

CHAPTER V ANIMAL CONTROL

5-1 LICENSING OF DOGS.

5-1.1 Definitions.

As used in this section:

- a. *"Dog"* shall mean any dog, bitch or spayed bitch.
- b. *"Dog of licensing age"* shall mean any dog which has attained the age of three months except where a delay is ordered due to a medical condition. A written certificate of exception must be issued by a practicing veterinarian; it must state the condition(s) or reasons why in their professional opinion the exception is recommended and specifying the date when vaccination may be given.
- c. *"Kennel"* shall mean any establishment where the business of boarding or selling dogs or breeding dogs for sale is carried on, except a pet shop.
- d. *"Pet shop"* shall mean any room, group of rooms, cage or exhibition bin, not part of a kennel, where dogs for sale are kept or displayed.
- e. *"Pound"* shall mean an establishment for the confinement of dogs seized either under the provisions of the chapter or otherwise.
- f. *"Shelter"* shall mean any establishment where dogs are received, housed and distributed without charge.
- g. *"Owner"* shall apply to the proprietorship of a dog and shall include every person having the right of property in such dog and every person who has such dog in his keeping.
- h. *"Person"* shall mean an individual, firm, partnership, corporation or association of persons.
- i. The term *"run at large"* shall mean and include the running or standing of any dog on any street or other public place or any private property where permission for the dog to be has not been granted, and where the dog is unattended and not under the immediate control of some responsible person able to control the dog.
(Ord. #7/15/74; Ord. #03-1277, § 1)

5-1.2 License Required.

No person shall keep, harbor or maintain any dog of licensing age, within the township, without first obtaining a license therefor, to be issued by the board of health upon application by the owner and payment of the prescribed fee, and no person shall keep, harbor or maintain the dog in the township except in compliance with the provisions of this chapter. No license shall be issued unless the application is accompanied by a certificate issued by a veterinarian or municipal clinic, which certificate shall certify that the dog is immunized against the disease of rabies and the duration of immunity is current through the end of the licensing period. Vaccination may be delayed due to a medical condition. A practicing veterinarian must issue a written certificate of exception. It must state the condition(s) or reasons why the exception is recommended and specify the date when vaccination may be given. (Ord. #7/15/74; Ord. #03-1277, § 1)

5-1.3 Registration Tag.

Any person who shall own, harbor or maintain a dog of licensing age shall in the month of January of each year or upon acquisition thereof procure from the board of health or such other official as may hereafter be designated by resolution of the township committee, a dog license and official metal registration tag for each such dog owned, maintained, or harbored and shall place upon each such dog a collar or harness with the registration tag securely fastened thereto. (Ord. #7/15/74)

5-1.4 Fees and Renewal.

Persons applying for the license and registration tag or renewal thereof shall pay an annual fee as established in Chapter X. The licenses, registration tags and renewals shall expire annually on January 31. The failure of an owner to renew on or before January 31 shall cause the owner to pay a late registration fee as established in subsection 10-4.1b.

New residents of the township shall procure the license tag within 60 days of establishing residence. Failure to procure the same within 60 days shall cause the owner to pay a late registration fee as established in subsection 10-4.1b. (Ord. #7/15/74; New)

5-1.5 Newly Acquired Animals.

The owner of any newly acquired dog of licensing age or of any dog which attains licensing age shall make application for license and registration tag for such dog and shall pay the necessary fee for the same within 20 days after such acquisition or age attainment. (Ord. #7/15/74)

5-1.6 Number of Dogs Limited.

Notwithstanding anything in this chapter to the contrary, no residential property shall contain, keep, harbor or maintain for the purpose of breeding, training or sale, more than four dogs of licensing age at one time within the limits of the township except in a licensed kennel or pet shop, excepting dogs that are held and confined in a shelter or pound under the provisions of this chapter. Exceptions to this provision may be granted in accordance with the use variance procedures set forth in Chapter XVII. (Ord. #7/15/74; Ord. #604-82; Ord. #03-1277, § 1)

5-1.7 Changing Tags Prohibited.

No person shall attach a registration tag to a dog for which it was not issued. (Ord. #7/15/74)

5-2 KENNELS AND PET SHOPS.

5-2.1 License Required.

Any person who keeps or operates or proposes to establish a kennel, pet shop, shelter or pound shall apply to the board of health or other designated official for a license entitling him to keep or operate such establishment. (Ord. #7/15/74)

5-2.2 Application.

