

## Title 6 ANIMALS

**Chapters:**

### Chapter 6.04 GENERAL PROVISIONS

**Sections:**

**6.04.010 Definitions.**

As used in this chapter:

"Dog" means any dog, bitch or spayed bitch.

"Dog of licensing age" means any dog which has attained the age of seven months or which possesses a set of permanent teeth.

"Keeper" means any person exercising control over a dog or permitting a dog to remain on premises under his control.

"Owner" when applied to the proprietorship of a dog shall mean and include every person having a right of property in the dog and every person who has a dog in his keeping.

(Ord. 2001/27 § 6; prior code § 7-1)

**6.04.020 Licensing provisions.**

- A. License—When Required. Licenses shall be required for the following dogs of licensing age:
1. Any dog owned or kept within the borough by a resident of the borough on the first day of January of any calendar year;
  2. Any dog acquired by any person during the course of any calendar year and kept within the borough for more than ten (10) days after acquisition;
  3. Any dog attaining licensing age during the course of the calendar year;
  4. Any unlicensed dog brought into the borough by any person and kept within the borough for more than ten (10) days;
  5. Any dog licensed by another state brought into the borough by any person and kept within the borough for more than ninety (90) days.
- B. Application for License. Each application for a license under this chapter shall give the following information:
1. A general description of the dog sought to be licensed, including breed, sex, color and markings, and whether the dog is of a long- or short-haired variety;
  2. Name, street and post office address of the owner of, and the person who shall keep or harbor the dog;

3. A certificate of a duly licensed veterinarian which shall provide evidence that the dog to be licensed and registered has been inoculated with a rabies vaccine of a type approved by and administered in accordance with the recommendations of the United States Department of Agriculture and the United States Department of Health, Education and Welfare, or has been certified exempt as provided by the regulations of the State Department of Health of New Jersey. Such certificate shall be in accordance with regulations of the State Department of Health, providing for duration of immunity, interval of inoculation, certificate of vaccination or certificate of exemption. In the event such certificate is not presented to the municipal clerk, a license will not be issued.

Registration numbers shall be issued in the order in which applications are received.

- C. Application for License—When Made. The license year shall run from January to December 31. Applications for licenses for dogs which are required to be licensed by the provisions of subsection A. of this section shall be made no later than March 1 of each calendar year. Applications for licenses for dogs which are required to be licensed by the provision of subsection A. of this section which are filed on or after March 1 shall be subject to a late fee as set forth below. In all other cases, the application for a license shall be made within ten (10) days of the day upon which the dog in question first becomes subject to the provisions of this section.
- D. License Record. The information on all applications under this chapter and the registration number issued to each licensed dog shall be preserved for a period of three years by the borough clerk. In addition, he or she shall forward similar information to the state department of health each month on forms furnished by the department.
- E. Fees. The person applying for a license shall pay a fee of ten dollars (\$10.00) for each dog. He or she shall also pay one dollar (\$1.00) for the registration tag for each dog. The same fee shall be charged for the annual renewal of each license and registration tag. Each person registering a dog shall also be required to pay an additional twenty cents (\$0.20) per dog for payment into the pilot clinic fund established by the State of New Jersey. Each person registering a dog of reproductive age which has not had its reproduction capacity permanently altered through sterilization shall be required to pay an additional fee as established by the state legislature and which shall be remitted to the animal population fund. The current animal population fund fee is three dollars (\$3.00).

There is a five dollar (\$5.00) late registration fee for any license issued after the required license renewal or issuance date. There is an additional fee of one dollar (\$1.00) for each and every additional month that a license is issued after required license renewal or issuance date.

- F. Expiration Date. Each dog license and registration tag shall expire on the last day of February of the calendar year following the calendar year in which it was issued.
- G. Exceptions. The provisions of this section shall not apply to any dog licensed under any kennel, pet shop, shelter or pound license issued by the borough. Dogs used as guides for blind persons and commonly known as "Seeing Eye dogs" shall be licensed in the same manner as other dogs, except that the owner or keeper shall not be required to pay any fee.

(Prior code § 7-2)

(Ord. No. 2012/16, § 1, 12-17-12)

#### **6.04.030 Disposition of fees.**

License fees and other moneys collected or received under the provisions of this chapter, except registration tag fees, shall be forwarded to the borough treasurer within thirty (30) days after collection or receipt, and shall be

placed in a special account separate from any of the other accounts of the borough and shall be used for the following purposes only: collecting, keeping and disposing of dogs liable to seizure under this chapter; local prevention and control of rabies; providing anti-rabies treatment under the direction of the local board of health for any person known or suspected to have been exposed to rabies; all other purposes prescribed by the statutes of New Jersey governing the subject; and for administering the provisions of this chapter. Any unexpended balance remaining in the special account shall be retained therein until the end of the third fiscal year following and may be used for any of the purposes set forth in this section. At the end of each fiscal year thereafter, there shall be transferred from the special account to the general funds of the borough any amount then in the account which is in excess of the total amount paid into the special account during the last two fiscal years next preceding.

