

ORDINANCE #589

AN ORDINANCE TO PROVIDE FOR THE REGISTRATION AND LICENSING OF DOGS AND THE ISSUANCE OF DOG LICENSES IN THE BOROUGH OF MANVILLE, NEW JERSEY, AND FIXING LICENSING FEES FOR SAME; AND COLLECTING OF DOG FEES FOR SPAY/NEUTERING FUNDS; PROVIDING FOR THE APPOINTMENT AND COMPENSATION OF A DOG WARDEN; AND REGULATING THE RUNNING AT LARGE OF DOGS, AND CATS AND IMPOSING PENALTIES FOR VIOLATIONS THEREOF.

BE IT ORDAINED, by the Mayor and Council of the Borough of Manville, in the County of Somerset and State of New Jersey, as follows:

Section 1. DEFINITIONS. The words hereinafter defined shall have the meaning herein indicated for the purpose of this ordinance as follows:

- 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 seven months or which possesses a set of permanent teeth.
- c. "Pound" shall mean an establishment for the confinement of dogs seized either under the provisions of this ordinance or otherwise.
- d. "Shelter" shall mean any establishment where dogs are received, housed and distributed without charge.
- e. "Owner" when applied to the proprietorship of a dog shall mean and include every person having a right of property in such dog and every person who has such dog in his keeping.
- f. The word "Person" shall mean an individual, firm, partnership, corporation or association of persons.
- g. The words "and" and "or" may be used interchangeably, and either of the two may be applicable, whichever is more conducive towards the effectuating of this ordinance.
- h. Personal pronouns shall mean either the singular or the plural, whichever is applicable and conducive toward the effectuating of this ordinance.
- i. The masculine, feminine or the neuter gender shall be implied, whichever is appropriate and conducive for the effectuating of this ordinance.
- j. "Borough" shall mean Borough of Manville in the County of Somerset.

Section 2. No person shall keep or harbor any dog within the Borough of Manville in the County of Somerset without first obtaining a license therefor, to be issued by the Secretary of Board of Health of the Borough upon application by the owner and payment of the prescribed fee, and no person shall keep or harbor any dog in said Borough except in compliance with the provisions of this ordinance.

Section 3. Any person who shall own, keep or harbor a dog of licensing age shall in the month of January, and annually thereafter, apply for and procure from the Secretary of the Board of Health of the Borough, a license and official metal registration tag for each such dog so owned, kept or harbored, and shall place upon each such dog a collar or harness with the registration tag securely fastened thereto.

Section 4. Fee Schedule.

The person applying for the license and registration tag shall pay:

\$4.00 for each dog so licensed and registered.

\$1.00 for the registration tag of each dog so licensed.

\$ .20 to the State of New Jersey Department of Health "Pilot Neutering Fund"

\$3.00 to the State of New Jersey Department of Health Spay-Neutering Fund for any dog of reproductive age which has not had its reproductive capacity permanently altered through sterilization. This fee is designated for the "Animal Population Control Fund".

All persons who renew licenses as herein prescribed after January 31, of any given year shall be charged a late fee of an additional \$1.00.

Section 5. The owner of any newly acquired dog of licensing age or any dog which attained licensing age, shall make application for license and registration tag for such dog within 10 days after such acquisition or age attainment.

Section 6. The application shall state the breed, sex, age, color and markings of the dog for which license and registration are 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 dog. The information on said application and the registration number issued for the dog shall be preserved for a period of three (3) years by the Secretary of the Board of Health of the Borough.

Section 7. Any person who shall bring or cause to be brought into the Borough of Manville in the County of Somerset, any dog licensed in another State for the current year, and bearing a registration tag, and shall keep the same or permit the same to be kept within the Borough for a period of more than ninety (90) days, shall immediately apply for a license and registration tag for each such dog.

Section 8. No person, except an officer in the performance of his 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.

Section 9. License fees and other moneys collected or received under the provisions of this ordinance, except registration tag fees, and other State mandated fees, shall be forwarded to the Treasurer of the Borough of Manville 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 which shall be used for the following purposes only: for collecting, keeping and disposing of dogs liable to seizure under this ordinance; for local prevention and control of rabies; for providing anti-rabic treatment under the direction of the local Board of Health for any person known or suspected to have been exposed to rabies; for all other purposes prescribed by the statutes of New Jersey governing the subject, and for administering the provisions of this ordinance. Any unexpended balance remaining in such special account shall be retained therein until the end of the third (3rd) fiscal year following and may be used for any of the purposes set forth in this section. At the end of the third (3rd) 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 borough any amount then in such account which is in excess of the total amount paid into said special account during the last two (2) fiscal years next preceding.

