



ORDINANCE 15-2008

AMENDING CHAPTER V TITLED "ANIMAL CONTROL" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ATLANTIC HIGHLANDS

WHEREAS, it is the desire of the Governing Body of the Borough of Atlantic Highlands to permit and regulate certain common household pets, within the Borough of Atlantic Highlands,

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey that Chapter V titled "Animal Control", of the Revised General Ordinances of the Borough of Atlantic Highlands is hereby amended with the following provisions:

ANIMAL CONTROL

DOGS, CATS AND OTHER ANIMALS

5-1 DEFINITIONS

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number.

The word "shall" is always mandatory and not merely directory.

ANIMAL CONTROL OFFICER -- Any person or agency designated or certified by the State of New Jersey and or the Borough of Atlantic Highlands to enforce the provisions of this chapter.

CAT -- Any member of the domestic feline species, male, female or altered

CAT OF LICENSING AGE -- Any cat which has attained the age of seven months or which possesses a set of permanent teeth

COMMON HOUSEHOLD PETS -- Dogs, cats, hamsters, mice, ferrets, fish, rabbits, potbellied pigs, snakes (excluding constrictors and poisonous snakes) and domesticated birds, including, but not limited to, canaries, parakeets, myna birds, parrots and the like.

DISTURBING NOISE - The habitual barking, howling, whining or crying of a dog or dogs or the howling of a cat or cats, or the chirping, cooing of birds in the Borough of Atlantic Highlands at any hour is hereby declared to be a disturbing noise within the meaning of N.J.S.A. 40:48-1, Subsection 8, and a nuisance.

DOG -- Any male or female dog, spayed, neutered or no-spayed unneutered

DOG OF LICENSING AGE -- Any dog which has attained the age of seven months

FARM ANIMALS -- Horses, ponies, livestock, cattle, goats, sheep, pigs, mules, donkeys, fowl and any other animals customarily kept on a farm, but not including common household pets.

NEUTERED/SPAYED -- Rendered permanently incapable of reproduction as certified by a licensed veterinarian.

OWNER/KEEPER -- Any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.

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

WILD OR EXOTIC ANIMALS -- Any species of animal whose natural or usual habitat within the State of New Jersey is either in a zoo or the wild, as opposed to a domesticated environment, regardless of whether such animal poses an actual or apparent threat to persons, other animals, or property. This includes wild animals not normally found in the State of New Jersey, such as tigers, alligators and other wild animals.

5-2 DOG LICENSING AND CONTROL

5-2.1 LICENSE REQUIRED.

Every person who shall own any dog, seven months of age or older, within the Municipal shall obtain a license for each dog from the Municipal Clerk. The Municipal Clerk shall issue a registration number for each dog so licensed. For the purpose of this section, any person who harbors or possesses any dog for a period of fifteen (15) days or more shall be deemed the owner of the dog so harbored or possessed. In order for the license to be issued, the owner must present proof [Rabies Certificate] that a licensed veterinarian has vaccinated the dog against rabies and that the duration of immunity from that vaccination extends through at least ten months of the twelve-month licensing period. An exemption to the rabies inoculation requirement shall be granted if the owner presents written certification from a licensed veterinarian that the dog cannot be vaccinated due to a medical condition or course of therapy.

5-2.2 LICENSE FEE

Such dog license fee, shall be ten (\$10.00) dollars for each dog, plus one (\$1.00) dollar for N.J. registration and twenty (\$.20) cents for N.J. Pilot Clinic Fund, plus three (\$3.00) dollars for non- neutered dogs only for N.J. Pet Population Control. An additional late fee of five (\$5.00) dollars per dog license shall be paid by all persons purchasing a license 30 days after expiration of such license.

Dogs used as guides for blind persons and commonly known as "Seeing Eye" dogs shall be licensed and registered as other dogs except that the owner or keeper of such dog shall not be required to pay any fee.

5-2.3 REGISTRATION TAGS

The registration number issued by the Municipal Clerk for each licensed dog shall be on a metal tag, which tag shall be securely attached to a strap or collar worn around the neck or body of each licensed dog. Each tag shall have marked on it the words "Atlantic Highlands, New Jersey," the year for which the tag was issued and the registration number. The Municipal Clerk may issue substitute tags upon proof of loss by the owner of the registered dog; and the owner shall pay an additional license fee of one (\$ 1.00) dollar for each and every substitute tag.