The registration tag fee of fifty cents (\$.50) for each dog shall be forwarded within thirty (30) days after collection by the clerk to the State Department of Health.

(Prior code § 7-3)

#### **6.04.040 Dog canvass.**

The chief of police of the borough shall annually cause a canvass to be made of all dogs owned, kept or harbored within the limits of the borough and shall report to the clerk, the board of health and the State Department of Health the results thereof, setting forth in separate columns the names and addresses of persons owning, keeping or harboring dogs, the number of licensed dogs owned, kept or harbored by each person, together with the registration number of each dog; the number of unlicensed dogs owned, kept or harbored by each person, together with a complete description of each unlicensed dog.

(Prior code § 7-4)

#### **6.04.050 Impounding and destruction of certain dogs.**

- A. Causes for Impounding. The poundkeeper shall take into custody and impound, or cause to be taken into custody and impounded, any of the following dogs:
  - 1. Any unlicensed dog running at large in violation of the provisions of this chapter;
  - 2. Any dog off the premises of the owner of or the person keeping or harboring the dog which the poundkeeper or his agent has reason to believe is a stray dog;
  - 3. Any dog off the premises of the owner of or the person keeping or harboring such dog without a current registration tag on its collar;
  - 4. Any female dog in season off the premises of the owner of or the person keeping or harboring such dog.
- B. Access to Premises. Any officer or agent authorized or empowered to perform any duty under this chapter is authorized to go on any premises to seize for impounding any dog which he or she may lawfully seize and impound when the officer is in immediate pursuit of the dog, except on the premises of the owner of the dog if the owner is present and forbids same.
- C. Notice of Seizure. If any dog so impounded or seized wears a registration tag, collar or harness showing the name and address of any person, or the owner of or the person keeping or harboring the dog is known, the poundkeeper shall immediately serve on the person whose address is given on the collar, or on the person owning, keeping or harboring the dog, a notice in writing stating that the dog has been seized and will be liable to be disposed of or destroyed if not claimed within seven days after service of the notice.

A notice under this subsection may be served either by delivering it to the person on whom it is to be served, or by leaving it at the person's usual or last known place of abode, or at the address given on the collar, or by forwarding it by mail in a prepaid letter addressed to that person at his or her usual or last known place of abode, or to the address given on the collar.

- D. Disposition of Unclaimed Dogs and Other Animals. The poundkeeper is authorized and empowered to cause the destruction of any unclaimed dog or other animal in as humane a manner as possible under any of the following contingencies:
1. When any dog so seized has not been claimed by the person owning, keeping or harboring the dog within seven days after notice or within seven days of the dog's detention when notice has not been or cannot, be given as set forth in the previous subsection;
  2. If the person owning, keeping or harboring any dog or other animal seized has not claimed the dog and has not paid all expenses incurred by reason of its detention including maintenance at the rate at which the borough is charged by the poundkeeper and a thirty-five dollar (\$35.00) administration fee payable to the clerk of the borough;
  3. If the seized dog is unlicensed at the time of seizure and the person owning, keeping or harboring the dog has not produced a license and registration tags as provided in this chapter and has not paid the maintenance or administrative fee.
- E. Reclamation of Impounded Dogs and Other Animals. The owner of an impounded dog or other animal may reclaim the animal from the poundkeeper by paying the impound fees charged by the poundkeeper plus an administrative fee of thirty-five dollars (\$35.00) payable to the borough clerk.

(Ord. 2001/27 § 6; prior code § 7-6)

(Ord. No. 2012/16, § 1, 12-17-12)

#### **6.04.060 Regulations.**

No person shall own, keep or harbor a dog in the borough except in compliance with the provisions of this chapter and the following regulations.

- A. Wearing of Registration. All dogs which are required by the provisions of this chapter to be licensed shall wear a collar or harness with the registration tag for the dog securely fastened thereto.
- B. Use of Registration Tags. No person, except an officer in the performance of his or her duties, shall remove a registration tag from the collar of any dog without the consent of the owner, nor shall any person attach a registration tag to a dog for which it was not issued.
- C. Interference with Official Duties. No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this chapter.
- D. Disturbing the Peace. No person shall own, keep, harbor or maintain any dog which habitually barks or cries between the hours of eight p.m. and eight a.m.
- E. Running at Large. No person owning, keeping or harboring any dog shall permit it to run at large upon the public streets or in any public park, public building or other public place within the borough.
- F. Leashing of Dogs.

