

DOGS AND CATS

Chapter 31

DOGS AND CATS

- § 31-1. Definitions.
- § 31-2. License and registration required.
- § 31-3. License and registration fees; exemptions.
- § 31-4. Disposition of fees.
- § 31-5. Canvass of dogs and cats.
- § 31-6. Vaccination required.
- § 31-7. Vaccination procedure.
- § 31-8. Exemption from vaccination.
- § 31-9. Certificate of vaccination.
- § 31-10. Certificate required prior to licensing.
- § 31-11. General regulations.
- § 31-12. Investigation of complaints of viciousness; issuance of summons.
- § 31-13. Notice of complaint of viciousness; hearings.
- § 31-14. Confinement of vicious dogs and cats.
- § 31-15. Impoundment.
- § 31-16. Destruction of certain animals.
- § 31-17. Notice of seizure.
- § 31-18. Disposition of impounded animals.
- § 31-19. Impoundment fee.
- § 31-20. Quarantine.
- § 31-21. Examination of quarantined dogs and cats.
- § 31-22. Release from quarantine.

§ 31-1

HELMETTA CODE

§ 31-1

§ 31-23. Imposition of general quarantine.

§ 31-24. Enforcement officials.

§ 31-25. Access to premises.

§ 31-26. Interference with enforcement prohibited.

§ 31-27. Curbing of dogs; exemptions; penalties.

§ 31-28. Violations and penalties.

[HISTORY: Adopted by the Mayor and Council of the Borough of Helmetta 2-20-1991 as Ord. No. 3-1991. ¹ Amendments noted where applicable.]

GENERAL REFERENCES

Animals at large — See Ch. 21.

§ 31-1. Definitions.

For the purpose of this chapter, the terms used herein are defined as follows:

ANIMAL CONTROL AUTHORITY — Any person or agency designated or certified by the State of New Jersey to enforce the provisions of this chapter.

AT LARGE — Off the property of the owner and not on a leash.

LICENSING AGE — Any dog or cat which has attained the age of seven (7) months or which possesses a set of permanent teeth.

LICENSING AUTHORITY — The agency or department of the Borough of Helmetta or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this chapter.

¹ Editor's Note: This ordinance also repealed former Ch. 31, Dogs, adopted 1-12-1972, as amended.

NEUTERED — Rendered permanently incapable of reproduction as certified by a licensed veterinarian.

OWNER — When applied to the proprietorship of a dog or cat, includes every person having a right of propriety of such dog or cat and every person who has such dog or cat or other animal in his keeping or under his control. A "person" shall be deemed to have a dog or cat or other animal in his keeping whenever the ownership or custody of any dog or cat or other animal is in an unemancipated infant or other member of his household.

PERSON — Any individual, corporation, partnership, organization or institution commonly recognized by law as a unit.

POUND — An establishment for the confinement of dogs seized under the provisions of this chapter, state statutes or otherwise.

VICIOUS CAT — Any cat which has attacked or bitten any human being without provocation.

VICIOUS DOG — Any dog, as defined in this section, which attacks and bites or attempts to attack and bite persons or dogs or other animals without being incited to do so or which has shown such savagery, fierceness or ferocity as to indicate that it is a threat to the safety of persons.

§ 31-2. License and registration required.

- A. Any person who shall own, keep or harbor a dog or cat of licensing age shall, within ten (10) days after the acquisition thereof, and annually thereafter in the month of January, apply for and procure from the Borough Clerk a license and official metal registration tag for each such dog and cat so owned, kept or harbored and shall place upon each such dog or cat a collar or harness with the registration tag securely fastened thereto. Such application shall state the breed, sex, age, color and marking of the dog or cat for which license and registration are sought and whether it is of a long- or short-haired variety and also the name, street and post office

address of the owner and the person who shall keep or harbor such dog or cat. A license shall also be required for any dog or cat licensed by another state, brought into the borough by any person and kept within the borough for more than ninety (90) days; a license and tag issued by any other municipality of this state shall be accepted by the borough as evidence of compliance with this chapter.

