

## **Chapter 122, ANIMALS**

[HISTORY: Adopted by the Mayor and Council of the Borough of River Edge as indicated in article histories. Amendments noted where applicable.]

### **ARTICLE I, Dogs and Cats [Adopted 12-31-1975 as Ch. VII of the 1975 Code]**

#### **§ 122-1. Definitions.**

For the purposes of this chapter, the following definitions shall apply:

**ANIMAL** -- A dog or cat. [Added 5-2-1988 by Ord. No. 961]

**ANIMAL CONTROL AUTHORITY** -- Any person or agency designated or certified by the State of New Jersey to enforce the provisions of this chapter. [Added 5-2-1988 by Ord. No. 961]

**CAT** -- Any member of the domestic feline species, male or female, or altered. [Added 5-2-1988 by Ord. No. 961]

**CAT OF LICENSING AGE** -- Any cat which has attained the age of seven (7) months, or which possesses a set of permanent teeth. [Added 5-2-1988 by Ord. No. 961]

**CATTERY** -- Any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein cats for sale are kept or displayed. [Added 5-2-1988 by Ord. No. 961]

**DOG** -- Any dog, bitch or spayed bitch.

**DOG OF LICENSING AGE** -- Any dog which has attained the age of seven (7) months or which possesses a set of permanent teeth.

**KENNEL** -- Any establishment wherein or whereon the business of boarding or selling dogs or cats or breeding dogs or cats for sale is carried on, except a pet shop.

**LICENSING AUTHORITY** -- The agency or department of the Borough of River Edge or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this chapter. [Added 5-2-1988 by Ord. No. 961]

**NEUTERED** -- Having been rendered permanently incapable of reproduction as certified by a licensed veterinarian. [Added 5-2-1988 by Ord. No. 961]

**OWNER** -- When applied to the proprietorship of a dog or cat, shall include every person having a right of property in such dog or cat and every person who has such dog or cat in his keeping.

**PERSON** -- Any individual, corporation, partnership, organization or institution commonly

recognized by law as a unit. [Added 5-2-1988 by Ord. No. 961]

**PET SHOP** -- Any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein dogs or cats for sale are kept or displayed.

**POUND** -- An establishment for the confinement of dogs or cats seized either under the provisions of this chapter or otherwise.

**PREMISES** -- Excludes any building porches and parts thereof.

**SHELTER** -- Any establishment where dogs or cats are received, housed and distributed without charge.<sup>EN(1)</sup>

**§ 122-2. License required. [Amended 5-14-1975 by Ord. No. 639]**

- A. The owner of any newly acquired dog or cat of licensing age or of any dog or cat which attains licensing age shall make application for a license and registration tag for the dog or cat within ten (10) days after such acquisition or age attainment.
- B. Any dog brought into the territorial limits of the Borough from another municipality of the state, having been licensed and registered in such other municipality, may be kept in the Borough without an additional license until January 31 of the succeeding year.

**§ 122-3. Application; when made; license tags. [Amended 4-5-1976 by Ord. No. 660; 5-2-1988 by Ord. No. 961]**

- A. Any person who shall own, keep or harbor a dog of licensing age within the territorial limits of the Borough shall, in the month of January of each year, apply for and procure from the Borough Clerk a license and official metal registration tag for each dog so owned, kept or harbored and shall place upon each such dog a collar or harness with the registration tag securely fastened thereto.
- B. Any person who shall own, keep or harbor a cat of licensing age shall, in the month of January of each year, apply for and procure from the Borough Clerk or other official designated by the governing body to license cats in the Borough a license and official registration tag with the license number, or a registration sleeve for each cat so owned, kept or harbored, and shall place upon such cat a collar or other device with the license securely fastened thereto.

**§ 122-4. Application requirements. [Amended 5-2-1988 by Ord. No. 961]**

Applications for dogs and cats shall have the following requirements:

- A. The application for any dog shall state the breed, sex, age, color and markings of the dog for which the license and registration are sought and whether it is of a long- or short-haired variety, the name, street and post office address of the owner and the person who shall keep or harbor such dog. The application shall also list any tattoo or other body marking applied

to the dog for identification purposes.

- B. As to any cat, the application shall state the breed, sex, age, color and markings of the cat for which the license and registration are sought, the date of its vaccination against rabies, the name and address of the licensed veterinarian who vaccinated the cat and a copy of the vaccination certificate or its number, whether the cat is of a long- or short-haired variety and the name, street and post office address of the owner and the person who shall keep or harbor such cat. The application shall also list any tattoo or other body marking applied to the cat for identification purposes.

**§ 122-5. Cat vaccination requirements.**

No person shall own, keep, harbor or maintain any cat of licensing age within the Borough, unless such cat is vaccinated and licensed. 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 in § 122-5A herein below.