No person owning, keeping or harboring any dogs shall permit them to be upon the public streets or on any of the public places of the borough or on any private property not the property of the owner of the dog,

unless permission is given by the property owner, unless such dog is accompanied by a person over the age of twelve (12) years, is securely confined and controlled by an adequate leash not more than eight feet long. Retractable leashes which extend over eight feet are not permitted.

G. Dog Control.

1. Owners of dogs and any person walking a dog upon the public streets, sidewalk or any public place and on any property not owned by the person having possession and control of the dog are responsible for the removal of any fecal matter left by the dog.
2. Any person walking a dog upon the public streets, sidewalks or in any public place in the borough or on any property not owned by the person having possession and control of the dog unless permission is given by the property owner, shall have with them a means to clean up and contain any and all fecal matter left by their dog on any public or private property other than property owned by the person having possession and control of the dog. Upon request, the person walking the dog shall display the means to clean and contain the fecal matter.

H. Property Damage. No person owning, keeping or harboring a dog shall permit it to do any injury, or to do any damage to any lawn, shrubbery, flowers, grounds or property.

(Ord. 2002/11 § 1, 2; Ord. 23/99 § 1; prior code § 7-7)

#### **6.04.070 Dog bites.**

Where it has been determined by a physician that a person has been bitten by a dog, the individual, or his or her parent or guardian if he or she is a minor, shall immediately notify the police. When the owner or keeper of any dog is notified by the police that the dog has bitten any individual or individuals, the owner or keeper of the dog must comply with the following procedures:

- A. Have the dog examined by a licensed veterinarian within twelve (12) hours;
- B. Have the dog kept in quarantine in the owner's home or at a kennel for a period of ten (10) days;
- C. At the end of ten (10) days have the dog re-examined by a veterinarian and a written report of the dog's state of health sent to the board of health.

(Prior code § 7-8)

#### **6.04.080 Quarantine.**

The council may, by proclamation, require all dogs and cats to be quarantined during any period in each year which may seem advisable to the council.

(Prior code § 7-9)

#### **6.04.090 Enforcement.**

The council shall have the power to appoint a pound keeper whose duty it shall be to enforce the provisions of this chapter. The council shall also have the power to appoint one or more persons, to be known as dog catchers, who may impound unlicensed dogs running at large in violation of the provisions of this chapter, and who shall make monthly and annual reports to the council.

(Prior code § 7-10)

**6.04.100 Violation—Penalty.**

- A. Any person who violates or fails or refuses to comply with the provisions of this chapter shall be liable for a penalty of not less than one hundred dollars (\$100.00) for a first offense and for a subsequent offense a fine of not more than one thousand dollars (\$1,000.00) or be imprisoned in the county jail for a term not exceeding ninety (90) days, or both.
- B. In the event the person violating these provisions is under the age of eighteen (18), the parents, (jointly and severally) or parent with whom the minor resides, shall be liable for the penalty provisions.

(Ord. 2002/11 § 3: prior code § 7-11)

**6.04.110 Cat and dog control.**

- A. Owner's Responsibility. Owners of cats and dogs are responsible for the removal any fecal matter deposited by their animals on public property, streets, sidewalks, alleyways and on any property not owned by the person having possession and control of the cat or dog.
- B. No person shall keep or permit to be kept more than a total of five dogs or cats, over the age of two months, in any combination, in or upon any residence or commercial property.
- C. Persons who keep or permit to be kept more than five dog(s) or cat(s) prior to the adoption of this chapter, which would be in non-compliance of this chapter, shall not be subject to this chapter with regard to said animals. Owners of the dog(s) or cat(s) prior to the adoption of the chapter may retain the specific dog(s) or cat(s) for the remainder of the animal's life, provided, however, that if the owner removes the animal from the premises for more than thirty (30) consecutive days, it shall be presumed that the owner has abandoned or no longer owns the animal, and the animal shall not be permitted back on the premises unless the addition of the animal will not bring the total number of animals on the premises in excess of five. It is further provided that such person shall not acquire or keep any additional dogs(s) or cat(s) if said additional pet as aforesaid, would continue, further or cause noncompliance of this chapter.
- D. Violations and Penalty. Any person or entity violating any provision of this section shall, upon conviction, pay a fine of not less than seventy-five dollars (\$75.00) nor more than five hundred dollars (\$500.00). Any person or entity violating subsection B. above must immediately remove from the premises, any and all dogs and cats in excess of the permitted amount of five.
- E. This section may be enforced by the board of health, the animal control officer and the police.

