

**ORDINANCE NO. 15-15**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER SUPPLEMENTING PART II THE GENERAL LEGISLATION OF THE CODE OF THE TOWNSHIP OF HANOVER WITH THE INCLUSION OF A NEW CHAPTER 194 ENTITLED REGULATIONS GOVERNING UNATTENDED CHILDREN AND ANIMALS IN MOTOR VEHICLES**

**WHEREAS**, the Township Committee is aware of incidents around the nation in which helpless children and/or animals have been left in motor vehicles unattended with dire consequence; and

**WHEREAS**, the Township Committee is also aware of the numerous reports regarding the dangers associated with leaving children and/or animals unattended in motor vehicles; and

**WHEREAS**, these dangers stem from weather conditions, the fact that the children and/or animals are vulnerable and unable to help themselves, as well as potential outside influences; and

**WHEREAS**, it is the intention of the Township Committee to ensure the safety of children and animals within the Township and prohibit leaving either unattended in a motor vehicle at any time.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

Part II of the General Legislation of the Code of the Township of Hanover is hereby supplemented with the establishment of a new Chapter 194 entitled

**Regulations Governing Unattended Children and Animals in Motor Vehicles**

as follows:

**Section 1.**

**§194-1A. Unattended Children**

a. As used in this section:

"Child" means a person under six (6) years of age.

"Unattended" refers to a child who has been left in a motor vehicle by a parent, guardian or other person responsible for that child, when that parent, guardian or other person is unable to continuously observe the child.

"Unsupervised" refers to an unattended child when a person 14 years of age or older is not present in the motor vehicle.

b. (1) A parent, guardian or other responsible person who leaves a child younger than six (6) years of age unattended and unsupervised in a motor vehicle shall be a petty disorderly person and subject to a fine of not less than \$1,000.

(2) If the child suffers bodily injury as a direct or indirect result of being left unattended and unsupervised, the parent, guardian or other responsible person may be subject to criminal charges.

(3) If the child suffers serious bodily injury or dies as a direct or indirect result of being left unattended and unsupervised, the parent, guardian or other responsible person shall be referred to the prosecutor's office for the consideration of pressing criminal charges.

c. (1) A law enforcement officer who observes a child left unattended and unsupervised in a motor vehicle in violation of this section may use whatever means are reasonably necessary to protect the child and remove the child from the motor vehicle.

(2) If the child is removed from the immediate area by the law enforcement officer pursuant to subparagraph (1) of this subsection, notification shall be placed on the motor vehicle. A child removed from a motor vehicle pursuant to this subsection shall be referred to the supervision of the Division of Child Protection and Permanency if the law enforcement officer is unable to locate the parent, guardian or other person responsible for the child.

(3) A law enforcement officer shall not be liable in any civil action by any party for any act or omission performed in good faith under this act.

d. All owners of shopping malls, strip malls or other shopping facilities with contiguous parking areas are hereby required to post signs in the parking areas noting that, pursuant to this Ordinance, they may be subject to punishment for leaving children unattended in vehicles.

**Section 2.**

**§194-2B. Unattended Animals**

a. As used in this section:

"Animal" or "creature" includes the whole brute creation.

"Bodily injury" means physical pain, illness or any impairment of physical condition.

"Necessary care" means care sufficient to preserve the health and well-being of an animal, and includes, but is not limited to: food of sufficient quantity and quality to allow for normal growth or maintenance of body weight; adequate access to water in sufficient quantity and quality to satisfy the animal's needs; access to adequate protection from the weather; and veterinary care to alleviate suffering and maintain health.

"Owner" or "person" includes a corporation, and the knowledge and acts of an agent or employee of a corporation in regard to animals transported, owned, employed, or in the custody of the corporation shall be assigned to the corporation.

"Serious bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

b. (1) It shall be unlawful to leave a live animal or creature unattended in a motor vehicle under inhumane conditions adverse to the health or welfare of the living animal or creature.

(2) Any owner leaving such animal or creature unattended is a petty disorderly person and subject to a fine of not less than \$1,000 for every conviction of said offense.

c. All owners of shopping malls, strip malls or other shopping facilities with contiguous parking areas are hereby required to post signs in the parking areas noting that, pursuant to this Ordinance, they may be subject to punishment for leaving pets unattended in vehicles.

**Section 3.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

**Section 4.** If for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

**Section 5.** This ordinance shall take effect in accordance with the law.

TOWNSHIP COMMITTEE  
TOWNSHIP OF HANOVER  
COUNTY OF MORRIS  
STATE OF NEW JERSEY

ATTEST:

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Ronald F. Francioli, Mayor

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Joseph A. Giorgio, Township Clerk

DATE OF INTRODUCTION: May 28, 2015

DATE OF ADOPTION: June 11, 2015

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CERTIFICATION

I, Joseph A. Giorgio, Township Clerk of the Township of Hanover, County of Morris and State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance adopted by the Township Committee of said Township on the 11<sup>th</sup> day of June, 2015 at a meeting duly convened, of said Body.

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Joseph A. Giorgio, Township Clerk