

## **CHAPTER IX**

### **ANIMAL CONTROL**

#### **9-1 PURPOSE; DEFINITIONS.**

##### **9-1.1 Purpose and Objectives.**

- a. It is the purpose of this chapter to promote harmonious relationships in the interaction between man and animal.
- b. It is the objective to protect the animals from improper use, abuse, neglect, exploitation, inhumane treatment and health hazards.
- c. An objective of this chapter is to delineate the animal owner's or harborer's responsibility for the acts and behavior of his animal at all times.
- d. It is the objective of this chapter to provide security to residents from annoyance, intimidation, injury and health hazards by animals and to protect the public and animals from the spread of rabies.
- e. It is also the purpose of this chapter to encourage responsible pet ownership, provide standards for any and all persons and agencies, public or private, engaged in confinement, buying, selling, harboring or dealing with animals in any manner whatsoever, and to provide for a system of licensing of cats and dogs.

(Ord. #90-26, Preamble)

##### **9-1.2 Definitions.**

As used in this chapter:

*Animal control authority* shall mean the Rockaway Township Health Department under the direction of the Health Officer who shall direct department personnel in the enforcement of this ordinance.

*Cat* shall mean any member of the feline species regardless of age or sex. Cat is a member of the animal specifics *Felis Catus*.

*Cat of licensing age* shall mean any cat which has attained the age of seven (7) months, or which possesses a permanent set of teeth.

*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.

*Dog* shall mean any member of the animal species *Canis Familiaris*.

*Dog of licensing age* shall mean any dog which has attained the age of seven (7) months or which possesses a set of permanent teeth.

*Feed* shall mean to give, place, expose, deposit, distribute, or scatter any edible material with the intention of feeding, attracting, or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

*Harborer* shall mean any person who provides food and shelter for any domesticated animal on other than a periodic or temporary basis.

*Immediate* shall mean that the pet solid waste is removed at once, without delay.

*Kennel* shall mean any establishment wherein or whereon the business of boarding or selling animals or breeding animals for sale is carried on, except a pet shop.

*Licensing authority* shall mean the Township's Department of Community Services, which is hereby charged with administering the issuance and/or revocation of permits and licenses under the provisions of this chapter.

*Neutered* shall mean rendered permanently incapable of reproduction as certified by a licensed veterinarian.

*Other animal* shall mean for purposes of this chapter, all creatures other than a dog or cat.

*Owner* shall mean a person having right of property in any animal; who keeps an animal; who has an animal in his care or custody; or who knowingly permits an animal to remain on or about any premises occupied by him.

*Owner/keeper* shall mean a person who shall possess, maintain, keep, house or harbor any pet, have a right of property in any animal, has an animal in his care or custody, or who knowingly permits an animal to remain on or about any premises occupied by him/her, whether or not the owner of such pet.

*Person* shall mean any individual, firm, corporation, partnership, association, trust, estate, political subdivision of this state subject to municipal jurisdiction, or other legal entity.

*Pet* shall mean a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

*Pet shop* shall mean an establishment operated by a person which acquires animals, birds, reptiles, and fish bred by others whether an owner, agent or on consignment and sells, offers to sell, exchanges or offers adoption with or without charge such animals, birds, reptiles and fish as domestic pets to the general public at wholesale or retail.

*Pet solid waste* shall mean waste matter expelled from the bowels of the pet; excrement.

*Potentially dangerous dog* shall mean any dog or dog hybrid declared potentially dangerous by the Panel pursuant to Section F of an Act supplementing Chapter 19 of Title 4 of the New Jersey Statutes Annotated, referred to as the “Vicious Dog Law.”

*Proper disposal* shall mean the placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some of refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

*Vicious dog* shall mean any dog or dog hybrid declared vicious by the panel pursuant to Section 6 of an Act supplementing Chapter 19 of Title 4 of the New Jersey Statutes Annotated, referred to as the “Vicious Dog Law.”

*Wildlife* shall mean all animals that are neither human nor domesticated. (Ord. #90-26 § 37.1; Ord. #05-36 § 1; Ord. #05-37 § 2; Ord. #11-10)

## **9-2 CONTROL OF DOGS, CATS AND OTHER ANIMALS.**

### **9-2.1 Running at Large Prohibited.**

It shall be unlawful for any person harboring, owning, or possessing any dog to permit the same to run at large.