(Prior code § 7B-1, 7B-2)

(Ord. No. 2008/19, § I, 10-6-08)

**Chapter 6.08 VICIOUS AND DANGEROUS DOGS**

**Sections:**

**6.08.010 Definitions.**

As used in this chapter:

"Animal control officer" means a certified municipal animal control officer as defined in N.J.S.A. 4:19-15.1.

"Dangerous or vicious dog" means:

1. Any dog or dog hybrid declared vicious by a Municipal Court pursuant to N.J.S.A. 4:19-22;
2. Any dog which, according to the records of the appropriate authority, has inflicted severe injury on a human being without being without provocation on public or private property;
3. Any dog which, according to the records of the appropriate authority, has killed a domestic animal without provocation while off the owner's property;
4. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

"Potentially dangerous dog" means:

1. Any dog or dog hybrid found to be potentially dangerous, as defined by N.J.S.A 4:19-23;
2. In addition, any dog which, when unprovoked, chases or approaches a person upon the streets, sidewalks or any public or private property in a menacing fashion or apparent attitude of attack;
3. Any dog with a known propensity, tendency of disposition to attack unprovoked, to cause injury or to otherwise threaten the safety of human beings or domestic animals.

(Prior code § 1)

#### **6.08.020 Regulations.**

- A. Any dog which is found to be dangerous or potentially dangerous, as defined by N.J.S.A. 4:19-23 shall be subject to the provisions of this title, in addition to any and all other provisions set forth in the Vicious Dog Act, N.J.S.A. 4:19-17, et. seq.
- B. In addition to all requirements of the state law, a record of each dog characterized as potentially dangerous, including the name and address of the owner and the breed and age of the dog, shall be kept with the borough clerk and animal control officer. Owners of potentially dangerous dogs must comply with all provisions of the state law and of this title.
- C. The borough animal control officer or any police officer shall seize and impound a dog within twenty four (24) hours of the officer receiving information constituting reasonable cause that the dog:
  1. Attacked a person and caused death or serious bodily injury as defined in N.J.S.A. 2C:11-1b to that person;
  2. Cause bodily injury as defined in N.J.S.A. 2C:11-1(a) to a person during an unprovoked attack and poses a serious threat of harm to persons or domestic animals;
  3. Engaged in dog fighting activities as prescribed in N.J.S.A. 4:22-24 and N.J.S.A. 4:220-26; or
  4. Has been trained, tormented, badgered, baited or encouraged to engage in unprovoked attacks upon persons or domestic animals.
- D. Such dog as set forth above shall be impounded until the final disposition as to whether the dog is vicious or potentially dangerous. Subject to the approval of the municipal health officer, the dog may be impounded in a facility or other structure agreeable to the owner.
- E. In addition to the provisions set forth in N.J.S.A. 4:19-23, no dog may be declared potentially dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a wilful trespass or other tort upon the premises occupied by the owner or keeper of the dog or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.