The application shall describe the premises where the establishment is located or is proposed to be located, the purpose for which it is to be maintained and shall be accompanied by the written approval of the zoning officer and the board of health of the township showing compliance with the local and State rules and regulations governing location and sanitation at such establishment. (Ord. #7/15/74)

5-2.3 Expiration and Revocation.

All licenses issued for a kennel, pet shop, shelter or pound shall state the purpose for which the establishment is maintained. All such licenses shall expire on the last day of January of each year. They shall be subject to revocation by the township committee on recommendation of the State department of health or the board of health of the township for failure to comply with the applicable rules and regulations of the State department or the local board after the owner has been afforded a hearing by either the State department or local board. (Ord. #7/15/74)

5-2.4 Exemption from Individual Dog Licenses.

Any person holding such license shall not be required to secure individual licenses for dogs owned by such licensee and kept at such establishment; such license shall not be transferable to another owner or to different premises. (Ord. #7/15/74)

5-2.5 License Fee.

The annual license fee for a kennel shall be as provided in subsection 10-4.2. The annual fee for a pet shop shall be as provided

in subsection 10-4.3. No fee shall be charged for a shelter or a pound. (Ord. #7/15/74; New)

5-3 PET REGULATIONS.

5-3.1 Prohibitions.

No person owning, keeping, maintaining or harboring a dog/cat or other domestic animal as a pet (pet is defined by Webster as "a domesticated animal kept for pleasure rather than utility.") shall permit, suffer or allow their pet to:

- a. Run at large upon any of the public streets or upon any private property except upon premises where permission has been given by the owner, unless such dog is accompanied by some responsible person able to control the dog and is securely confined and controlled by an adequate leash not more than six feet long. Underground electronic fences are not acceptable alternatives for direct supervision and/or physical enclosures.
- b. Bark, cry, whine, howl or otherwise disturb the peace or quiet of the neighborhood or sleep of any person for any unreasonable length of time; any pet animal that frequently or for continued duration, makes sounds that create a noise disturbance across a residential property line. For the purpose of this provision, a noise disturbance from a pet animal shall be defined as that created by a pet animal making noise continually for ten (10) minutes or intermittently for thirty minutes unless provoked.
- c. Cause any injury or continued anxiety to any person;
- d. Allow a dog/cat or other domestic animal to do any damage to any lawn, shrubbery, flowers, grounds or other property or run through or cross any cultivated gardens or fields;
- e. Be or become a public nuisance or to create a condition hazardous to safety and health.
- f. The owner of a female dog in season shall confine such dog in a kennel or other enclosure in such manner as to prevent its being a neighborhood annoyance and so as to isolate such dog from access by male dogs.
- g. Any cat shall be considered a public nuisance if it has no owner or custodian; if it has no place of care, or shelter; or if it trespasses upon or damages either private or public property; or if it bites, scratches or harms persons within the township. (Ord. #7/15/74; Ord. #03-1277, § 1; Ord. #BOH:2004-2, § 1)

5-3.2 Barking, Whining or Crying Dogs.

The habitual barking, howling, whining or crying of a dog or dogs in the Township of Hopewell is hereby declared to be a disturbing noise within the meaning of N.J.S.A. 40:48-1(8) and a public nuisance. (Ord. #7/15/74)

5-3.3 Vicious and Potentially Dangerous Dogs.

N.J.S.A. 4:19-17 et seq. governs vicious and potentially dangerous dogs. To the extent permitted by law, the provisions of N.J.S.A. 4:19-17 et seq. are hereby incorporated into this section by reference as if fully stated herein. (Ord. #7/15/74; Ord. #03-1277, § 1)

5-3.4 Removal of Pet Waste on Public or Private Lands.

- a. The purpose of this section is to protect the health, safety and welfare of all those frequenting this township, by preventing the needless health hazards and nuisances caused by pet wastes (feces) upon public and private property located within the township.
- b. No person owning or in charge of any pet shall cause or allow such pet to soil, defile, defecate or do damage upon or commit any nuisance upon any private property, without the permission of the owner of the property. Any person owning or in charge of a pet which soils, defiles, defecates or commits any such nuisance shall immediately remove all waste deposited by such pet in a sanitary manner.
- c. No person owning or in charge of any pet shall cause or allow such pet to soil, defile, defecate or do damage upon or

commit any nuisance on any place where people congregate or walk, or upon any public property. Any person owning or in charge of a pet which soils, defiles, defecates or commits any such nuisance shall immediately remove all pet waste deposited by such pet in a sanitary manner.