For the purpose of this subsection, “running at large” shall be defined to be the presence of a dog at any place except upon the premises of the owner. A dog shall not be considered to be running at large if it is on a leash and under

the control of a person physically able to control it. No dog shall be permitted in or on any public park, beaches or areas open to the public in the Township. (Ord. #90-26 § 37.2)

**9-2-2 Impounding Animals at Large.**

Any animal running at large, threatening public health and safety, shall be apprehended and impounded by any Police Officer or Animal Control Officer of the Township at the expense of the owner in accordance with the fees established in subsection 9-2.3 entitled “Procedures After Impounding.” (Ord. #90-26 § 37.3)

**9-2.3 Procedure After Impounding.**

- a. After the impounding of any animal, the Animal Control Officer shall proceed in accordance with the procedures outlined in N.J.S.A. 4:19-15.16 concerning the impounding or taking of dogs or animals into custody. In addition to any and all fees or costs as authorized and provided for by the provisions of N.J.S.A. 4:19-15.16, the Animal Control Officer shall be authorized to charge the sum of twenty-five (\$25.00) dollars as an initial fee for the impounding of any animal together with a charge of four (\$4.00) dollars per day during the time the animal was boarded by the Township. The four (\$4.00) dollars per day boarding fee shall be automatically increased to the maximum permissible level as established by appropriate Statute.
  - b. The owner of any animal euthanized by the Township shall be responsible for all costs associated with euthanasia and disposal.
- (Ord. #90-26 § 37.4)

**9-2.4 Animals Barking, Howling, Whining, Crying or making Other Such Sounds Prohibited.**

It shall be unlawful for any person knowingly to keep any dog which habitually barks, howls, yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood, or in such a manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance. (Ord. #90-26 § 37.5)

**9-2.5 Injuries or Threats of Injuries to Persons.**

Any person owning, keeping or harboring any dog or cat or other animal shall not permit or suffer it to threaten or commit any injury to a person. (Ord. #90-26 § 37.6)

### **9-2.6 Injuries to Poultry or Domestic Animals.**

Any person owning, keeping or harboring any dog or cat or any other animal shall not permit or suffer it to do any injury or damage to any poultry or other domestic animal.

(Ord. #90-26 § 37.7)

### **9-2.7 Injuries to Lawns or Gardens.**

a. Any person owning, keeping or harboring any dog, cat or any other animal shall not permit or suffer it to do any injury to any lawns, shrubbery, flowers, gardens or other property.

b. *Removal of Feces.* All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

(Ord. #90-26 § 37.8; Ord. #05-36 § 2)

### **9-2.8 Feeding of Wildlife Prohibited.**

This subsection shall prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Township of Rockaway, so as to protect public health, safety and welfare and to prescribe for failure to comply.

a. *Prohibited Conduct.* No person shall feed in any public park or on any other property owned or operated by the Township of Rockaway any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers).

Any person found to be in violation of this subsection shall be ordered to cease the feeding immediately.

b. *Exceptions.* This subsection shall not be construed to prohibit humane acts towards wild animals in individual cases, such as the temporary nurturing of a wounded animal on one's own premises.

(Ord. #05-37 § 3)

### **9-2.9 Violations and Penalties.**

- a. Any person owning, keeping or harboring any dog who shall be found guilty of violating any provision of subsections 9-2.1 through 9-2.7a shall, for each offense, upon conviction thereof by the Municipal Judge, be subject to a fine not to exceed five hundred (4500.00) dollars or imprisonment for a term not to exceed ninety (90) days, or both, in the discretion of the Court.
- b. Any person found to be in violation of subsections 9-2.7b and 9-2.8 shall be subject to the penalties as set forth in Section 1-5 of the Revised General Ordinances of the Township of Rockaway, Morris County, New Jersey.  
(Ord. #90-26 § 37.9; Ord. #94-20; Ord. #05-37 § 1)

**9-3 LICENSES FOR DOGS, PET SHOPS AND KENNELS.**

**9-3.1 Dog Licenses and Tags Required; Fees; Enforcement.**

The following regulations are hereby established pursuant to Chapter 151 of the Laws of 1941 of the State of New Jersey and amendments and supplements thereto:

- a. Any person who shall own, keep or harbor a dog of licensing age, shall annually, in the month of January apply for and procure from the Health Officer of the Township, or such other licensing official as may be designated by the Council, a license and official metal registration tag for each dog so owned, kept or harbored, and shall place upon each dog a collar or harness with the registration tag securely fastened thereto.
- b. A license shall be issued after payment of a fee of ten (\$10.00) dollars for each altered dog for the first year and every year thereafter. A surcharge of three (\$3.00) dollars will be imposed on any license for which proof of altering cannot be provided. In addition, three year licenses shall be available at a fee of twenty-five (\$25.00) dollars for each altered dog and thirty-five (\$35.00) dollars for any dog for which proof of altering cannot be provided.
- c. The owner of any newly acquired dog of licensing age or of any dog which attains the licensing age, as in the Act provided, shall make application for a license and registration tag for the dog within ten (10) days after the acquisition or age attainment. The application shall contain the information as required by Statute.
- d. Any person who shall own, keep or harbor a “potentially dangerous dog” as previously defined in subsection 9-1.2 shall, in addition to

all applicable requirements of the “Vicious Dog Law” pay an annual fee of seven hundred (\$700.00) dollars. The potentially dangerous dog license shall expire on the last day of January of each year.

(Ord. #90-26 § 37.10; Ord. #98-23 § 1)

### **9-3.2 Kennels, Pet Shops, Shelters and Pounds.**

- a. Any person who keeps or operates or proposes to establish a kennel, pet shop, shelter or pound shall apply to the Township Community Services Department for a license entitling him to keep or operate the establishment. The application shall describe the premises where the establishment is located or is proposed to be located and the purpose or purposes for which it is to be maintained, and shall be accompanied by the written approval of the Health Officer of the Township showing compliance with local and State rules and regulations.
- b. All licenses issued for a kennel, pet shop or shelter shall state the purpose for which the establishment is maintained, and all such licenses shall expire annually on the last day of January and be subject to revocation by the Township on recommendation of the State Department of Health or Health Officer of the Township for failure to comply with the rules and regulations of the State Department or the Department of Community Services of the Township, after the owner has been afforded a hearing by either the State Department or local department.
- c. The annual license for a kennel providing accommodation for ten (10) or less dogs shall be fifty (\$50.00) dollars, and for more than ten (10) dogs, one hundred (\$100.00) dollars. The annual license fee for a pet shop shall be one hundred twenty-five (\$125.00) dollars. No fee shall be charged for a shelter or pound.

(Ord. #90-26 § 37.10; Ord. #11-10)

### **9-3.3 Dog Canvass; Enforcement.**

- a. The Health Officer of the Township, at his discretion, may conduct a canvass to be made of all dogs owned, kept or harbored within the limited area of the Township.

## **9-4 CAT LICENSES AND TAGS; FEES; ENFORCEMENT.**

### **9-4.1 Rabies Vaccination of Cats Required.**

- a. *Vaccination and License Requirements.* No person shall own, keep, harbor or maintain any cat over seven (7) months of age within the

Township unless the cat is vaccinated and licensed. The provisions of this section shall also apply to cats held in a cattery, pound, kennel or pet shop.

- 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. below.
- c. *Vaccination Certificate.* A Certificate of Vaccination shall be obtained by the cat owner for each cat vaccinated and provided to the licensing authority as proof of rabies vaccination.
- d. *Exemptions.* Any cat may be exempted from the requirements of such vaccination for a specified period of time by the Township Health Department upon presentation of a veterinarian’s certificate stating that because of an infirmity or other physical conditions, or regimen of therapy, the inoculation of the cat shall be deemed inadvisable.

(Ord. #90-26 § 37.11)

#### **9-4.2 Licensing Requirements.**

- a. a. *Display of License Number Required.* Any person who shall own, keep or harbor a cat of licensing age shall annually during the month of January apply for and procure from the Health Officer of the Township, or other such licensing official as may be designated by the Council, a license and official registration tag with license number, or registration sleeve for each cat so owned, kept or harbored, and shall place upon such cat a collar, or other device with a license number securely fastened or displayed thereto, except for the three-year licenses, which shall be renewed every three years. Acceptable methods of displaying the license number shall include, but are not limited to, break-away or elastic collars. License tags or sleeves are not transferable.
- b. *Time for Applying for License.* The owner of any newly acquired cat of licensing age, or of any cat which attains licensing age, shall make application for license tag or sleeve for the cat within ten (10) days after the acquisition or age attainment. This requirement shall not apply to a non-resident keeping a cat within the Township for no longer than ninety (90) days.
- c. *Cats Brought into the Township.* Any person who shall bring, or cause to be brought into the Township, any cat licensed in another state for



the current year, and bearing a registration tag or sleeve and shall keep the same or permit the same to be kept within the Township for a period of more than ninety (90) days, shall immediately apply for a license and registration tag or sleeve for each cat.