5-2.4 REMOVING OR TRANSFERRING TAGS UNLAWFUL

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.

5-2.5 NEWLY ACQUIRED DOGS OF LICENSING AGE

The owner of any newly acquired dog of licensing age or of any dog which attains licensing age shall apply for a license and registration tag for such dog within 14 days after such acquisition or age attainment.

5-2.6 DOGS BROUGHT INTO BOROUGH

- a. Any person who shall bring or cause to be brought into the Borough any dog currently licensed in any other municipality for the current year and bearing a registration tag and who shall keep the same or permit the same to be kept within the Borough for a period of more than 90 days shall immediately apply for a license and registration tag for each such dog.
- b. Any person who shall bring or cause to be brought into the Borough any unlicensed dog of licensing age and who shall keep the same or permit the same to be kept within the Borough for a period of more than 14 days shall immediately apply for a license and registration tag for each such dog.

5-2.7 RECORDING OF DOG LICENSES

The Municipal Clerk shall maintain a system for the purpose of registering the name and address of the owner of the dog sought to be licensed and the name, breed, sex and markings of each dog registered. Its number shall be entered therein and numbers for each application for registration shall be in the order in which the application is made.

5-2.8 REGULATIONS FOR CONTROL OF DOGS.

- a. **RUNNING AT LARGE** - No person owning, keeping or harboring any dog shall suffer or permit it to run at large upon the public streets, any public park, any public building or any other public place, unaccompanied by its owner or his, her or its representative or to trespass upon the private property of other persons in the Municipality. Any dog found

running at large shall be deemed to be doing so with the permission of its owner, keeper or harborer and such person shall be guilty of a violation of this subsection.

- b. NUISANCE RESTRICTIONS - No dog owner shall suffer or permit any dog to annoy neighbors or other persons living within the immediate vicinity in the Municipality, by barking, howling whining or crying, nor permit the dog to trespass upon the private property of any other persons in the Municipality, nor suffer or permit his dog to damage shrubbery, flowers, gardens or any other property of any kind or character belonging to any neighbor or other person in the Municipality. No person shall keep, harbor or maintain any dog which habitually barks howls, between the hours of 10:00 p.m. and 6:00 a.m. or which, by frequent barking, howling, whining or crying, disturbs the peace, comfort or quiet of any neighbor.

- c. SOLID WASTE REMOVAL - All dog 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. Proper disposal is 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 other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal. In the event that any dog shall, through inadvertence or otherwise, soil, defile, defecate on or commit any nuisance contrary to the foregoing restrictions, the person owning, harboring, keeping or in charge of such dog shall immediately remove all feces deposited by such dog. The provisions of this article shall not apply to blind persons who may use dogs as guides.

5-3 SEIZURE AND DISPOSITION OF DOGS IN VIOLATION

Any member of the Police Department or the Animal Control Officer or its designated agent, authorized or employed for such purpose by the Borough, shall take into custody and impound or cause to be taken into custody and impounded the following:

- a. Any dog off the premises of the owner or of the person keeping or harboring said dog, which said Chief or member of the Police Department or agent of the Borough has 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 its collar.
- c. Any dog running at large in violation of 5-2.8(a)

- d. Any dog which has, on more than one occasion, attacked or bitten a human being or which habitually attacks other dogs or domestic animals or which otherwise has shown such savagery, fierceness or ferocity as to indicate that it is a threat to the safety of individual persons [hereby defined to be a "vicious dog"].

All dogs seized under these provisions shall be impounded in a place designated by the Borough Council as the dog pound and shall be kept there until disposed of in accordance with the provisions of this section.

5-3.1 REDEMPTION OF SEIZED DOGS

Any dog seized under the provisions of this section may be redeemed by the owner of the dog upon the payment of the sum of twenty five (\$25.00) dollars, together with the sum of ten (\$10.00) dollars per day for each day the dog is kept in the dog pound; provided, however, that such redemption must be within seven (7) days of the impounding or seizure of any dog as provided in this section. Any dog not redeemed as hereinafter provided, within seven (7) days after its seizure, may be euthanized by any approved humane method.