- A. Vaccination certificate. A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the State of New Jersey.
- B. Exemptions. The provisions of this section do not apply to cats held in a cattery or those held by a state or federal licensed research facility or a veterinary establishment wherein cats are received or kept for diagnostic, medical, surgical or other treatments, of licensed animal shelters, pounds, kennels, or pet shops. Furthermore, any cat may be exempted from the requirements of such vaccination for a specified period of time by the 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.

**§ 122-6. Fees. [Amended 4-5-1976 by Ord. No. 660; 1-19-1981 by Ord. No. 780; 5-2-1988 by Ord. No. 961; 12-16-1996 by Ord. No. 1172]**

The person applying for the license and registration tag shall pay a fee for each dog or cat as set forth in the Borough Fee Schedule, adopted by resolution of the Borough Council, on file in the office of the Borough Clerk. Licenses and registration tags shall expire on January 31 in each year. All fees shall be used for the collecting, keeping and disposing of dogs and cats. The Borough Council may, however, appropriate a portion of the money received from cat license fees to be used as a subsidy for cat spaying for residents of River Edge.

**§ 122-7. Exceptions for dog applications. [Amended 4-5-1976 by Ord. No. 660; 5-2-1988 by Ord. No. 961]**

- A. Dogs used as guides for blind persons, commonly known as "Seeing Eye dogs," dogs used to assist handicapped persons, commonly known as "service dogs," or dogs used to assist deaf persons, commonly known as "hearing 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. [Amended 12-16-1996 by Ord. No. 1172]

- B. Any dog brought into the territorial limits of the Borough from another municipality of the State of New Jersey, having been licensed and registered in such other municipality, may be kept in the Borough without an additional license until the last day of January of the succeeding year.

**§ 122-8. Removal of tags. [Amended 5-2-1988 by Ord. No. 961]**

No person, except an officer in the performance of his duties, shall remove a registration tag from the collar of any dog or cat without the consent of the owner, nor shall any person attach a registration tag to a dog or cat for which it is not issued.

**§ 122-9. Vicious dogs. [Amended 12-16-1996 by Ord. No. 1172]**

For regulations regarding vicious dogs, see N.J.S.A. 4:19-17 et seq.

**§ 122-10. Renewals; pet shops; pounds.**

- A. License required. Any person who keeps or operates or proposes to establish a kennel, a pet shop, a shelter or a pound within the Borough shall apply to the Borough Clerk for a license entitling him to keep or operate such establishment.
- B. Application information. The application therefor shall describe the premises where the establishment is located, or is proposed to be located, and purpose or purposes for which it is to be maintained, and shall be accompanied by the written approval of local health and municipal authorities showing compliance with the local and state rules and regulations governing location of and sanitation at such establishment.
- C. License term. All licenses issued for a kennel, pet shop, shelter or pound shall state the purpose for which the establishment is maintained, and all licenses shall expire on June 30 of each year. [Amended 12-16-1996 by Ord. No. 1172]
- D. License fee. The annual license fee for a kennel providing accommodations for ten (10) or fewer dogs or cats shall be ten dollars (\$10.), and for more than ten (10) dogs or cats, twenty-five dollars (\$25.). The annual license fee for a pet shop shall be ten dollars (\$10.). No fee shall be charged for a shelter or pound.
- E. Compliance with state regulations. All licenses shall be subject to revocation by the municipality on recommendations of the State Department of Health or the local Department of Health for failure to comply with the rules and regulations of the state Department or local Department governing the same, after the owner has been afforded a hearing.
- F. Control of animals off premises. No dog or cat kept in a kennel, pet shop, shelter or pound

shall be permitted off such premises, except on leash or in a crate or other safe control.

**§ 122-11. Dog canvass.**

The Chief of Police shall promptly before September 1 of each year cause a canvass to be made of all dogs and cats owned, kept or harbored within the Borough in accordance with the provisions of N.J.S.A. 4:19-15.15.

**§ 122-12. Impoundment of dogs.**

- A. Enforcing official; causes for impounding. An official appointed by the Mayor and Council, the Animal Warden, if the position is created, or, in the absence of such officials, the Chief of Police shall take into custody and impound or cause to be taken into custody and impounded and thereafter destroyed or offered for sale as provided in Subsection D: [Amended 12-16-1996 by Ord. No. 1172]
- (1) Any dog or cat off the premises of the owner or of the person keeping or harboring the dog or cat which the official or his agent or agents have reason to believe is a stray dog or cat.
  - (2) Any dog off the premises of the owner or of the person keeping or harboring the dog or cat without a current registration tag on his collar or harness.
  - (3) Any female dog in season off the premises of the owner or of the person keeping or harboring the dog.
  - (4) Any dog off the premises of the owner or of the person keeping or harboring the dog which is not securely and completely muzzled or on a leash in the hands of a person able to control the dog.
  - (5) Any vicious dog off the premises of the owner or of the person keeping or harboring the dog which is not muzzled and on a leash in the hands of a person able to control the dog.
  - (6) Any cat off the premises of the owner or of the person keeping or harboring the cat on complaint of the police or of the resident of the premises to which the cat has strayed.
  - (7) Any cat which the enforcing official has substantial reason to believe is abandoned, diseased or injured.
- B. Access to premises.
- (1) Any officer or agent authorized or empowered to perform any duty under the provisions of this chapter is hereby authorized to go upon any premises to seize for impounding any dog or cat or dogs or cats which he may lawfully seize and impound when the officer is in immediate pursuit of the dog or cat or dogs or cats, except upon the premises of the owner of the dog or cat if the owner is present and forbids the same.
  - (2) No person shall hinder, molest or interfere with anyone authorized or empowered to

