

ORDINANCE 15-2005

ORDINANCE OF THE BOROUGH OF MADISON REPEALING CHAPTER 89 OF THE MADISON BOROUGH CODE ENTITLED "DOGS" AND CHAPTER 82 OF THE MADISON BOROUGH CODE ENTITLED "CATS" AND ADOPTING CHAPTER 59 OF THE BOROUGH CODE ENTITLED "ANIMAL AND RABIES CONTROL"

WHEREAS, the Madison Board of Health has recommended that the Madison Borough Code be amended to consolidate the current animal control provisions into one ordinance; and

WHEREAS, the New Jersey Department of Environmental Protection has enacted stormwater management regulations requiring that each municipality adopt an ordinance to regulate the disposal of pet waste; and

WHEREAS, the Borough Council wishes to proceed with adoption of a new ordinance and repeal of the prior ordinances.

NOW THEREFORE BE IT ORDAINED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey as follows:

SECTION 1: that Chapter 89 of the Borough Code entitled "Dogs" is hereby repealed and Chapter 82 of the Borough Code entitled "Cats" is hereby repealed.

SECTION 2: The Borough Code is amended to include the following provisions, Chapter 59, entitled "Animal and Rabies Control" as follows:

§ 59-1. Definitions.

ANIMAL – shall mean dog or cat, for the purpose of this ordinance.

ANIMAL CONTROL OFFICER – shall mean a certified municipal animal control officer, or in the absence of such an officer, the chief law enforcement officer of the Borough or his designee.

ANIMAL OF LICENSING AGE – shall mean any dog or cat which has attained the age of seven (7) months or which possesses a set of permanent teeth.

BOROUGH - shall mean the Borough of Madison in the County of Morris.

BITE – shall mean to seize with the teeth or jaws so as to enter, nip or grip the person or thing seized; also to cut, wound, pierce or impress deeply the person or thing seized.

CAT – shall mean any member of the domestic feline species; male, female, or neutered.

DOG – shall mean any dog, bitch or spayed bitch.

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 dogs or breeding dogs for sale is carried on, except a pet shop.

NEUTERED – shall mean to render permanently incapable of reproduction as certified by a licensed veterinarian.

OWNER – when applied to the proprietorship of an animal shall include every person having a right of property (or custody) in such animal and every person who has such animal in his/her keeping, or who harbors or maintains an animal or knowingly permits an animal to remain on or about any premises occupied by that person. A person shall be deemed to have an animal in his keeping or under his control whenever the ownership or custody of such animal is an unemancipated infant or other member of his/her household.

OWNER'S PREMISES – includes the building or plot of land on which said building stands in which the owner of an animal has a place of abode or place of business in the Borough.

PERSON – shall mean an individual, firm, partnership, corporation, association of persons, or institution commonly recognized by law as a unit.

PET – a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

PET SHOP – shall mean any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein animals for sale are kept or displayed.

PET SOLID WASTE – waste matter expelled from the bowels of the pet; excrement.

POUND – shall mean an establishment for the confinement of animals seized either under the provisions of this ordinance or otherwise.

PROPER DISPOSAL – 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 other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

SHELTER – shall mean any establishment where animals are received, housed, and distributed.

VICIOUS ANIMAL – shall mean any animal which at any time, without provocation, has attacked or shall attack a human being or another domestic pet, either while upon or off the premises occupied by the person owning, keeping, harboring or having the custody or possession of the attacking animal. "Vicious Animal" shall also mean and include any animal which has caused any human being engaged in a lawful activity or occupancy to be fearful for his own safety by chasing or snapping at such person without provocation.

§ 59-2. Animal control officer.

A. The position of Animal Control Officer is hereby established under the jurisdiction of the Department of Health.

B. The Animal Control Officer shall be a certified municipal animal control officer, or in the absence of such an officer, the chief law enforcement officer of the Borough or his designee.

C. The Council of the Borough of Madison is hereby empowered to appoint an Animal Control Officer or may designate some other authority to enforce the provisions of this Chapter.