- F. 1. The animal control officer or any police officer shall notify the municipal court, the municipal health officer, and the municipal clerk immediately that a dog has been seized and impounded pursuant to N.J.S.A. 4:19-19, or that there is reasonable cause to believe that a dog has killed another domestic animal and that a hearing is required. The animal control officer or any police officer shall, through a reasonable effort, attempt to determine the identity of the owner of any dog seized and impounded pursuant to N.J.S.A. 4:19-19. If its owner cannot be identified within seven days, the dog may be humanely destroyed.
2. The animal control officer or a police officer shall, within three working days of the determination of the identity of the owner of a dog seized and impounded pursuant to N.J.S.A. 4:19-19, notify, by certified mail, return receipt requested, the owner concerning the seizure and impoundment, and that if the owner wishes, a hearing will be held to determine whether the impounded dog is vicious or potentially dangerous. This notice shall also require that the owner return within seven days, by certified mail or hand delivery, a signed statement indicating whether he or she wishes the hearing to be conducted, or if not, to relinquish ownership of the dog in which case the dog may be humanely destroyed. If the owner cannot be notified by certified mail, return receipt requested or refuses to sign for the certified letter, or does not reply to the certified letter with a signed statement within seven days of receipt, the dog may be humanely destroyed.
- G. 1. The municipal court shall declare the dog to be vicious if it finds by clear and convincing evidence that the dog:
- a. Killed a person or caused serious bodily injury as defined in N.J.S.A. 2C:11-1(b) to a person; or
  - b. Has engaged in dog fighting activities as described in N.J.S.A. 4:22-24 and N.J.S.A. 4:22-26.
2. A dog shall not be declared vicious for inflicting death or serious bodily injury as defined in N.J.S.A. 2C:11-1(b) upon a person if the dog was provoked. The municipality shall bear the burden of proof to demonstrate that the dog was not provoked.
3. If the municipal court declares the dog to be vicious and no appeal is made of this ruling pursuant to N.J.S.A. 4:19-25, the dog shall be destroyed in a humane and expeditious manner, except that no dog may be destroyed during the pendency of an appeal.
- H. The municipal court shall declare a dog to be potentially dangerous if it finds by clear and convincing evidence that the dog:
1. Caused bodily injury as defined in N.J.S.A. 2C:11-(a) to a person during an unprovoked attack and proposes and proposes and serious threat of bodily injury or death to a person or domestic animal;
  2. Killed a domestic animal while off the premises of its owner;
  3. Any dog which, when unprovoked, chases or approaches a person upon the streets, sidewalks or any public or private property in a menacing fashion or apparent attitude of attack;
  4. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise threaten the safety of human beings or domestic animals;
  5. Any dog engaged in dog fighting activities as described in N.J.S.A. 4:22-24 and N.J.S.A. 4:22-26;
  6. Any dog which has been trained, tormented, badgered or encouraged to engage in unprovoked attacks upon persons or domestic animals; or
  7. No dog may be declared potentially dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass upon the premises occupied by the owner or keeper of the dog or was teasing, tormenting, abusing or assaulting the dog or was committing or



attempting to commit a crime or if the dog killed a domestic animal if the domestic animal was the aggressor.

(Prior code § 2)

### **6.08.030 Licensing.**

If the municipal court declares the dog to be potentially dangerous, it shall issue an order and schedule for compliance which in part:

- A. Shall require the owner to comply with the following conditions:
  - 1. A license application for a special municipal potentially dangerous dog license shall be filed with the borough clerk and shall provide the following information: (a) name of applicant; (b) name of the owner if different from the applicant; (c) address where the dog is kept; (d) number of such dogs on the premises; (e) the method used to secure/retrain the dogs on the property; (f) the name of the person responsible for care and confinement of the dogs; (g) the name, address and policy number of the applicant's homeowner's insurance policy.
  - 2. All applications shall be accompanied by an application fee of fifty dollars (\$50.00) which is nonrefundable. This fee includes the cost of processing the application and any inspection prior to licensing.
  - 3. Licenses shall be issued by the borough clerk only after the appropriate fees have been paid and if the applicant has applied fully with all applicable codes, statutes and regulations, including the borough's zoning code.
  - 4. License fees are as follows:
    - a. One potentially dangerous dog, one hundred fifty dollars (\$150.00) per year;
    - b. Two potentially dangerous dogs, three hundred dollars (\$300.00) per year;
    - c. Three potentially dangerous dogs, five hundred dollars (\$500.00) per year; and
    - d. More than three potentially dangerous dogs, one thousand dollars (\$1,000.00) plus seven hundred fifty dollars (\$750.00) for each dangerous dog in excess of three.
- B. Revocation of License: If the applicant, owner or other person responsible for any dangerous or potentially dangerous dog kept within the borough violates any provision of this title or other applicable code, statute or regulation, then any license issued hereunder shall be automatically revoked and the license fee shall be retained by the borough. The borough council reserves the right to refuse to issue or reissue a license to any person who has violated any provision of this title or other applicable code, statute or regulation.

In addition to the provisions and requirements for compliance set forth in N.J.S.A. 4:19-24, the owner or keeper shall notify the borough within twenty four (24) hours if a dangerous dog or potentially dangerous dog is loose or unconfined; has attacked another animal or has attacked a human being or has died or has been sold or given away. If the dog has been sold or given away, the owner shall provide the borough with the name, address and telephone number of the new owner who must comply with the requirements of this title.