5-3.2 EXEMPTION -

The preceding requirements of Section 5-3 Subsections A, B, C and D of this section shall not be deemed applicable when any dog found running at large or seized and impounded (whether licensed or unlicensed) is vicious or appears to be suffering from rabies. In such case, the Municipal Clerk or any member of the Police Department or agent of the Humane Society may forthwith cause said dog to be destroyed, without incurring any liability for such action.

5-4 KENNELS

No person, firm or corporation shall, at any time, maintain a kennel or similar structure for the purpose of boarding, raising, training or otherwise dealing in dogs or cats. The boarding, training or sale of dogs or cats for compensation within the limits of the Municipality is hereby prohibited.

Nothing in this section shall prevent the use of facilities for the temporary boarding of animals including dogs and cats in direct contiguous conjunction with a licensed veterinarian clinic or veterinary hospital.

5-5 CAT LICENSING AND CONTROL

5-5.1 LICENSE REQUIRED

No person shall own, keep, harbor or maintain any cat within the Municipality, over seven months of age, unless such cat is vaccinated and has obtained a license from the Municipal Clerk. Any person who shall own, keep, harbor or maintain a cat of licensing age shall annually apply for and procure from the Municipal Clerk or his designated representative a license and official metal registration tag. The Municipal Clerk shall issue a registration number for each cat so licensed. For the purpose of this section, any person who harbors or possesses any cat for a period of fifteen (15) days or more shall be deemed the owner of the cat so harbored or possessed.

5-5.1(a) Proof of licensing shall be produced by any person owning, keeping, harboring or maintaining a cat upon request by any health official, police officer, animal control officer or other authorized person.

5-5.2(a) EXCEPTION

Any cat may be exempted from the requirements of such vaccination 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.

5-5.2 CAT LICENSE FEE

The cat license fee shall be five (\$5.00) dollars for spayed cats and eight (\$8.00) dollars for non-spayed cats. An additional late fee of two (\$2.00) dollars per cat license shall be paid by all persons purchasing a license 30 days after expiration of such license.

5-5.3 REGISTRATION TAGS

The registration number issued by the Municipal Clerk for each licensed cat shall be on a metal tag, which tag shall be securely attached to a strap or collar worn around the neck or body of each licensed cat. Each tag shall have marked on it the words "Atlantic Highlands, New Jersey," the year for which the tag was issued and the registration number. The Municipal Clerk may issue substitute tags upon proof of loss by the owner of the registered cat; and the owner shall pay an additional license fee of one (\$ 1.00) dollar for each and every substitute tag.

5-5.4 COMPLIANCE DATES

Any cat owner bringing a new cat into the Municipality, in any year, must obtain a proper license within fifteen (15) days of taking possession of that cat. Any kitten under the age of vaccination, must obtain a license within 30 days after receiving their first vaccination. All cats currently residing and licensed within the Borough, must obtain a new license within 30 days after the expiration of such license .Any owner of a cat in the Borough who shall neglect or refuse to obtain a license in the manner herein provided shall be guilty of a violation of this section.

5-5.5 NUISANCE RESTRICTIONS -

a. SOLID WASTE REMOVAL

All cat 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. Proper disposal is 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 other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

b. No person shall keep, harbor or maintain any cat which habitually whines or howls, between the hours of 10:00 p.m. and 6:00 a.m. or which, by frequent howling, whining or crying, disturbs the peace, comfort or quiet of any neighbor.

- c. No person shall permit any cat to remain on or about any premise, nor provide food to or shelter to any cat unless such cat is vaccinated and has obtained a license from the Municipal Clerk. Any person feeding or sheltering a cat that is unlicensed, stray or feral shall, shall be considered the owner and keeper of such cat and will be responsible for adhering to all provisions of Article 5-5

5-6 COMMON HOUSEHOLD PETS

5-6.1 NUMBER OF COMMON HOUSEHOLD PETS LIMITED

- a) No person or entity shall own, keep, harbor or maintain more than twelve (12) common household pets, other than fish, at one premise. Dogs and cats which have not attained licensing age shall not be included within the twelve-pet limitation.
- b) All common household pets shall be maintained and housed in accordance with all applicable State, County and Local health codes and regulations.