Any person who shall bring or cause to be brought into the Township any unlicensed cat, and shall keep the same or permit the same to be kept within the Township for a period of more than ten (10) days, shall immediately apply for a license and registration tag or sleeve for each cat.

- d. *Application; Contents; Preservation of Information.* The application shall state the breed, sex, age, color and markings of the cat for which license and registration are sought, information as to whether it is spayed/neutered, and whether it is of a long or short haired variety; also the name, street and post office address and telephone number of the owner, and the person who shall keep or harbor the cat. The information on the application and the registration number issued for the cat shall be preserved for a period of three (3) years by the Health Officer or other local official designated to license cats in the Township.
- e. *License Forms and Tags.* License forms and official tags or sleeves shall be furnished by the Township and shall be numbered serially, and shall bear the year of issuance and the name of the Township.
- f. *Evidence of Inoculation with Rabies Vaccine; Certification of Exemption.* No Health Officer or other official designated by the Council to license cats therein shall grant any license and official registration tag or sleeve for any cat unless the owner thereof provides 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 State Department of Human Services, or has been certified exempt as provided in subsection 9-4.1d. The rabies inoculation shall be administered by a duly licensed veterinarian or by such other veterinarian permitted by law to do the same.
- g. *Proof of Licensing.* Proof of licensing shall be produced by any person owning, keeping, maintaining, or harboring a cat upon request of any Health Officer other authorized person.

(Ord. #90-26 § 37.11)

### **9-4.3**

### **Fees.**

- a. *License Fee Schedule.* A license shall be issued after payment of a fee of ten (\$10.00) dollars for each altered cat for the first year and every year thereafter. A surcharge of three (\$3.00) dollars will be imposed on any license for which proof of altering cannot be provided. In addition, three year licenses shall be available at a fee of twenty-five (\$25.00) dollars for each altered cat and thirty-five (\$35.00) dollars for any cat for which proof of altering cannot be provided. A late charge of five (\$5.00) dollars shall be assessed for the issuance of a license for each month or portion of a month after the last date of the month when the licenses are due.
  
  - b. *Fees for Renewals; Expiration Date of License.* The person applying for the license and registration tag and/or sleeve shall pay the fee fixed or authorized. The fee for the renewal of license and registration tag or sleeve shall be the same as for the original said license, registration tag or sleeve as set forth in Chapter 9-4.3(a), and renewal thereof shall expire on the last day of January in each year when the license renewal is due.
  
  - c. *Cat Licensed Outside Township.* Only one (1) license and registration tag or sleeve shall be required in the licensing year for any cat in the Township. Any valid New Jersey license tag or sleeve issued by a New Jersey municipality shall be accepted by the Township as evidence of compliance. Any owner of any such cat will be required to pay only a one (\$1.00) dollar registration tag fee and will be given a current year registration tag.
  
  - d. *Loss of License.* If a license tag or sleeve has been misplaced or lost, the Health Officer, or other official designated by the Council, may issue a duplicate license and/or registration sleeve for that particular cat at no additional cost.
  
  - e. *Disposition of Fees.* License fees and other monies collected or received under the provisions of this section, as they pertain to cat licensing, shall be forwarded to the Treasurer of the Township and shall be managed in accordance with appropriate State regulations.
- (Ord. #90-26 § 37.11; Ord. #98-23 § 2)

## **9-5 INTERFERENCE WITH OFFICIALS; CAT CANVASS.**

### **9-5.1 Interfering with Persons Performing Duties Prohibited.**

No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this chapter.  
(Ord. #90-26 § 37.11)

**9-5.2 Annual Canvass of Cats.**

a. The Health Officer of the Township, at his discretion, may conduct a canvass to be made of all cats owned, kept or harbored within the limited area of the Township.

**9-6 POLICE DOGS.**

**9-6.1 Tormenting, Killing and Interfering With Dogs Prohibited.**

It shall be unlawful for any person to willfully or maliciously torment, beat, kick, strike, mutilate, injure, disable or kill any dog used by the Police Department of the Township in the performance of the functions or duties of the Department or to interfere with any dog while being used by the Department or any member thereof in the performance of any of the functions or duties of the Department or any officer or member of the Department.  
(Ord. #90-26 § 37.12)

**9-6.2 Violations and Penalties.** Any persons violating the provisions of subsection 9-6.1 above shall, upon conviction thereof, be liable to the penalty stated in Chapter I, Section 1-5.  
(Ord. #90-26 § 37.13; O-15-17)