- B. Any person who shall own, keep or harbor a dog or cat which has been determined to be a potentially dangerous dog or cat under the provisions of the statute in such case made and provided shall apply for and procure from the Borough Clerk a potentially dangerous dog or cat registration number and designated identification tag and license upon compliance under state statute as confirmed by the Animal Control Officer of the borough. Such person shall comply with the applicable provisions of the preceding subsection as well.

§ 31-3. License and registration fees; exemptions.

- A. Persons applying for a license shall pay a fee based upon a schedule established on an annual basis by resolution of the governing body which includes a general increase of one dollar and twenty cents (\$1.20) for any dog under P.L. 1983 c. 180.² Any person applying for a license shall pay a fee of three dollars (\$3.) for any dog or cat of reproductive age which has not had its reproductive capacity permanently altered through sterilization, pursuant to Assembly Bill 1917, adopted as P.L. 1983, c.172.³ The same fees shall be charged for the annual renewal of each license and registration tag. There shall be a late fee of five dollars (\$5.) for any license which is applied for after it is due. There shall be a charge of one dollar (\$1.) for the replacement of any license or tag.
- B. License fees collected or received for the purpose of licensing cats 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

² Editor's Note: See N.J.S.A. 4:19A-10 et seq.

³ Editor's Note: N.J.S.A. 4:19-15.36.

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 chapter. 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 section. At the end of 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 (2) fiscal years next preceding.

- C. All such licenses, registration tags and renewals thereof shall expire on the last day of January in each year.
- D. Dogs used as guides for blind persons and commonly known as "Seeing Eye" dogs shall be licensed and registered as other dogs hereinabove provided for, except that the owner or keeper of such dog shall not be required to pay any fee therefor.
- E. Any person to whom a potentially dangerous dog or cat license shall be issued shall pay an annual fee of two hundred fifty dollars (\$250.).

§ 31-4. Disposition of fees.

The disposition of license fees and registration fees collected hereunder shall be in accordance with law.

§ 31-5. Canvass of dogs and cats.

The Board of Health of the borough shall annually cause a canvass to be made of all dogs and cats owned, kept or harbored within the borough and shall report, in accordance with law, to the Borough Clerk 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 unlicensed dogs and cats, the number of unlicensed dogs and cats owned, kept or harbored by each of said

persons, together with a complete description of each of said unlicensed dogs and cats.

§ 31-6. Vaccination required.

No person shall own a dog or cat within the Borough of Helmetta unless it has been vaccinated against rabies. This includes farm cats.

§ 31-7. Vaccination procedure.

Vaccinations shall be performed by a veterinarian licensed to practice in the State of New Jersey. The vaccine used shall be from a manufacturer licensed by the Bureau of Animal Industry of the United States Department of Agriculture. The dosage shall be as recommended by the manufacturer. All dogs and cats shall be revaccinated before the expiration of the period of time for which the vaccine used is known to be effective.

§ 31-8. Exemption from vaccination.

- A. The Director of Health and Welfare may exempt any dog or cat from the provisions of §§ 31-6 through 31-10 if there is presented to him a certificate from a licensed veterinarian stating that it would be undesirable to vaccinate a particular dog or cat for a specified period of time because of the dog or cat's age, infirmity or other physical condition.
- B. No vaccination shall be required for any dog confined to a licensed kennel, animal shelter, pet shop or veterinary hospital.

§ 31-9. Certificate of vaccination.

The fact that a dog or cat has been vaccinated against rabies shall be evidenced by a certificate from the veterinarian performing the vaccination. The certificate shall either be on a form approved by the borough's Health Officer or standard immunization certificate used by the veterinarian. The certificate shall be presented to the Borough Clerk within ten (10) days after each vaccination. In the case of dogs

being vaccinated before being brought to the borough, the certificate shall be presented to the borough's Health Officer within ten (10) days after the dog is brought into the borough.

§ 31-10. Certificate required prior to licensing.

No dog or cat license shall be issued until the certificate required by § 31-9 or the certificate provided for in § 31-8 is presented to the Helmetta Collector of Revenue.

§ 31-11. General regulations.