The registration tag fee of \$1.00 for each dog shall be forwarded within thirty (30) days after collection by the Secretary of the Board of Health to the State Department of Health.

Section 10. The Chief of Police of the Borough shall promptly after February 1st, and annually thereafter, cause a canvass to be made of all dogs owned, kept or harbored within the limits of the Borough and shall report to the Board of Health of the Borough and to the State Department of Health, the result thereof, setting forth in separate columns the names and addresses of persons owning, keeping or harboring such dogs, the number of licensed dogs owned, kept or harbored by each of said persons, together with a complete description of each and of said unlicensed dogs.

Section 11. The Somerset Regional Animal Shelter Commission may appoint or hire, at such times and for such terms as may from time to time seem expedient one (1) or more persons, to be known as "Animal Wardens," whose duties shall be to enforce the provisions of this Article and take into custody and impound dogs as provided in Section 12 hereof. The governing body may authorize the members of the Police Department to perform the above services or may contract for the performance of such services.

Section 12. The Dog Warden of the Borough 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:

(a) Any dog off the premises of the owner or of this person keeping or harboring said dog which said official or his agent or agents have reason to believe is a stray dog;

(b) Any dog off the premises of the owner or of the person keeping or harboring said dog without a current registration tag on his collar or harness;

(c) Any female dog in season off the premises of the owner or of the person keeping or harboring said dog.

If any dog so seized wears a collar or harness having inscribed thereon or attached thereto the name and address of any person or a registration tag, or the owner or the person keeping or harboring said dog is known, the Dog Warden shall forthwith serve on the person whose address is given on the collar, or on the owner or the person keeping or harboring said 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 (7) days after the service of the notice.

A notice under this section 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 post in a prepaid letter addressed to that person at his usual or last known place of abode, or the address given on the collar.

When any dog so seized has been detained for five (5) days after notice, when notice can be given as above set forth, or has been detained for five (5) days after seizure, when notice has not been and cannot be given as above set forth, and if the owner or person keeping or harboring said dog has not claimed said dog and paid all expenses incurred by reason of its detention, including maintenance not exceeding \$2.00 per day, and if the dog be unlicensed at the time of the seizure and the owner or person keeping or harboring said dog has not produced a license and registration tag for said dog, the Dog Warden may cause the dog to be destroyed in a manner causing as little pain possible.

Section 13. Any officer or agent authorized or empowered to perform any duty under this ordinance is hereby authorized to go upon any premises to seize for impounding any dog or dogs, which may lawfully seize and impound when such officer is in immediate pursuit of such dog or dogs, except upon the premises of the owner of the dog if said owner is present and forbids the same.

Section 14. No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this ordinance.

Section 15. No person shall keep, harbor or maintain any dog which habitually barks or cries between the hours of ten (10) PM and six (6) AM.

Section 16. No person owning, keeping or harboring any dog shall suffer or permit it to run at large upon the public streets or in any public park, or in any public building or in any other public place within the Borough of Manville in the County of Somerset.

Section 17. No person owning, keeping or harboring any dog shall suffer or permit it to be upon public streets or in any of the public places of the Borough of Manville unless such dog is accompanied by a person over the age of twelve (12) years and is securely confined and controlled by an adequate leash not more than six feet long.

Section 18. Authorized officials may designate any circumstances and times during which dogs outside the premises shall be muzzled, such designation to be by publication at least three times in a newspaper in which legal notices of the Borough may be published, and after such publication, no person owning, keeping or harboring a dog shall permit it upon a public highway, public place or outside the premises occupied by the owner, during the period designated unless such dog wears a muzzle securely fastened over its jaws in such a manner that it cannot bite.

Section 19. No person owning, keeping or harboring a dog shall permit or suffer it to do any injury, or to do any damage to any lawn shrubbery, flowers, grounds or property.

