

# Township of West Milford

Passaic County, New Jersey

## ~ Resolution 2023 – 269 ~

### RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY TO ENTER INTO AN AGREEMENT

**WHEREAS**, the Township was made aware by Police Report 23-09036, dated March 27, 2023 of several dog fights and/or acts of aggression involving a dog owned by a Township resident (the Township and the dog owner, hereinafter “the Parties”); and

**WHEREAS**, there was a documented prior incident of the same dog, involved in similar behavior in July 2022; and

**WHEREAS**, while no persons have been reported bitten to date, the Township nonetheless seeks to ensure that the dog’s owner undertakes further measures to safely keep and maintain the animal, in lieu of litigation, seeking to declare the animal dangerous; and

**WHEREAS**, the dog owner has already made several updates to his property in the attempt to control the dog, which the Township Animal Control Officer inspected on May 5, 2023, but nevertheless, on June 20, 2023, Police Report 23-23273 reflects that the dog exited the property, and attacked another dog which required extensive veterinary treatment; and

**WHEREAS**, the Township now seeks to enter into an agreement with the dog owner, on file in the Township Clerk’s Office, in lieu of legal action to declare the dog dangerous, and to specifically identify further measures to better ensure that there will be no further incidents; and

**WHEREAS**, nothing within this agreement shall be read to establish liability on behalf of the Township in any way, and the dog owner continues to bear full responsibility for the animal; and

**WHEREAS**, by entering into this Agreement, neither party admits any fact, fault or liability, including any liability arising from the claims, transactions or occurrences as to the animal or the property, or to any other party to the matter as may have alleged, or could be alleged, to include but not be limited to any and all cross-claims, counterclaims, or amendments related thereto; and

**WHEREAS**, the Parties agree that should the terms of this agreement not be followed or otherwise be breached, the Township reserves the right to pursue all legal actions, including but not limited to litigation to declare the dog dangerous.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of West Milford, in the County of Passaic and State of New Jersey that Township Animal Control Officer be instructed to enter into the above-described settlement agreement, and to take all necessary further actions in contemplation of this resolution and the specific terms of the Agreement.

This Resolution shall take effect immediately upon adoption.

Adopted: July 12, 2023

Adopted this 12<sup>th</sup> day of July, 2023  
and certified as a true copy of an original

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William Senande, Township Clerk