: \_\_\_\_\_, 200\_\_ \_\_\_\_\_ (L.S.)  
 Committee Member

Dated: \_\_\_\_\_, 200\_\_ \_\_\_\_\_ (L.S.)  
Committee Member

Dated: \_\_\_\_\_, 200\_\_ \_\_\_\_\_ (L.S.)  
Committee Member