Section 20. Any dog which has attacked or bitten any human being, or which habitually attacks other dogs or domestic animals, is hereby defined to be a vicious dog, for the purposes of this section. It shall be the duty of the Chief or Acting Chief of Police, Somerset Regional Animal Shelter and Local Board of Health to receive and investigate complaints against dogs, and when any dog complained against shall be deemed by such Chief, Acting Chief of Police, Somerset Regional Animal Shelter and Local Board of Health, to be a vicious dog, as herein defined, the said officer shall report the facts to the Municipal Judge of the Borough of Manville, who shall thereupon cause the owner or person harboring such dog to be notified in writing of the complaint against such dog, and to appear before said Municipal Judge at a stated time and place. The Municipal Judge at the time set for such hearing, shall inquire into the facts, and give all interested persons an opportunity to be heard, under oath, and to be represented by counsel, and the Municipal Judge shall decide that such dog complained of is a vicious dog, as defined by this section, notice of such decision shall be given to the owner or person harboring such dog. No dog which has been determined to be a vicious dog shall be permitted to run at large, or be upon any street or public place in the Borough of Manville, except while

securely muzzled and under leash, as provided in this ordinance, and the owner or person harboring any such vicious dog who shall suffer or permit such dog to run at large or be upon any street or public place in said Borough of Manville while not securely muzzled and under leash, shall be guilty of a violation of this ordinance.

Section 21. Examination of Certain Dogs and Cats; Quarantine.

All dogs and/or cats which bite any person shall be quarantined by the local Board of Health for a ten (10) day period. The owner or person in charge of such dog/cat shall, during that 10 day period have such dog or cat examined by a veterinarian and obtain a written report of such examination and forward the same to the local Board of Health. The report of this examination shall be delivered to the local Board of Health within 14 days of the date of the dog or cat bite.

Section 22. Dogs attacking other Animals.

No person who owns, keeps or harbors a dog shall suffer or allow such dog to habitually attack other dogs and other animals on any property other than the property of the owner. A dog shall be deemed to habitually attack other dogs or animals when at least three (3) complaints have been made alleging such attacks.

Section 23. Determination public nuisance. CATS

Within the purview of this Article, a cat shall be considered a public nuisance if it has no known owner or custodian, or it has no known place of care or shelter, or if it habitually trespasses upon or damages either private or public property or annoys, bites, scratches or harms any lawful use or occupant thereof.

Section 24. Duties of owners.

Any person who owns, keeps or harbors any cat at any place within the municipality or who permits any cat to enter the corporate limits of the municipality shall exercise sufficient and proper care of and control over such animal at all times to prevent the same from becoming a public nuisance.

Section 25. Cleanup required.

No person owning, harboring, keeping or in charge of any dog shall cause, suffer, allow such dog to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park, or any place where people congregate or walk, or upon any public property whatsoever or upon any private property without the permission of the owner of the said property except under the following conditions:

A. The person who owns, harbors, keeps or is in charge of such dog shall immediately remove all feces deposited by such dog by any sanitary method

B. The feces removed from the aforementioned designated area shall be disposed of by the person owning, harboring, keeping or in charge of any dog curbed in accordance with the provisions of this chapter, in a sanitary manner approved by the local Board of Health.

Section 26. Every section of this ordinance of subdivision or separate part thereof, shall be considered a separate provision, to the intent that if any portion shall be declared ineffectual, it shall not affect the remaining parts of this ordinance.

Section 27. Any person who violates or refuses to comply with any part of this ordinance, shall be liable to a penalty of not less than five (5) dollars nor more than fifty (50) dollars for each offense to be recovered by and in the name of the Borough. A person who refuses or neglects to pay forthwith the amount of a judgement rendered against him and the costs and charges incident thereto shall be committed by the court to the county jail for a period not exceeding 10 days in the case of a first conviction, and in the case of conviction of a second, subsequent or continuing violation, for a period not exceeding thirty (30) days.

Section 28. Enforcement.

All provisions of this chapter shall be enforced by the Borough Police Department, Regional Animal Shelter and the Municipal Health Officer.

Section 29. All other ordinances and parts of ordinances inconsistent herewith are hereby repealed, and this ordinance shall take effect immediately upon adoption and publication as required by law.

BOROUGH OF MANVILLE

*Marion B. Dudash*  
Marion B. Dudash, Mayor

FIRST READING:

Introduced by: *Stephen Salient*  
Seconded by: *John Nowak*  
Attest: *Stephen Salient*  
Dated: December 12, 1983

ROLL CALL	YES	NO	AB	ABSENT	YES	NO	AB	ABSENT
Counc. Gluch				X	Counc. Nowak	X		
Counc. Golden	X				Counc. Polak	X		
Counc. Homyak	X				Counc. Raczkowski	X		

SECOND READING:

Introduced by: *John Nowak*  
Seconded by: *John Nowak*  
Attest: *Stephen Salient*  
Dated: December 28, 1983

ROLL CALL	YES	NO	AB	ABSENT	YES	NO	AB	ABSENT
Counc. Gluch				X	Counc. Nowak	X		
Counc. Golden	X				Counc. Polak	X		
Counc. Homyak	X				Counc. Raczkowski			X