D. The Council shall also have the power to enter into a contract with one (1) or more persons, either individual or corporate, to exercise the duties of Animal Control Officer in enforcing the provisions of this Chapter.

E. All police officers of the Borough of Madison, regular and special, and the Animal Control Officer are hereby given full power and authority and are charged with the duty to enforce this Chapter.

F. The duties of the Animal Control Officer shall be the enforcement of the measures and provision for the control of the animal contained in Title 4, Chapter 19, Sections 15.1 through 15.29 of the Revised Statutes of the State of New Jersey and any amendments thereof and the provisions of this Chapter.

§ 59-3. License required.

No person shall keep or harbor or suffer the keeping or harboring within the limits of the Borough of Madison any dog or cat of licensing age without first obtaining a license therefore to

be issued by the Health Department of the Borough, upon application by the owner or some person on behalf of the owner and payment of the prescribed fee, and no person shall keep or harbor any dog or cat in the Borough except in compliance with the provisions for the control of animals contained in Title 4, Chapter 19, Sections 15.1 through 15.29 of the Revised Statutes of New Jersey and any amendments thereof.

§ 59-4. Obtaining license and registration tag.

A. Any person who shall own, keep or harbor, or suffer the keeping or harboring of any dog of licensing age within the Borough of Madison shall, in the month of January and annually thereafter, apply for and procure from the Health Department a license and official registration tag for each such dog so owned, kept or harbored and shall place upon each dog a collar, or other device with the license number securely fastened or displayed thereto.

B. Any person who shall own, keep or harbor or suffer the keeping or harboring of any cat of licensing age within the Borough of Madison shall, in the month of September and

annually thereafter, apply for and procure from the Health Department a license and official registration tag for each such cat so owned, kept or harbored and shall place upon such cat a collar, or other device with the license number securely fastened or displayed thereto. Acceptable methods of displaying license number shall include, but not be limited to, break-away or elastic collars.

§ 59-5. Fees; renewal; expiration date of license; "Seeing Eye", "Service" and "Hearing Ear" dogs.

Acceptance of license in municipality in others.

A. The person applying for license and registration tag shall pay a fee for each dog or cat as provided for in § 59-15.

B. The person applying for license and registration tag shall pay the fee fixed or

authorized. The fee for renewal of license and registration tag shall be the same as for the original and said license, registration tag and renewal thereof shall expire on January 31st, in the following year.

Only one license and registration tag shall be required in any licensing year for any dog or cat owned in Madison Borough, and such license and registration tag issued by any municipality in the State of New Jersey shall be accepted as evidence of compliance in this section.

C. Any dog or cat owner or person harboring a dog or cat found to have an unlicensed dog or cat by the Borough Animal Control or any other municipal official on or after February 1st, shall be required to pay an additional delinquent fee as established by § 59-15 plus the required license fee as provided in this Chapter for his animal license, together with any other fines due to summons issued that may be imposed on him as provided in this Chapter for failure to obtain an animal license by January 31st. The aforementioned fee shall not apply to animals which have been acquired by the owner after February 1st, provided said license is obtained within ten (10) ten days after acquisition and sufficient proof is presented to establish the date the dog or cat is acquired.

D. Dogs used as guides for blind persons and commonly known as "seeing-eye" dogs, dogs used to assist handicapped persons and commonly known as "service dogs", or dogs used to assist deaf persons and commonly known as "hearing ear" dogs shall be licensed and registered as other animals herein above provided for, except that the owner or keeper of such dog shall not be required to pay any fee thereof.

E. The owner or keeper of any newly acquired animal of licensing age shall make application for such license and registration tag for such animal within ten (10) days after such acquisition or age attainment.

F. Any owner or keeper of a licensed dog or cat whose current licensed tag has been lost may obtain a replacement tag by applying to the Health Department immediately. A charge as established in § 59-15 is made for replacement of this tag.

G. No person shall make use of, or have in his possession or under his control, a stolen, counterfeit or forged dog or cat license receipt, animal license registration tag or rabies vaccination certification or other forms issued in accordance with the provisions of this Chapter.