- d. No person shall permit the accumulation of pet waste upon their property, or property occupied by them, to the extent that the odor may be noticeable to the adjoining property owners, attract insects or rodents and/or become a source of pollution.
- e. The pet waste removed from the aforementioned designated areas shall be disposed of by the person owning or in charge of any such pet in a sealed, nonabsorbent, leak proof container. Disposition in a sanitary manner shall include taking the pet waste home for disposal, placing it in a sealable plastic bag or wrapping and placing same in a trash can. Disposal shall not include burial, disposal by placement in a storm sewer, or placing unwrapped pet waste in a trash can.
- f. It shall be a complete defense to violations of the above subsections if a person shall have immediately removed such pet waste and disposed of it in a sanitary manner.
- g. The provision of this section shall not apply to disabled persons who may use their dogs as guides unless accompanied by a sighted person.
- h. In the event of a violation on private property, a complaint is only to be filed by the owner of such property. In the event of such a violation occurring on public property, thoroughfare, walkways or parks, a complaint may be filed by any witness to such an act.
- i. The animal control officer, police officer, registered environmental health specialist, public health investigator or any other authorized representative of the township may enforce the provisions of this section. A property owner may enforce this section by filing a complaint in municipal court.
(Ord. #BOH:2004-2, § 2)

5-4 ANIMAL CONTROL OFFICERS.

5-4.1 Appointment.

The township committee is hereby empowered to appoint an animal control officer and deputy animal control officer(s) or may designate some other authority to enforce the provisions of this chapter.

The township committee shall also have the power to enter into a contract with one or more persons either individual or corporate to exercise the duties of an animal control officer to enforce the provisions of this chapter.

All police officers of the township and the animal control officers, if any, are hereby given full power and authority, and are charged with the duty to enforce this chapter. (Ord. #7/15/74; Ord. #03-1277, § 1)

5-4.2 Duties.

The animal control officers, or other designated authority or any police officer of the Township of Hopewell shall take into custody and impound or cause to be taken into custody and impounded and thereafter destroyed or disposed of as provided in this section. (Ord. #7/15/74; Ord. #03-1277, § 1)

5-4.3 Dogs Running at Large.

If any dog seized under the provisions of this chapter wears a collar or harness having inscribed thereon the name and address of any person or a registration tag, or the owner or the person keeping or harboring the dog is known, the animal control officer or any other official charged with the enforcement of this chapter, or any person authorized by them or on their behalf, shall forthwith serve on the person whose address is given on the collar, or on the owner or the person keeping or harboring the dog if known, 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 the service of the notice.

A notice served under this section shall be served first by delivering it to the person on whom it is to be served; failing such

service, by leaving it at the person's usual or last known place of abode, or the address given on the collar, and by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode, or to the address given on the collar. When any dog so seized has been detained for seven days after notice, the animal control officer or other designated authority or any person authorized by them in that behalf may cause the dog to be destroyed in any manner causing as little pain as possible.

The animal control officers shall be authorized to destroy any dog at the request of the owner. In such case, the owner shall certify that he is, in fact, the owner of the dog. (Ord. #7/15/74; Ord. #03-1277, § 1)

5-4.4 Charges for Impoundment.

The expense encountered in holding and keeping a dog for the above stated seven days or part thereof, shall be paid by the owner claiming his dog as provided in Chapter X. (Ord. #7/15/74)

5-5 DOG BITES-DUTY OF OWNER.

Whenever any person is bitten by a dog, the owner or person in charge of the animal shall immediately secure the same and keep it alive and confined until receipt of a notice or order from the local board of health.

Whenever any person is bitten by a dog or is bitten by any animal suspected of having rabies, the owner or person in charge, the victim or his guardian, the physician attending and any person having knowledge of the occurrence shall forthwith make a report to the local board of health or to the police department and shall comply in all respects with the provisions of N.J.S.A. 26:4-78 et seq. (Ord. #7/15/74)

5-6 PENALTY.

Any person who violates or who fails or refuses to comply with this chapter, shall be liable to a penalty as prescribed in Chapter III, Law Enforcement Regulations, Section 3-1 of this Code for each and every offense, except for the first offense for failure to secure a license, the penalty shall be fifty (\$50.00) dollars. Owner must provide court with proof of license having been issued. (New; Ord. #08-1429, § 1)

5-7 CAT VACCINATION AND CONTROL PROGRAM.

5-7.1 Definitions.