(Prior code § 3)

#### **6.08.040 Confinement of dangerous dogs.**

- A. In addition to the provisions and requirements for compliance set forth in N.J.S.A. 4:19-24, the owner of a potentially dangerous dog shall comply with the following requirements:
1. While on the owner's property, a potentially dangerous dog must be securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of young children designed to prevent the animal from escaping. Such a pen or structure must, at a minimum, comply with N.J.S.A. 4:19-d24(a)(3), and shall also have minimum dimensions of five feet by ten (10) feet and must have secured sides and a secure top. If it has not bottom secured to the sides, the sides must be embedded into the ground no less than two feet. The enclosure must also provide protection from the elements for the dog.
  2. The owner or keeper shall display a sign on his or her premises warning that there is a potentially dangerous dog on the property. This sign shall be visible and capable of being read from fifty (50) feet of the enclosure. In addition, the owner shall conspicuously display a sign with a symbol warning children of the presence of a dangerous dog.
- B. Control of Dangerous Dog Off Owner's Premises. A potentially dangerous dog may be off the owner's premises if it is restrained by a substantial chain or lease not exceeding four ft. in length and under the control of a responsible person.

(Prior code § 4 (part))

#### **6.08.050 Liability of owner for costs.**

- A. If a dog is declared vicious or potentially dangerous and all appeals pertaining thereto have been exhausted, the owner of the dog shall be liable to the municipality in which the dog is impounded for the costs and expenses of impounding and destroying the dog. The owner shall incur the expense of impounding the dog in a facility other than the municipal depository, regarding of whether the dog is ultimately found to be vicious or potentially dangerous.
- B. If the dog has bitten or exposed a person within ten (10) days previous to the time of euthanasia, its head shall be transported to the New Jersey State Department of Health laboratory for rabies testing.
- C. Liability of Owner. If the owner of a dog declared to be potentially dangerous decides or determines to keep the dog after such declaration, the owner shall, in writing, agree to indemnify and hold harmless the borough from and against any and all claims for injury or damage arising from such dog or dogs.

(Ord. 8/98 § 2; Ord. 4/98 § 4(part))

#### **6.08.060 Violations—Penalties.**

- A. In addition to all penalties set forth in this title and by state stature, any person violating the provisions of this chapter shall be subject to a fine of not less than fifty dollars (\$50.00) no more than one thousand dollars (\$1,000.00) and/or imprisonment for up to ninety (90) days.
- B. In addition, any person violating this chapter shall be subject to the following:
1. Forfeiture of their bond;
  2. Revocation of their license and permit;
  3. Prohibition from obtaining another license for up to five years.

(Prior code § 5)

### **6.08.070 Exemptions.**

The provisions of this chapter shall not apply to dogs used for law enforcement activities. (Editorially amended during 2002 codification; Ord. 4/98 § 6)

## **Chapter 6.12 CATS**

### **Sections:**

### **6.12.010 Definitions.**

As used in this chapter:

"Cat" means any domestic cat, neutered, spayed or otherwise.

"Cat of licensing age" means any cat which has attained the age of seven months or which possesses a set of permanent teeth.

"Keeper" means any person exercising control over a cat or permitting a cat to remain on premises under his or her control.

"Owner," when applied to the proprietorship of cat, means and includes every person having a right of property in the cat and every person who has a cat in his or her keeping.

"Run-at-large" means or applies to any cat off and not on the premises of the owner.

"Stray cat" means a cat having no known owner, custodian or identification.

(Prior code § 7A-1)

### **6.12.020 Licensing provisions.**

- A. License—When Required. Licenses shall be required for the following cats of licensing age:
1. Any cat owned or kept within the borough by a resident of the borough on the first day of March of any year;
  2. Any unlicensed cat acquired by any person during the course of any year and kept within the borough for more than ten (10) days after acquisition;
  3. Any cat attaining licensing age during the course of year;
  4. Any licensed cat brought into the borough by any person and kept within the borough for more than ten (10) days shall be registered with the borough. No additional licensing shall be required.
  5. Any cat licensed by another state brought into the borough by any person and kept within the borough for more than ninety (90) days.
- B. Application for License. Each application for license under this chapter shall give the following information:
1. The general description of the cat sought to be licensed, including breed, sex, age, color and marking, and whether the cat is of long- or short-haired variety;
  2. Name, street and post office address of the owner of and a person who shall keep or harbor the cat;

3. A certificate of duly licensed veterinarian which shall provide evidence that the cat to be licensed and registered has been inoculated with a rabies vaccine of a type approved by and administered in accordance with the recommendations of the United States Department of Agriculture and the United States Department of Health, Education and Welfare or any other agency exercising jurisdiction thereof, or has been certified exempt as provided by the regulations of the New Jersey State Department of Health or other agency which exercises jurisdiction. Such certificate shall be in accordance with all state regulations, providing for duration of immunity, interval of inoculation, certificate of vaccination or certificate of exemption. In the event such certificate is not presented to the municipal clerk, a license will not be issued.