H. Any person applying for a dog or cat license for a neutered dog or cat must present to the licensing agent a veterinarian's certification that said animal of reproductive age has had its reproductive capacity permanently altered through sterilization.

§ 59-6. Rabies vaccination required.

A. All dogs and 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 § 59-6(D).

B. Any person applying for a dog or cat license and registration tag must provide evidence to the Health Department that said animal 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 for by § 59-6(D). The rabies inoculation shall be administered by a duly licensed veterinarian, or by such other veterinarian permitted by law to do the same. Such vaccine shall be repeated at intervals as provided by regulations of the New Jersey State Department of Health.

C. A certificate of vaccination shall be issued to the owner of each dog or cat vaccinated on a form recommended by the State of New Jersey.

D. Any dog or cat may be exempt from the requirement of such vaccination for a specified period of time by the Health Department 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 animal shall be deemed inadvisable.

§ 59-7. Impounding or taking animals into custody; grounds; notice; destruction; disposal; report if rabid.

A. Any person appointed for the purpose by the Borough of Madison 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:

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

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

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

(iv) Any dog or other animal which is suspected of being rabid;

(v) Any dog or other animal off the premises of the owner reported to, or observed by, a certified Animal Control Officer to be ill, injured or creating a threat to public health, safety or welfare, or otherwise interfering with the enjoyment of property.

B. If any animal 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 animal is known, any person authorized by the Borough shall forthwith serve on the person whose address is given on the collar, or on the owner or person keeping or harboring said animal, if known, a notice in writing stating that the animal 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.

C. 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 to the address given on the collar.

D. When any animal so seized has been detained for seven (7) days after notice, when notice can be given as above set forth, or has been detained for seven (7) days after seizure, when no notice has been given as above set forth and if the person keeping or harboring said animal has not claimed said animal and paid all expenses incurred by reason of its detention, including maintenance, and if the animal be unlicensed at the time the seizure and the owner or person keeping or harboring said animal has not produced a license and registration tag for said animal, any person authorized by the Borough may cause the animal to be destroyed in a manner causing as little pain as possible and consistent with the provisions of Title 4, Chapter 22, Section 19 of the Revised Statutes of the State of New Jersey, and any amendments thereof.

§ 59-8. Seizure of animals.

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

§ 59-9. Rabies control.

A. Whenever a dog, cat or other animal is affected by rabies or suspected of being affected by rabies or has been bitten by an animal known or suspected to be affected by rabies, the owner or person in charge of the animal or any animal having knowledge thereof, shall forthwith notify the Health Department of the place where the animal is located.

B. Whenever a dog, cat or other animal bites a person, the owner or person in charge of the animal, the person bitten or parent or guardian or the physician having professional attendance upon ever person bitten shall notify the Health Department of the name, age, sex, color, and precise location of the person so bitten pursuant to the Revised Statutes of the State of New Jersey, Title 26, Chapter 4, Sections 78 through 95.

§ 59-10. Defiling or damaging property; requirements for disposal; exemptions.

A. Defiling or damaging property.

No person shall suffer, permit or allow any animal to injure or damage or soil or defile any lawn or shrubbery or flowers or grounds, or any property, either public or private, of any person other than that of its owner. No person shall suffer, permit, or allow any dog to be upon any private or public property other than the premises of the owner without the consent of the owner or tenant of the private or public property or to permit the dog to run unleashed off the premises of the owner.

B. Requirements for Disposal.

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. Pet waste shall not be deposited into any catch basin or street drain, but must be properly disposed of in a sanitary manner.

C. Exemptions.

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.

§ 59-11. Vicious or potentially dangerous dog.

Chapter 307 of the laws of the State of New Jersey, 1989 (N.J.S.A. 4:19-17 through 4:19-35 et. seq.) and the amendments and supplements thereto are hereby adopted, enacted and incorporated herein.

§ 59-12. Howling or barking dogs.