5-6.2 POT BELLIED PIG - REGISTRATION REQUIRED.

Every person who shall own any pot bellied pig, within the Municipality shall register each pig with the Municipal Clerk. The Municipal Clerk shall issue a registration number for each pig. Every Pot Bellied pig must be vaccinated in accordance with the Statutes and regulations of the State of New Jersey and the recommendations of any State and/or County Health Organization.

5-6.3 POT BELLIED PIG - LICENSE FEE

The Pot belly pig license fee shall be ten (\$10.00) dollars. An additional late fee of two (\$2.00) dollars per pot bellied pig license shall be paid by all persons purchasing a license 30 days after expiration of such license.

5-6.4 SOLID WASTE REMOVAL

All Common Household 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. Proper disposal is 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 other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

5-7 ANIMAL NUISANCES

5-7.1 DECLARATION OF NUISANCE; RESPONSIBILITY OF OWNER

No person owning or having responsibility for the care, custody or control of any common household pet shall not suffer or permit such animal to:

- a. Deposit any feces or to commit any nuisance upon any sidewalk, street or thoroughfare or upon any public park, playground or other public place.

- b. Soil or defile or do any injury or damage to any lawn, vegetable garden, shrubbery, trees, flowers, driveway or ground on any private property of persons other than that of the owner or person responsible for the care, custody or control of such pet
- c. Cause any injury to any person.
- d. Cry, whine, howl or otherwise disturb the peace or quiet of the neighborhood or the sleep of any person for any unreasonable length of time.
- e. Be or become a public nuisance or create a condition hazardous to safety health or well being of any resident, business owner or visitor.

(a) No person shall keep, harbor or maintain any common household pet which habitually disturbs the peace, comfort or quiet of any neighbor.

(b) No person owning or having the responsibility for the care, custody or control of any common household pet shall permit the accumulation of animal waste within or upon the premises where such animal or animals are kept, so as to allow the creation of any public health hazard or an odor of animal waste discernible beyond the property lines of the dwelling unit upon which the animal or animals are kept.

Each of the household animal behaviors described in this article is hereby declared to be a nuisance.

5-8 FARM ANIMALS AND WILD OR EXOTIC

Purpose: The purpose of this article is to establish requirements for the keeping of farm animals and wild or exotic animals and to establish licensing procedures therefore.

5-8.1 MINIMUM LAND AREA REQUIRED.

No farm animal or wild or exotic animal shall be kept by any person or entity unless the land on which such animal is to be kept shall consist of a minimum of five acres. The governing body of the Borough of Atlantic Highlands finds and declares that such area is the minimum needed for the keeping of such animals.

5-8.2 LICENSES REQUIRED

No person, firm, household, corporation or other entity shall keep any farm animal or wild or exotic animal within the Borough of Atlantic Highlands unless such person or entity shall first apply for and obtain a license from the Municipal Clerk and shall comply with all regulations contained in this article.

5-8.3 LICENSE APPLICATIONS

All applications under this article shall be in writing and shall state the kind and number of animals, the purpose for which they will be kept. The application shall be accompanied by a sketch showing the location of all buildings or enclosures proposed for such animals.

The Municipal Clerk may require the designation of genus and species of animals were deemed necessary.

- a. No license shall be granted where it appears from the application that the occupant of any neighboring property shall be adversely affected by the presence of the animals for which the license is sought. "Adversely affected" shall be deemed to mean affected by noise, odor, unsightliness or reasonably perceived danger of physical harm.
- b. Applications for licenses to harbor farm animals or wild or exotic animals may be obtained upon application to the Municipal Clerk.
- c. Provided that a properly completed application shall be submitted, the Municipal Clerk shall present such application, within 20 days, to the Zoning Officer, which shall grant or deny the license applied for.
- d. The Borough Code Enforcement Officer, and/or the Borough Administrator may revoke any license issued under this article in the event of violation by the licensee of any of the provisions of this chapter.
- e. Where any license application is denied or any license is revoked, the applicant or licensee may, within 15 days of the denial or revocation, request a hearing before the Governing Body. The Governing Body may affirm, modify or reverse such denial or revocation. The hearing shall be held within 30 days of the receipt of the request for hearing, and the determination of the Governing Body shall be issued within 30 days after the hearing.

