

**BOROUGH OF FAR HILLS
ORDINANCE NO. 2015-13**

AN ORDINANCE REGULATING ANIMAL CONTROL
AND ADOPTING A LICENSE FEE SCHEDULE

BE IT ORDAINED by the Borough Council of the Borough of Far Hills in the County of Somerset and State of New Jersey as follows:

Section I. Ordinances No. 1942-01, 1967-01, 1983-07, 1991-04, 1992-02, 2002-04 are hereby repealed in their entirety.

Section II. DEFINITIONS

For the purpose of this chapter, the following words and terms shall have the meanings given unless the context indicates otherwise:

Animal Control Officer shall be the person appointed to that position by the Mayor and Council.

Cat shall mean any member of the domestic feline species; male, female or altered.

Dog shall mean any dog, bitch, neutered dog or spayed bitch.

Kennel shall mean any commercial establishment where the business of boarding or selling or breeding dogs for sale is carried on, except a pet shop.

Licensing Age shall mean any cat or dog which has attained the age of seven (7) months or which possess a set of permanent teeth.

Owner of a Cat shall mean and include every person having a right of property or custody in such cat and every person who has such cat in his/her keeping, or who harbors or maintains a cat or knowingly permits a cat to remain on or about any premises occupied by that person.

Owner of a Dog shall mean and include every person having a right of property or custody in any dog and every person exercising control over a dog or permitting a dog to remain on premises under his control.

Pet Shop shall mean any establishment where dogs are kept or displayed solely for the purpose of sale.

Pound shall mean an establishment for the confinement of dogs seized either under the provisions of this Ordinance or otherwise.

Shelter shall mean any establishment where dogs are received, housed and distributed.

Vaccination Age shall mean any cat or dog which has attained the age of seven months.

Vicious or Potentially Dangerous Dog shall have the meaning ascribed by P.L. 189, C. 307, as amended.

Section III. LICENSING OF CATS AND DOGS

3.1. Requirement for License.

Licenses shall be required for the following cat or dog of licensing age:

- a. Any cat or dog owned or kept within the Borough by a resident of the Borough on the first day of January of any calendar year.
- b. Any cat or dog acquired by any person during the course of any calendar year and kept within the Borough for more than ten (10) days after acquisition.
- c. Any cat or dog attaining licensing age during the course of the calendar year.
- d. Any unlicensed cat or dog brought into the Borough by any person and kept within the Borough for more than ten (10) days.
- e. Any cat or dog licensed by another State brought into the Borough by any person and kept within the Borough for more than ninety (90) days.

3.2 Application for License.

An application for a license under this section shall give the following information:

- a. A general description of the cat or dog sought to be licensed, including breed, sex, age, color and markings, and whether the cat or dog is of a long or short haired variety.
- b. Name, street and post office address of the owner of the cat or dog and the person who shall keep such cat or dog, if other than owner.
- c. Registration numbers shall be issued in the order in which applications are received.

3.3 Evidence of Inoculation

The Licensing Authority shall not grant any such license or official metal registration tag for any cat or dog unless the owner thereof provided evidence that the cat or dog to be licensed and registered 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 Health, Education and Welfare, or has been certified exempt as provided by regulations of the State Department of Health. Such vaccination shall be repeated at intervals as provided by regulations of the State Department of Health, and shall be administered by a duly licensed veterinarian or by such other veterinarian permitted by law to do the same.

3.4 Application for License; when made.

Applications for licenses for cats or dogs which are required to be licensed by the provisions of subsection 3.1a shall be made before the first day of February of each calendar year. In all other cases, the application for a license shall be made within ten (10) days of the date upon which the dog in question first becomes subject to the provisions of this ordinance.

3.5 Fees.

The person applying for the license shall pay a fee in accordance with the following schedule:

- a. For the Calendar Year 2016. The person applying for the license shall pay a fee of eleven dollars and eighty (\$11.80) cents for each dog. They shall also pay one dollar and twenty (\$1.20) cents for the registration tag for each dog as required by the State of New Jersey. An additional three (\$3.00) dollar fee will be charged if the owner does not produce a certificate of alteration for their dog.