No person shall keep within the Borough any dog causing a nuisance and disturbing the peace and quiet of the neighborhood in which it shall be kept by chronically howling, barking and/or making and causing other sounds or noises.

§ 59-13. Kennel; pet shop; shelter; pound.

A. Any person who keeps or operates or proposes to establish a kennel, a pet shop, a shelter or pound shall apply to the Health Department for a license entitling him to keep or operate such establishment and shall pay an annual fee as established in § 59-15. The application shall describe the premises where the establishment is located or is proposed to be located and the purpose for which it is to be maintained.

B. All licenses issued for a kennel, pet shop, shelter or pound shall expire on the last day of January of each year, and be subject to revocation by the Borough for failure to comply with the rules and regulations governing kennels, pet shops, shelters and pounds pursuant to the New Jersey Administrative Code, Title 8, Chapter 23, Subchapter 3 and this Chapter. Any person holding such license shall not be required to secure individual licenses for animals owned by such licensee and kept at such establishment; such licenses shall not be transferable to another owner or different premises.

C. No animal kept in kennel, pet shop, shelter or pound shall be permitted off the premises, except on leash or in a crate or other method of safe control.

D. Any person who keeps or operates a kennel, a pet shop, a shelter or pound shall be subject to such inspection or inspections as may be required to comply with rules and regulations governing the sanitary operation of kennels, pet shops, shelters and pounds pursuant to the New Jersey Administrative Code, Title 8, Chapter 23A, Subchapter 1 and this Chapter.

§ 59-14. Canvass of dogs and cats.

The Health Officer or any person appointed for the purpose which person may include the Chief of Police, which annually cause a canvass to be made of all dogs and cats owned, kept or harbored within the limits of the Borough, and shall report biannually each year to the licensing official and to the Department of Health, and to the New Jersey State Department of Health the results thereof, setting forth in separate columns the names and addresses of persons owning, keeping or harboring unlicensed dogs or cats, the number of unlicensed dogs or cats owned, kept or harbored by each said persons, together with a complete description of each of said unlicensed animal.

§ 59-15. Fees.

The following fees shall be paid to the Borough of Madison for compliance of this Chapter.

(a) Dog and Cat Licenses and Registration Tags - Annual

(i) Neutered \$ 8.00

(ii) All Others \$11.00

(b) Late Charge for Dog or Cat License

and Registration Tag effective February 1st \$ 5.00

(c) Replacement Dog or Cat License

and Registration Tag \$ 1.00

(d) Animal Redemption Fee \$25.00

(e) Pound Maintenance Per Day \$ 4.00

(f) Animal Adoption Per Animal \$15.00

(g) Disposal Fee Per Dog \$80.00

Disposal. Fee Per Cat \$20.00

(h) Kennel License – Annual

(i) Ten or Less Dogs \$10.00

(ii) Greater than Ten Dogs \$25.00

(i) Pet Shop – Annual \$10.00

(j) Animal Trap Deposit \$35.00

(k) Potentially Dangerous Dog License
and Registration Tag – Annually \$250.00

§ 59-16. Interfering with persons performing duties under chapter.

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

§ 59-17. Violations of rules; penalty.

Any person violating or failing to comply with any of the provisions of this Chapter shall, upon conviction thereof, be punishable by a fine of not more than five hundred (\$500.) or by imprisonment for a term not to exceed ninety (90) days, or by both such fine and imprisonment, in the discretion of the Judge. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense, except:

(i) dogs running at large wherein the first offense shall be fifty dollars (\$50.), the second offense shall be seventy-five dollars (\$75.), and the third and subsequent offense shall be one hundred dollars (\$100.).

(ii) fines for unlicensed dogs and/or cats shall be fifteen dollars (\$15) per animal plus fifteen (\$15) court cost per animal payable through the Violations Bureau.

-

SECTION 3: This ordinance shall take effect as provided by law.

ADOPTED AND APPROVED

ELLWOOD R. KERKESLAGER, Mayor

Attest:

MARILYN SCHAEFER, Borough Clerk