perform any duty under this chapter.

C. Notice of seizure.

- (1) If any dog or cat so seized wears a collar or harness having inscribed thereon and attached thereto the name and address of any person or a registration tag or the owner or the person keeping or harboring the dog or cat is known, the Chief of Police or the enforcing official 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 or cat, if known, a notice, in writing, stating that the dog or cat has been seized and will be liable to be offered for adoption or destroyed if not claimed within ten (10) days after the service of the notice. A copy of the notice shall be filed on the same day with the Borough Clerk or the Chief of Police. [Amended 12-16-1996 by Ord. No. 1172]
- (2) Notice of seizure may be served by delivery to the person on whom it is to be served. In the event that notice cannot be served on the person, such notice can be effected by leaving it at the person's usual or last known place of abode or at the address given on the collar of the dog or cat in question.
- (3) In the alternative, notice can be given by forwarding by certified mail to the person upon whom it is to be served at his usual or last known place of abode or at the address given on the collar of the dog or cat in question.

D. Disposition of unclaimed animals. The enforcing official may place unclaimed dogs or cats with some responsible person desiring a household pet or may cause the destruction of any unclaimed animal in as humane a manner as possible, under any of the following contingencies:

- (1) When any dog or cat so seized has been detained for ten (10) days after notice, when notice can be given as set forth in Subsection C, or has been detained for ten (10) days after seizure when no notice has been given.
- (2) If the owner or person keeping or harboring the dog or cat has not claimed the dog or cat and paid all expenses incurred by reason of its collection and detention, payable to the owner of the pound at a rate not exceeding one dollar (\$1.) per day.
- (3) If the dog or cat is unlicensed at the time of the seizure and the owner or person keeping or harboring the dog or cat has not produced a license and registration tag for the dog or cat.

**§ 122-13. Running at large.**

No dog, whether licensed or not, shall run at large within the Borough. A dog shall be deemed to be running at large when off the premises of its owner or of the person keeping or harboring such dog, which is not on a leash, tether, chain, rope or the like, the overall length of which, including the hard grip, shall not exceed six (6) feet, held by its owner or other person able to control such dog.

**§ 122-14. Property damage.**

No person owning, harboring, keeping or in charge of any dog or cat shall cause, suffer or allow such dog or cat 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 property. The restriction of this section shall not apply to that portion of the street lying between the curb lines, which shall be used to curb such dog or cat under the following restrictions:

- A. The person who so curbs such dog or cat shall immediately remove all feces deposited by such dog or cat by any sanitary method approved by the local Health Department.
- 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 or cat curbed in accordance with the provisions of this chapter in a sanitary manner approved by the local health authority.

**§ 122-15. Abandonment.**

No person shall abandon any dog or cat, no matter what its age may be, within the Borough.

**§ 122-16. Sale for experimentation prohibited.**

No dog or cat taken into custody and detained or impounded shall be sold or otherwise made available for the purpose of experimentation.

**§ 122-17. Enforcement. [Amended 12-16-1996 by Ord. No. 1172]**

The provisions of this chapter shall be enforced by the Borough's Animal Control Officer.

**§ 122-18. Violations and penalties. [Amended 12-16-1996 by Ord. No. 1172]**

- A. Except as otherwise provided by N.J.S.A. 4:19-15.1 et seq., any person who violates §§ 122-2, 122-8 and 122-12B of this chapter shall be liable to a penalty of not less than five dollars (\$5.) nor more than fifty dollars (\$50.) for each offense, to be recovered by and in the name of the Director of Health of the State of New Jersey, or by and in the name of the local Board of Health, or by and in the name of the municipality, as the case may be, except that for the first offense in cases of violations of §§ 122-2, 122-8 and 122-12B, the penalty shall be not less than one dollar (\$1.) nor more than fifty dollars (\$50.), to be recoverable in the same manner.
- B. For any violation of any other provision of this chapter, the maximum penalty, upon conviction thereof, shall be a fine not exceeding one thousand dollars (\$1,000.), or imprisonment for up to ninety (90) days, or a period of community service not exceeding