- a. *"Cat"* shall mean any member of the domestic feline species; male, female, or altered.
- b. *"Cat of registering age"* shall mean any cat which has attained the age of three months.
- c. *"Animal,"* for the purpose of this section, shall mean dog or cat.
- d. *"Animal control authority"* shall mean any person or agency designated or certified by the State of New Jersey to enforce the provisions of this ordinance.
- e. *"Owner,"* when applied to the proprietorship of a cat, shall include every person having a right of property (or custody) in such cat and every person who has such cat in his/her keeping, or who intentionally harbors or maintains a cat.
- f. *"Cattery"* shall mean any room or group of rooms, cage, or exhibition pen, not part of a kennel, wherein cats for sale are kept or displayed.
- g. *"Person"* shall mean any individual, corporation, partnership, organization or institution commonly recognized by law as a unit.
- h. *"Registering authority"* shall mean the agency or department of the Township of Hopewell or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this section.

- i. *"Neutered"* shall mean rendered permanently incapable of reproduction as certified by a licensed veterinarian.
- j. *"Working farm"* shall mean any parcel of five acres or more which is actively devoted to agricultural use and which supports an owner, manager, or operator who is actually engaged in the growing, raising and producing of farm products as a primary occupation.
(Ord. #91-884, § 1; Ord. #93-941, § 1)

5-7.2 Provisions Relating to Rabies Vaccination of Cats.

- a. *Vaccination and Registration Requirements.* No person shall intentionally own, keep, harbor, or maintain any cat over three months of age within the Township of Hopewell unless such cat is vaccinated and registered. The provisions of this subsection do not apply to cats held in a cattery, or those held by a State or Federal licensed research facility, or a veterinary establishment where cats are received or kept for diagnostic, medical, surgical, or other treatments, or licensed animal shelters, pounds, kennels, or pet shops.
- b. *Vaccination.* All cats shall be vaccinated against rabies by a licensed veterinarian in accordance with the latest "Compendium of Animal Rabies Vaccines and Recommendations for Immunization" published by the National Association of State Public Health Veterinarians, except as provided for in paragraph d.
- c. *Vaccination Certificate.* A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the State.
- d. *Exceptions.* Any cat may be exempted from the requirements of such vaccination for a specified period of time by the local board of health, upon presentation of a veterinarian's certificate stating that because of an infirmity or other physical condition, or regimen of therapy, the inoculation of such cat shall be deemed inadvisable.
(Ord. #91-884, § 1; Ord. #93-941, § 2)

5-7.3 Registering Requirements.

- a. Any person who shall own, keep, or intentionally harbor a cat over three months of age shall apply for and procure a certificate of registration and tag annually from the board of health, or other officials designated by the governing body thereof to register cats in the municipality in which he/she resides. A registration certificate shall be issued for a period of one year. Vaccinations must be valid for full period of registration.
- b. *Time for Applying for Registration.* The owner of any newly acquired cat of registering age, or of any cat which attains registering age, shall make application for a registration certificate for such cat within ten days after such acquisition or age attainment. This requirement will not apply to a nonresident keeping a cat within the Township of Hopewell for no longer than 90 days.
- c. *Cats Brought into Jurisdiction.* Any person who shall bring or cause to be brought into the Township of Hopewell, any cat licensed or registered in another State for the current year, and bearing registration tag or sleeve, and shall keep the same or permit the same to be kept within the Township of Hopewell for a period of more than 90 days, shall immediately apply for a registration certificate for each such cat.

Any person who shall bring or cause to be brought into the Township of Hopewell any unlicensed or unregistered cat, and shall keep same or permit same to be kept within the Township of Hopewell for a period of more than ten days, shall immediately apply for a registration certificate for each such cat.
- d. *Application, Contents, Preservation of Information.* The application shall state the breed, sex, age, color, and markings of the cat for which registration is sought, and whether it is of a long or short haired variety; also the name, street, and post office address of the owner, and the person who shall keep or harbor such cat. The information on said application and the registration number issued for the cat shall be preserved for a period of three years by the clerk or other local official designated to register cats in the municipality.
- e. *Registration Tags and Forms.* Registration forms and tags shall be furnished by the municipality and shall be numbered serially, and shall bear the year of issuance and the name of the municipality.