No person shall own a dog or cat in the Borough of Helmetta except in compliance with the following additional regulations, except that cats shall be exempt from Subsections B through F.

- A. Use of registration tags. No person, except the Animal Control Officer or a police officer in the performance of their duties, shall remove a registration tag from the collar of any dog or cat without the consent of the owner, or attach a registration tag to a dog or cat for which it was not issued.
- B. Disturbing the peace. No person shall own any dog which habitually barks or cries in a manner that would disturb a reasonable person, particularly between the hours of 10:00 p.m. and 6:00 a.m.
- C. Running at large. No person owning a dog shall permit it to run at large upon the public streets or in any public park, in any public building or in any other public place within the borough, nor permit a dog to run at large upon private property without the permission of the owner.
- D. Leashing of dogs. No person owning a dog shall permit it to be upon the public streets or in another public place in the borough unless the dog is securely fastened to an adequate leash not more than eight (8) feet long and is accompanied by a person capable of controlling it.
- E. Property damage. No person owning or in control of a dog shall permit it to damage any lawn, shrubbery, flowers, grounds or other property.

F. Curbing of dogs. Every person owning or in control of a dog shall be responsible for curbing it whenever the dog shall be responsible for curbing it whenever the dog is on public property or property dedicated to public use.

G. Public nuisance cats. A cat shall be considered a public nuisance if:

- (1) It has no known owner or custodian;
- (2) It has no known place of custodial care;
- (3) It damages private or public property;
- (4) It attacks lawful users or occupants of private or public property; or
- (5) It causes a definable public health hazard, supported by medical and/or other documentation.

§ 31-12. Investigation of complaints of viciousness; issuance of summons.

It shall be the duty of the Police Department and the Animal Control Officer and/or any police officer to receive and investigate complaints against dogs or cats. If he or they deem any dog or cat complaint to be a vicious dog or cat, as defined in this chapter, he or they shall issue a summons to the owner for appearance before the Judge of the Helmetta Municipal Court.

§ 31-13. Notice of complaint of viciousness; hearings.

The Court Clerk shall notify the owner of an allegedly vicious dog or cat, in writing, that a complaint has been made and requires hearing. The Borough Magistrate shall conduct the hearing in the same manner as he would conduct the trial of a criminal case. If the Magistrate decides that the dog or cat complained of is a vicious dog or cat, he shall so notify the owner of the dog or cat.

§ 31-14. Confinement of vicious dogs and cats.

No person owning or having control of a dog or cat which has been determined to be vicious shall permit it to be outside the confines of the home unless the yard or property is enclosed in such a fashion that the dog or cat will not be able to run at large.

§ 31-15. Impoundment.

The Animal Control Officer and members of the Police Department shall take into custody and impound any of the following dogs or cats:

- A. Any dog running at large in violation of the provisions of this chapter.
- B. Any dog or cat off the premises of the owner, and which the Animal Control Officer or a police officer has reason to believe is a stray dog or cat.
- C. Any dog or cat off the premises of the owner of the dog or cat without a current registration tag on its collar.
- D. Any female dog in season off the premises of the owner.
- E. Any unmuzzled dog or cat which has been determined to be a vicious dog or cat in the manner provided in this chapter.

§ 31-16. Destruction of certain animals.

The Animal Control Officer or any police officer or, in their absence and in case of an emergency which will not permit delay, any person may kill any of the following dogs or cats:

- A. Any dog or cat determined to be a vicious dog or cat in the manner provided in this chapter or any dog which is attacking or which has just attacked a human being without provocation and which cannot be seized with safety.

B. Any dog or cat which is or appears to be suffering from rabies or which is otherwise immediately dangerous to the public.

C. Any animal which has been so badly injured that it cannot be moved or helped by a veterinarian.

§ 31-17. Notice of seizure.

If any animal impounded or seized wears a registration tag or a collar or harness having inscribed on or attached to it the name and address of any person or the owner of the animal, a notice shall immediately be served on the person whose address is given on the collar or on the person owning the animal, stating that the animal 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 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 mail in a prepaid letter addressed to that person at his usual or last known place or abode or to the address given on the collar.

