

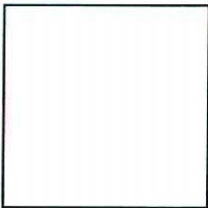
From: lernerMichelle@aol.com [mailto:lernerMichelle@aol.com]
Sent: Friday, June 26, 2009 9:36 AM
To: Lashway, Lisa
Subject: please forward this also

Lisa, will you please forward this to the mayor, council members, and Mr. Dorsey:

Dear Mayor and Council Members:

I have been told that Attorney Dorsey has asked me to provide a state statute that authorizes the council to pass a TNR ordinance. Since NJ is a Home Rule state and the constitution explains that municipalities' powers are not limited to what is expressly granted by statute, provision of a citation to an authorizing statute is not necessary. However, there are in fact 2 statutes that authorize municipalities to pass such ordinances:

With regard to TNR itself, the following statute expressly authorizes municipalities to regulate free-roaming animals:



40 :48-1. Ordinances; general purpose. The governing body of every municipality may make, amend, repeal and enforce ordinances to:

. . . .prohibit *or regulate* the running at large of horses, cattle, dogs, swine, goats and other animals

In addition, the following statute codifies what is in the state constitution, i.e. that municipalities also have general police powers and can pass any other ordinances they want as long as they do not conflict with the constitution or other statutes:

40 :48-2. Other necessary and proper ordinances

Any municipality may make, amend, repeal and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law.

The town council is therefore clearly authorized to pass a TNR ordinance, as other NJ municipalities have done and are in the process of doing.

Best,

Michelle Lerner

-----Original Message-----

From: Lashway, Lisa <clerk@mtolivetwp.org>
To: lernermichelle@aol.com
Sent: Fri, Jun 26, 2009 9:18 am
Subject: RE: please forward to mayor and council

Will do.

Lisa Lashway
Township Clerk
Township of Mount Olive
P.O. Box 450
Budd Lake, NJ 07828
973-691-0900 Ext. 7290

-----Original Message-----

From: lernermichelle@aol.com [mailto:lernermichelle@aol.com]
Sent: Thursday, June 25, 2009 3:48 PM
To: Lashway, Lisa
Subject: please forward to mayor and council

Hi Lisa,

Here is a link to an article about a TNR ordinance just adopted in Jackson, NJ.

http://tritown.gmnews.com/news/2009/0625/front_page/019.htm

1

Please distribute to the Mayor and Council.

Thanks.

Michelle