Registration numbers shall be issued in the order the application are received.

- C. Application for License—When Made. The license year shall run from January to December 31. Applications for licenses for all cats which are required to be licensed by the provisions this section shall be made no later than March 1 of each calendar year. Applications for licenses for cats which are required to be licensed by the provision of subsection A of this section which are filed on or after March 1 shall be subject to a late fee as set forth below. In all other cases, the application for a license shall be made within ten (10) days of the day upon which the cat in question first becomes subject to the provisions of this section.
- D. License Record. The information on all applications under this chapter and the registration number issued to each licensed cat shall be preserved for a period of three years by the borough clerk. In addition, the borough clerk shall forward similar information to the state as required.
- E. Fees. The person applying for a license shall pay a fee of ten dollars (\$10.00) for each cat. The same fee shall be charged for the annual renewal of each license. Each person registering a cat of reproductive age which has not had its reproductive capacity permanently altered through sterilization shall be required to pay an additional fee as established by the state legislature. In the event the state legislature establishes a fee for registration tags for cats, the same shall be charged accordingly.
- F. Exceptions. The provisions of this section shall not apply to any cat licensed under any kennel, pet shop, shelter or pound license issued by the borough.
- G. Disposition of Fees. License fees and other moneys collected or received under the provisions of this chapter, except registration tag fees, shall be forwarded to the borough finance officer within forty-eight (48) hours after collection or receipt, and shall be placed in a special account separate from any of the other accounts of the borough and shall be used for the following purposes:

Collecting, keeping and disposing of animals liable to seizure pursuant to borough ordinance; local prevention and control of rabies; providing anti-rabies treatment under the direction of the local board of health for any persons known or suspected to have been exposed to rabies; all other purposes prescribed by the Statutes of New Jersey governing the subject; and for administering the provisions of this chapter and that chapter regarding licensing of dogs. Any unexpended balance remaining in the special account shall be retained therein until the end of the third fiscal year following and may be used for any of the purposes set forth in this section. At the end of each fiscal year thereafter there shall be transferred from the special account to the general funds of the borough any amount then in the account which is in excess of the total amount being paid into the special account during the last two fiscal years next proceeding.

(Ord. 8/95 § 1; prior code § 7A-2)

(Ord. No. 2012/16, § 2, 12-17-12)

### **6.12.030 Cat canvass.**

The chief of police of the borough shall annually cause a canvass to be made of all cats owned, kept or harbored within the limits of the borough and shall report to the clerk and the board of health the results thereof, setting forth in separate columns the names and addresses of persons owning, keeping or harboring cats, the number of licensed cats owned, kept or harbored by each person together with the registration number of each cat; the number of unlicensed cats owned, kept or harbored by each person, together with a complete description of each unlicensed cat.

(Prior code § 7A-3)

(Ord. No. 2012/16, § 2, 12-17-12)

### **6.12.040 Impounding and destruction of certain cats.**

- A. Causes for Impounding. The poundkeeper shall take into custody and impound, or cause to be taken into custody and impounded, any of the following cats:
1. Any licensed cat running at large in violation of the provisions of this chapter;
  2. Any cat off the premises of the owner of or the person keeping or harboring the cat which the pound keeper or his agent has reason to believe is a stray cat;
  3. Any cat off the premises of the owner of or the person keeping or harboring the cat without a current registration tag on its collar;
  4. Any female cat in season off the premises of the owner of or the person keeping or harboring the cat.
- B. Access to Premises. Any officer or agent authorized or empowered to perform any duty under this chapter is authorized to enter upon on any premises to seize for impounding any cat which he or she may lawfully seize and impound when the officer is in immediate pursuit of the cat, except on the premises of the owner of the cat if the owner is present and forbids same.

If any cat to be impounded or seized wears a registration tag, collar or harness showing the name and address of any person, or the owner of or the person keeping or harboring the cat is known, the pound keeper shall immediately serve upon the person whose address is given on the collar, or on the person owning, keeping or harboring the cat, a notice in writing stating that the cat has been seized and will be liable to be disposed of or destroyed if not claimed within seven days after service of the notice. A notice under this subsection may be served either by delivering it to the person to whom it is served, or by leaving it at the person's usual or last known place of abode, or at the address given on the collar, or by forwarding it by mail in a prepaid letter addressed to that person at his or her usual or last known place of abode, or to the address given on the collar.