- b. For the Calendar Year 2016. The person applying for the license shall pay a fee of ten (\$10.00) dollars for a cat registration certificate which is valid for up to six (6) cats. An additional three (\$3.00) dollar fee per cat will be charged if the owner does not produce a certificate of alteration.
- c. For the Calendar Year 2017 and all subsequent years or until such time as the fee may be changed by ordinance. The person applying for the license shall pay a fee of sixteen dollars and eighty cents (\$16.80) for each dog. They shall also pay one dollar and twenty (\$1.20) cents for the registration tag for each dog as required by the State of New Jersey. An additional three (\$3.00) dollar fee will be charged if the owner does not produce a certificate of alteration for their dog.
- d. For the Calendar Year 2017 and all subsequent years or until such time as the fee may be changed by ordinance. The person applying for the license shall pay a fee of fifteen (\$15.00) dollars for a cat registration certificate which is valid for up to six (6) cats. An additional three (\$3.00) dollar fee per cat will be charged if the owner does not produce a certificate of alteration.

3.6 Expiration Date.

Each cat or dog certificate/license and registration tag shall expire on the last day of January of the calendar year following the calendar year in which it was issued.

3.7 Exceptions.

The provisions of this section shall not apply to any dogs licensed under Section 3 of this ordinance. Dogs used as guides for blind persons and commonly known as “seeing eye” dogs and dogs used for deaf persons commonly known as “hearing ear” dogs shall be licensed and registered in the same manner as other dogs, except that the owner shall not be required to pay any fee.

3.8 Late Fee.

- a. Anyone failing to license their cat or dog as provided in this ordinance by the deadline established shall pay a late fee in addition to the regular license fee as follows:
 - 1. First 10 days of delinquency shall be considered a grace period.
The late fee shall be ten (\$10.00) dollars for each dog or cat certificate.

Section 4. KENNELS, PET SHOPS, SHELTERS AND POUNDS

4.1 License Required.

Any person who keeps or operates or proposes to establish a kennel, a pet shop, a shelter or a pound, shall apply to the Borough Clerk for a license entitling him to keep or operate such establishment. Any person holding such license shall not be required to secure individual licenses for dogs owned by such licensee and kept at such establishment, such license shall not be transferable to another owner or different premises.

4.2 Application Information.

The application shall contain the following information:

- a. The name and permanent and local address of the applicant, and telephone number and email address.
- b. The street address where the establishment is located, or proposed to be located,

together with a general description of the premises.

- c. The purpose for which it is to be maintained.
- d. The maximum number of dogs to be accommodated by such establishment at any one (1) time.

4.3 Approval of Health Officer.

No license shall be issued until the proposed licensee submits a written statement from the Health Officer of the Board of Health that the establishment or proposed establishment complies with the local and State rules governing the location of and sanitation at such establishment.

4.4 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 such licenses shall expire on the last day of January of each year.

4.5 License Fees.

The annual fees for kennel or pet shop license shall be as follows:

- a. Kennel accommodating ten (10) or less dogs; ten (\$10.00) dollars
- b. Kennel accommodating more than ten (10) dogs; twenty-five (\$25.00) dollars
- c. Pet shop; ten (\$10.00) dollars
- d. Shelter or pound; no fee

4.6 Compliance with State Regulations.

All licenses issued for a kennel, pet shop, shelter or pound shall be subject to revocation by the Borough Council on recommendation of the State Department of Health or the Borough Board of Health for failure to comply with the rules and regulations of the State Department of Health or the Borough Board of Health, after the owner has been afforded a hearing by either the State Department of Health or the Borough Board of Health.

Any person holding a license to establish, keep or operate a kennel, pet shop, shelter or pound shall comply with all Borough ordinances and the rules and regulations promulgated by the State Department of Health governing the sanitary conduct and operation of kennel, pet shops, shelters and pounds, the preservation of sanitation therein and the prevention of the spread of rabies and other diseases of dogs within and from such establishments.