- f. *Evidence of Inoculation with Rabies Vaccine or Certificate of Exemption; Requirement for Registration.* No municipal clerk or other official designated by the governing body of any municipality to register cats therein shall grant any such registration and official registration certificate or tag for any cat, unless the owner thereof provides evidence that the cat to be 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 Human Services, or has been certified exempt as provided by subsection 5-7.2d of this section. The rabies inoculation shall be administered by a duly licensed veterinarian, or by such other veterinarian permitted by law to do the same.
- g. *Fee Schedule.* A registration certificate and registration tag shall be issued after payment of a fee as established in Chapter X for each unneutered cat, and for each neutered cat. Persons who fail to obtain a registration certificate as required within the time period specified in this section, will be subject to a late fee as established in Chapter X.
- h. *Fees, Renewals, Expiration Date of Registration.* Registration from another municipality shall be accepted as proof of vaccination. The person applying for the registration certificate shall pay the fee fixed or authorized. The fee for the renewal of registration certificate shall be the same as for the original, and said registration renewal thereof shall expire on June 30, of the year as stated on the registration certificate in accordance with subsection 5-7.3a or as may be specified by the State of New Jersey.
- Only one registration certificate shall be required for any cat in the Township of Hopewell. Any valid New Jersey registration tag or sleeve issued by a New Jersey municipality shall be accepted by this municipality as evidence of compliance.
- i. *Proof of Registration.* Proof of registration shall be produced by any person owning, keeping, maintaining, or harboring a cat, upon the request of any health official, police officer, animal control officer, or other authorized person.
- j. *Waiver of Registration Fee.* Cats used on a working farm shall be registered as other cats, except that upon certification to the township health officer the owner or keeper of such cats shall not be required to pay any registration fee. Neuter/spay fees and tag fees are not waived.
- k. *Interfering with Persons Performing Duties Under this Section.* No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this section.
- l. *Disposition of Fees Collected.* Registration fees and other moneys collected or received under the provisions of this section shall be forwarded to the treasurer of the municipality, and shall be placed in a special account separate from any of the other accounts of the municipality and shall be used for the following purposes only: collecting, keeping, and disposing of cats liable to seizure, for local prevention and control of rabies, providing antirabies treatment under the direction of the local board of health for any person known or suspected to have been exposed to rabies, and for administering the provisions of this section. Any unexpected balance remaining in such special account shall be retained until the end of the third fiscal year following, and may be used for any of the purposes set forth in this subsection. At the end of the said third fiscal year following, and at the end of each fiscal year thereafter, there shall be transferred from such special account to the general funds of the municipality any amount then in such account which is in excess of the total amount paid into the special account during the last two fiscal years next preceding.
(Ord. #91-884, § 1; Ord. #93-941, §§ 3-5; Ord. #03-1277, § 1)

5-7.4 Penalty.

- a. *Violations of Section; Penalty.* Except as otherwise provided in this section, any person who violates, or who fails or refuses to comply with this section, shall be liable to a penalty as prescribed in Chapter III, Law Enforcement Regulations, Section 3-1 of this Code for each offense, except that for the first offense for failure to secure a license/registration, the penalty shall be fifty (\$50.00) dollars to be recovered by and in the name of the local board of health, or by and in the name of the municipality. Owner must provide court with proof of license/registration having been issued.
(Ord. #91-884, § 1; Ord. #08-1429, §1)

5-7.5 Repeals Conflicting Ordinances.

All other ordinances of the Township of Hopewell which are in conflict with this ordinance are hereby repealed to the extent of

such conflict. (Ord. #91-884, § 1)

5-7.6 Severability.

If any part of this ordinance shall be invalid, such parts shall be deemed severable and the invalidity thereof shall not affect the remaining part of this ordinance. (Ord. #91-884, § 1)

5-8 ANIMAL CONTROL OFFICER.

5-8.1 Established; Appointment; Compensation.

The position of animal control officer is hereby created, and employment of a qualified person for that position is hereby authorized. The animal control officer shall be appointed by the township committee and shall receive such compensation as is provided by ordinance or by resolution of the township committee. (Ord. #02-1250)

5-8.2 Qualifications.

The animal control officer shall be certified pursuant to N.J.S.A. 4:19-15.16a. (Ord. #02-1250)

5-8.3 Powers and Duties.

The animal control officer shall have the power and authority, within the jurisdiction of the Township of Hopewell, to:

- a. Enforce all laws or ordinances enacted for the protection of animals, including, but not limited to, animal control, animal welfare and animal cruelty laws of the state and ordinances of the township;
- b. Investigate and sign complaints concerning any violation of an animal control, animal welfare or animal cruelty law of the state or ordinance of the township; and
- c. Act as an officer for the detection, apprehension and arrest of offenders against the animal control, animal welfare and animal cruelty laws of the state and ordinances of the township.

(Ord. #02-1250)

CHAPTER V ANIMAL CONTROL

Published by ClerkBase

©2010 by Clerkbase. No Claim to Original Government Works.