- C. Disposition of Unclaimed Cats or Other Animals. The poundkeeper is authorized and empowered to cause the destruction of any unclaimed cat or any other animal in as humane a manner as possible under any of the following contingencies:
1. When any cat so seized has not been claimed by the person owning, keeping or harboring the cat within seven days after notice or within seven days of the cat's detention when notice cannot be given as set forth in the previous subsection;
  2. If the person owning, keeping or harboring any cat or other animal seized has not claimed the cat and has not paid all expenses incurred by reason of its detention including at the rate charged to the borough by the poundkeeper and a thirty-five dollar (\$35.00) administration fee payable to the clerk of the borough;

3. If the seized cat is unlicensed at the time of its seizure and the person owning, keeping or harboring the cat has not produced a license and registration tags as provided in this chapter and has not paid the maintenance or administration fee.
- E. Reclamation of Impounded Cats. The owner of an impounded dog or other animal may reclaim the animal from the poundkeeper by paying the impound fees charged by the poundkeeper plus an administrative fee of thirty-five dollars (\$35.00) payable to the borough clerk.

(Prior code § 7A-4)

(Ord. No. 2012/16, § 2, 12-17-12)

### **6.12.050 Regulations.**

No persons shall own, keep or harbor a cat in the borough except in compliance with the provisions of this chapter and the following regulations:

- A. Wearing of Registration. All cats which are required by the provisions of this chapter to be licensed shall wear a collar or harness with the registration tag for the cat securely fastened thereto.
- B. Use of Registration Tags. No person, except an officer in the performance of his or her duties shall remove a registration tag from the collar of any cat without the consent of any owner nor shall any person attach a registration tag to a cat for which it was not issued.
- C. Interference with Official Duties. No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this chapter.
- D. Disturbing the Peace. No person shall own, keep or harbor or maintain any cat which habitually cries between the hours of eight p.m. and eight a.m. or causes such other disturbance as to create a nuisance.
- E. Running-at-Large. No person owning, keeping or harboring any cat shall permit it to run-at-large upon the public streets or any public park, public building or any public place within the borough.
- F. Property Damage. No person owning, keeping or harboring a cat shall permit it to do any injury, or to do any damage to any lawn, shrubbery, flowers, grounds or property, person or other animal.
- G. Cat Control.
  1. Owners of cats, and any person walking a cat upon the public streets, sidewalk or any public place and on any property not owned by the person having possession and control of the cat are responsible for the removal of any fecal matter left by the cat.
  2. Any person walking a cat upon the public streets, sidewalks or in any public place in the borough or on any property not owned by the person having possession and control of the cat unless permission is given by the property owner, shall have with them a means to clean up and contain any and all fecal matter left by their cat on any public or private property other than property owned by the person having possession and control of the cat. Upon request, the person walking the cat shall display the means to clean and contain the fecal matter.

(Ord. 2002/12 § 1; prior code § 7A-5)

### **6.12.060 Cat bites.**

Where it has been determined by a physician that a person has been bitten by a cat, the individual or his or her parent or guardian if he or she is a minor, shall immediately notify the police. When the owner or the keeper of the cat is notified by the police that the cat has bitten any individual or individuals, the owner or keeper of the cat must comply with the following procedures:

- A. Have the cat examined by a licensed veterinarian within twelve (12) hours;
- B. Have the cat kept within quarantine in the owner's home or at a kennel for a period of ten (10) days;
- C. At the end of ten (10) days have the cat re-examined by a veterinarian and a written report of the cat's state of health forwarded to the board of health.

(Prior code § 7A-6)

### **6.12.070 Quarantine.**

The council may, by proclamation, require all dogs and cats to be quarantined during any period in each year which may seem advisable to the council.

(Prior code § 7A-7)

### **6.12.080 Pound keeper.**

The council shall have the power to appoint a pound keeper his or her duty it shall be to enforce the provisions of this chapter. The council shall also have the power to appoint one or more persons, to be known as dog catchers, who may impound unlicensed cats running at large in violation of the provisions of this chapter, and who shall make monthly and annual reports to the council.

(Prior code § 7A-8)

### **6.12.090 Violations—Penalties.**

- A. Any person who violates or fails or refuses to comply with the provisions of this chapter shall be liable for a penalty of not less than one hundred dollars (\$100.00) for a first offense and for a subsequent offense a fine of not more than one thousand dollars (\$1,000.00) or be imprisoned in the county jail for a term not exceeding ninety (90) days, or both.
- B. In the event the person violating these provisions is under the age of eighteen (18), the parents, (joint and severally) or parent with whom the minor resides, shall be liable for the penalty provisions.

(Ord. 2002/12 § 2: prior code § 7A-9)