4.7 Report to State Health Department.

The Borough Clerk or designated employee shall forward to the State Department of Health a list of all kennels, pet shops, shelters or pounds licensed within thirty (30) days after the licenses therefor are issued, which list shall include the name and address of the licensee and the kind of license issued.

4.8 Control of Dogs Off Premises.

No dog kept in a kennel, pet shop, shelter or pound shall be permitted off such premises, except on a leash or a crate or other safe control.

Section 5. DISPOSITION OF FEES.

- 5.1 License fees and other moneys collected or received under the provisions of this ordinance, except the registration tag fees, shall be forwarded to the Chief Financial Officer of the Borough within two (2) days after collection or receipt.

Section 6. POTENTIALLY DANGEROUS DOMESTIC ANIMAL.

- 6.1 **Official Complaint; Investigation; Report.**
It shall be the duty of the Animal Control Officer, the Chief of Police or designated Police Officer to receive and investigate any complaints against potentially dangerous domestic animals. Any complaint against a potentially dangerous domestic animal shall be administered in accordance with P.L. 189, C. 207 (1) et seq., (N.J.S.A. 4:19-18), as amended. A written report of the findings shall be delivered to the Municipal Court Clerk.
- 6.2 **Private Complaint.**
Any person may make a complaint to the Animal Control Officer or in the Municipal Court against the owner of a potentially dangerous domestic animal in which case such complaint shall also be administered in accordance with P.L. 1989, c. 307, (1) et seq. (N.J.S.A. 4:19-18) as amended.
- 6.3 **Notice; Hearing.**
The Animal Control Officer or the Chief of Police or designated Police Officer shall issue a notice of violation of this chapter to the owner or person keeping the allegedly vicious dog or allegedly potentially dangerous dog. The Municipal Court Clerk shall notify in writing the owner of an allegedly vicious dog or allegedly potentially dangerous dog that a complaint has been made and require that such person appear before him at a stated time and place for a hearing. The Municipal Judge shall conduct the hearing in the same manner as he would conduct the trial of a criminal case. If the Municipal Judge decides that the dog complained of is a vicious dog, he shall so notify the owner of the dog.

Section 7. IMPOUNDING AND DESTRUCTION OF CERTAIN DOGS

- 7.1 **Causes for Impounding.**
The Chief of Police, or designated Police Officer and/or the Animal Control Officer shall take into custody and impound, or cause to be taken into custody and impounded, any of the following dogs:
- a. Any licensed or unlicensed dog running at large in violation of the provisions of this Ordinance.
 - b. Any dog off the premises of the owner or which the Chief of Police, or designated Police Officer and/or the Animal Control Officer has reason to believe is a stray dog.
 - c. Any dog off the premises of the owner or of the person keeping or harboring the dog without a current registration tag on its collar except where such dog is being exhibited in a dog show or in an obedience trial.
 - d. Any female dog in season off the premises of the owner or of the person keeping or harboring such dog and not under the control of such person.
 - e. If any apparently vicious dog is not under the owners' or keepers control, or

appears to be uncontrollable, and cannot be seized with safety, the Chief of Police, or designated Police Officer and/or the Animal Control Officer may order the animal to be destroyed.

7.2 Access to Premises.

Any officer or agent authorized or empowered to perform any duty under this Ordinance is authorized to go upon any premises to seize for impounding any dog which he may lawfully seize and impound when he is in immediate pursuit of such dog except upon the premises of the owner of the dog if the owner is present and forbids it.

7.3 Notice of Seizure.

If any dog impounded or seized wears a registration tag, collar or harness having inscribed on or attached to it the name and address of any person or the owner of the dog, the Chief of Police, or designated Police Officer and/or the Animal Control Officer shall immediately serve on the person whose address is given on the collar or on the person owning the dog, 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 subsection 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 of abode, or to the address given on the collar.