5-8.4 OTHER LAWS APPLICABLE

Nothing contained in this article shall be deemed to permit the keeping of any animal or engaging in any practice prohibited by Title 4 of the New Jersey Statutes or by any other law, ordinance or regulation.

5-8.5 EXCEPTIONS

Any animal rehabilitator licensed by the New Jersey Department of Environmental Protection shall be exempt from the provisions of this article.

5-9 COMPLAINTS

The provisions of this Ordinance may be enforced upon written complaint by a complaining witness filed in the Municipal Court. In any proceeding before the Judge of the Municipal Court, upon a complaint duly made and filed in the Municipal Court, if the Court shall then find that the animal in question has committed the prohibited acts alleged in the complaint, there shall be a presumption that the defendant owner, possessor or harbinger has suffered or permitted such animal to commit the prohibited acts alleged in the complaint; and it shall not be necessary that the complainant prove the defendant's knowledge, or intention; provided however, that it shall appear in such proceeding that a complainant has on at least one (1) other previous occasion lodged a complaint with the Municipal Police Department charging the same defendant with the same offense, and that the defendant had notice of such previous complaints.

5-10 ENFORCEMENT

It shall be the responsibility of the Police Department, Code Enforcement Officer, Animal Control Officer or any other individual, corporation or entity that the Municipality shall contract with for the responsibility of enforcing this ordinance to sign a complaint upon violation of this Ordinance and also to sign a complaint after investigating the notice of any violation of any provision of this ordinance.

5-10.1 INTERFERENCE WITH PERFORMANCE OF OFFICIAL DUTIES

Any person who shall in any way hinder or interfere with the Police Department, Code Enforcement Officer, Animal Control Officer or any other individual, corporation or entity that the Municipality shall contract with for the responsibility of enforcing this ordinance, in the performance of their duties under the provisions of this section shall be deemed to have violated the provisions of this section.

5-11 VIOLATIONS AND PENALTIES

Any person who shall violate any provision of this Ordinance, upon conviction thereof, shall pay a fine of not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars for each offense. Fines for non-registered dogs shall be not less than twenty-five (\$25.00) dollars and not more than seventy-five (\$75.00) dollars.

5-12 REPEAL OF FORMER PROVISIONS

Chapter V titled "Animal Control" of the Revised General Ordinances of the Borough of Atlantic Highlands and all Ordinances or parts of Ordinances, which are inconsistent with the terms of this Ordinance, be and the same are hereby repealed to the extent of their inconsistency.

This Ordinance shall take effect immediately upon proper passage and publication in accordance with law.

Council member Dellosso introduced this Ordinance and, after First Reading, moved for approval. It was seconded by Council member Fligor and approved by the following vote.

AYES: Council members Archibald, Dellosso Doyle, Fligor and Hoffmann

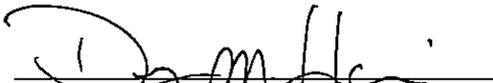
NAYS:

ABSENT:

The Second Reading, Public Hearing and possible adoption is scheduled for November 12, 2008.

I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held October 22, 2008.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 23th day of October, 2008.



Dwayne M. Harris

After a Public Hearing and Second Reading, Council member Sutton moved for final adoption of this Ordinance. It was seconded by Council member Fligor and adopted by the following vote.

AYES: Council members Archibald, Doyle, Fligor, Hoffmann and Sutton

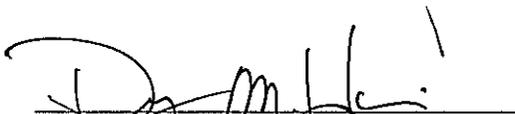
NAYS:

ABSTAIN:

ABSENT: Council Member Dellosso

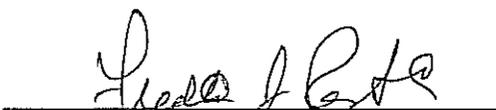
I, Dwayne M. Harris, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held November 12, 2008.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 13th day of November, 2008.



Dwayne M. Harris

DATE OF MAYOR'S APPROVAL: November 13, 2008



Frederick J. Rast III, Mayor