§ 31-18. Disposition of impounded animals.

Any impound animal may be destroyed in as humane a manner as possible under any of the following contingencies:

A. When any animal seized has not been claimed by any person within seven days after notice or within seven days of the animal's seizure when notice cannot be given, as set forth in § 31-17.

B. If the person owning the animal seized has not paid all expenses incurred by reason of its seizure, including a maintenance charge not to exceed \$4 per day.

C. If the seized dog or cat is unlicensed at the time of its seizure and the person owning, keeping or harboring

such dog or cat has not procured a license and registration tag as required by this chapter.

§ 31-19. Impoundment fee. [Amended 9-26-2001 by Ord. No. 19-2001]

Any person whose animal shall be picked up by the Animal Control Officer or a police officer shall pay an administrative fee of \$40 for each time that an animal has been picked up and impounded and the full maintenance charge to the holding facility for each full or partial day held, not exceeding the limit set forth in N.J.S.A. 4:19-15.16.

§ 31-20. Quarantine.

When any dog or cat attacks or bites a human being, the Chief of Police or his representative may order the owner of the dog or cat to confine it, either on the owner's premises or any other reasonable location which he designates, for a period of at least 10 days. The expenses of confining the dog or cat shall be borne by the owner.

§ 31-21. Examination of quarantined dogs and cats.

The Chief of Police or his representative shall have the right to examine any dog or cat confined under the provisions of this chapter at any reasonable time, including daily examinations, for a period of 10 days after the dog or cat has attacked or bitten any person, to ascertain whether the animal shows symptoms of rabies.

§ 31-22. Release from quarantine.

Regardless of whether or not the period of time from which the owner was directed to confine the dog or cat has expired, no dog or cat confined under the provisions of this chapter shall be released from quarantine until the Chief of Police issues a

certificate or release. The certificate shall only be issued after either the person designated by the Chief of Police or his representative to examine the dog or cat or a licensed veterinarian has certified, in writing, that the animal appears to be healthy and free from rabies.

§ 31-23. Imposition of general quarantine.

Whenever the Chief of Police or his representative is notified by the State Department of Health or other appropriate agency that there is danger of an epidemic of rabies in the Borough of Helmetta, he shall order all persons owning or having custody of dogs or cats in the Borough to keep their dogs and cats confined to their own premises. Notice that an order has been issued may be either written or oral and may be served personally, by mail, by publication in a newspaper circulating in the Borough, by conspicuously posting it in public places or by any other method calculated to actually reach the persons affected.

§ 31-24. Enforcement officials.

The Chief of Police and the Animal Control Officer shall have the primary duty of enforcing this chapter.

§ 31-25. Access to premises.

Any officer authorized or empowered to perform any duty under this chapter may go upon any premises to seize or impound any dog or cat which he may lawfully seize and impound when he is in immediate pursuit of such a dog or cat, except that he shall not go upon the premises of the owner of the dog or cat if the owner is present and forbids it.

§ 31-26. Interference with enforcement prohibited.

No person shall interfere with any one authorized or empowered to perform any duty under this chapter.

§ 31-27. Curbing of dogs; exemptions; penalties.

No person owning, harboring, keeping or in charge of any dog shall cause, suffer or allow such dog to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park, schoolground or any space where the public congregate or walk or upon any public property or place whatsoever or upon any private property without the permission of the owner of said property. This restriction in this section shall not apply to that portion of the street lying between the curblines, which shall be used to curb such dog under the following conditions:

- A. The person who so curbs such dog shall immediately remove all feces deposited by such dog by any sanitary method approved by the Health Officer of the Borough.
- B. The provisions of this section shall not apply to blind persons who may use dogs as guides.
- C. Any person owning, harboring, keeping or in charge of any dog not curbed in accordance with the provisions of this section shall be deemed to be in violation of this section and subject to the penalty provisions contained in Chapter 1, § 1-14, of the Code of the Borough.

§ 31-28. Violations and penalties.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be liable for a fine not to exceed \$500 or imprisonment in the county jail for a term not exceeding 90 days, or both.