7.4 Disposition of Unclaimed Dogs; Reclaiming Charges.

- a. The owner of the animal is responsible for all expenses incurred by reason of detention of the animal.
- b. When any dog has been seized in accordance with the provisions of this section and has been detained for seven (7) days after such notice, when notice can be given as set forth in subsection 7.3, or has been detained for seven (7) days after seizure, when no notice can be given as set forth in subsection 7.3 because the dog is not wearing a registration tag 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 as provided in subsection 7, and if the dog is unlicensed at the time of seizure and the owner or person keeping or harboring said dog has not produced a license and registration tag for said dog, the Chief of Police or designated Police Officer and/or the Animal Control Officer may cause the dog to be destroyed in as humane a manner as possible or otherwise disposed of. Charges shall be paid to the Borough as expenses incurred by reason of detention in accordance with the provisions of this section.

Section 8. REGULATIONS

8.1 Compliance with Regulations Required.

No person shall own, keep or harbor a cat or dog in the Borough of Far Hills except in compliance with the provisions of this Ordinance.

8.2 Registration Tags.

At the time of the issuance of each dog license, a metal registration tag shall be issued for each licensed. Each licensed dog shall wear a collar or harness with the registration tag securely fastened to it.

- 8.3 Use of Registration Tags.
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.
- 8.4 Interference with Official Duties.
No person shall interfere with anyone authorized or empowered to perform any duty under this Ordinance.
- 8.5 Disturbing the Peace.
No person shall own, keep, harbor or maintain a dog which habitually barks or cries in such a manner as to disturb any other person, particularly between the hours of 10:00 p.m. and 6:00 a.m.
- 8.6 Running at Large.
No person owning, keeping or harboring any dog shall permit it to run at large upon the public streets, in any public park, in any public building, or in any other public place within the Borough, nor shall any such person permit it to run at large upon the lands of another without his permission.
- 8.7 Leashing of Dogs.
No person owning, keeping or harboring any dog shall permit it to be upon the public streets or in any of the public places of the Borough unless such dog is accompanied by a person capable of controlling it and is securely confined and controlled by an adequate leash not more than six (6) feet long.
- 8.8 Property Damage.
No person owning, keeping or harboring a dog shall permit it to do any injury, or to do any damage to any lawn, shrubbery, flowers, ground or property.
- 8.9 Removal of Dog Feces.
No dog owner shall permit a 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, without having such feces immediately removed and disposed of by the dog owner by any sanitary method.
- 8.10 Enforcement.
Enforcement of this chapter may be performed by the Animal Control Officer, any Public Officer or any citizen suffering from a violation of the chapter.

Section 9. PENALTY.

- 9.1 Any person who shall violate any provision of this Ordinance, upon conviction thereof, shall forfeit and pay a fine of not less than two hundred fifty (\$250.00) dollars nor more than the maximum fine or imprisonment, or both, permitted by the general penalties set forth in the

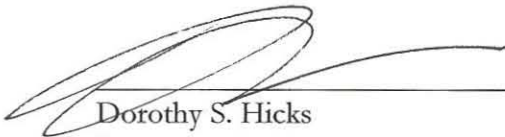
Borough's general penalty ordinance. Each and every act in violation of the terms of this Ordinance shall constitute a separate violation and subject to penalty.

Section 10. SEVERABILITY, REPEALED, ADOPTION.

- 10.1 In case any article, section or provision of this ordinance shall be held to be invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provisions so declared invalid shall be inseparable from the remainder or any portion thereof.
- 10.2 In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinances of the Borough of Far Hills, the provisions hereof shall be determined to govern, and the inconsistencies of the prior ordinance are hereby repealed. All other parts, portions and provisions of the Ordinances of the Borough of Far Hills are hereby ratified and confirmed, except where inconsistent with the terms hereof.
- 10.3 This Ordinance shall take effect immediately upon its final passage and publication according to the law.

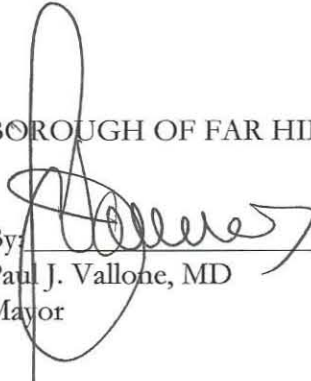
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ATTEST:



Dorothy S. Hicks
Borough Clerk

BOROUGH OF FAR HILLS



By: Paul J. Vallone, MD
Mayor