

DOGS

Chapter 44

DOGS

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[HISTORY: Adopted by the Township Committee of the Township of Union 9-9-76 as Ord. No. 1976-24. Amendments noted where applicable.]

GENERAL REFERENCES

Board of Health — See Ch. 11.
 Animals on bathing beach — See Ch. 33.
 Swine — See Ch. 30.

Be it ordained by the Township Committee of the Township of Union, in the County of Ocean and State of New Jersey:

§ 44-1. Definitions and word usage.

A. Definitions. The words hereinafter defined shall have the meanings indicated, for the purposes of this ordinance, as follows:

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

OWNER — When applied to the proprietorship of a dog, every person having a right of property in such dog and every person who has such dog in his keeping.

PERSON — An individual, firm, partnership, corporation or association of persons.

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

POUND — An establishment for the confinement of dogs seized either under the provisions of this ordinance or otherwise.

PROVOKED — Excited, stimulated or aroused to react to bite. [Added 3-17-80 by Ord. No. 1980-6]

SHELTER — Any establishment where dogs are received, housed and distributed without charge.

TOWNSHIP — The Township of Barnegat in the County of Ocean.

UNPROVOKED — The dog engaged in biting without having been excited, stimulated or provoked. [Added 3-17-80 by Ord. No. 1980-6]

B. Word usage.

- (1) The words "and" and "or" may be used interchangeably and either of the two (2) may be applicable, whichever is more conducive towards effectuating this ordinance.
- (2) Personal pronouns shall mean either the singular or the plural, whichever is applicable and conducive towards effectuating this ordinance.
- (3) The masculine, feminine or neuter gender shall be implied, whichever is appropriate and conducive for effectuating this ordinance.

§ 44-2. Licensing provisions.

- A. Any person residing in the Township of Barnegat who shall own, keep or harbor a dog of licensing age shall, in the month of January, apply for and procure from the Township Clerk a license and official metal registration tag for each such dog so owned, kept or harbored, and shall place upon each such dog a collar or harness with

the registration tag securely fastened thereto; provided, however, that in the event such a dog shall be newly acquired, or in the event that after acquisition a dog shall attain licensing age, the initial application for the license and registration tag shall be made within ten (10) days after such acquisition or age attainment. **[Amended 2-7-83 by Ord. No. 1983-2]**

- B. Any person who shall bring or cause to be brought into the township any dog licensed in another state for the current year and bearing a registration tag, and shall keep the same or permit the same to be kept within the township for a period of more than ninety (90) days, shall immediately apply for a license and registration tag for each such dog, unless such dog is licensed under a kennel, pet shop, shelter or pound license issued according to law.
- C. Any person who shall bring or cause to be brought into the township from another state any unlicensed dog and shall keep same or permit the same to be kept within the township for a period of more than ten (10) days shall immediately apply for a license and registration for each such dog, unless such dog is licensed under a kennel, pet shop, shelter or pound license issued according to law.
- D. The Township Clerk will be responsible for the annual issuance of a registration tag for each of the years that the three-year license is in effect. **[Added 3-17-80 by Ord. No. 1980-6; amended 2-7-83 by Ord. No. 1983-2]**

§ 44-3. Rabies vaccination. [Amended 3-17-80 by Ord. No. 1980-6]

No license or official metal registration tag shall be issued for any dog unless the owner thereof provides evidence that the 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. There must be at least thirty (30) months of recognized duration of immunity following the date of issuance of a three-year (thirty-six-month) license.

§ 44-4. Licenses and registration tags; fees.

A. Fees. [Amended 3-17-80 by Ord. No. 1980-6; 10-19-81 by Ord. No. 1971-37; 12-3-84 by Ord. No. 1984-30; 8-18-08 by Ord. No. 2008-26]

- (1) One-year license. The persons applying for the license and registration tag shall pay a fee of seven dollars and eighty cents (\$7.80) for the license and the sum of one dollar (\$1.) for the registration tag for each dog; and for each annual renewal, the fee for the license and for the registration tag shall be the same as for the original license and tag. Said licenses, registration tags and renewals thereof shall expire on January 31 in each year. Additionally, there shall be a twenty cent (\$.20) assessment for a pilot clinic as required by the State of New Jersey and an additional charge of three dollars (\$3.) for each dog that is neither spayed nor neutered. These additional fees are assessed by the State of New Jersey and in the event they are increased the license fee shall be increased accordingly. With the passage of this subsection the fees shall be nine dollars (\$9.) if the dog is spayed or neutered and twelve dollars (\$12.) if they are not.
 - (a) The sum to be paid annually for a potentially dangerous dog license and for each renewal thereof within the Township of Barnegat shall be the sum of seven hundred dollars (\$700.) per animal per year which fee shall be retained by Barnegat Township and deposited in a special account used to pay for

the enforcement and administration of P.L. 1989, C.307. [Added 7-1-91 by Ord. No. 1991-32]

- (2) Three (3) year license. The persons applying for a three (3) year license and registration tag shall pay a fee of fourteen dollars and forty cents (\$14.40) for the license and the sum of three dollars (\$3.) for the registration tag for each dog; and for each renewal, the fee for the license and for the registration tag shall be the same as for the original license and tag. Said licenses, registration tag and renewals thereof shall expire on January 31 following the last year of the three (3) year period. When a three (3) year license is issued, separate checks will be required for each year. Additionally, there will be a charge of sixty cents (\$0.60) for the pilot clinic as required by the State of New Jersey and an additional charge of nine dollars (\$9.) for any dog that is neither spayed nor neutered. In the event that any of these previous assessments are increased during the term of the license the appropriate increased assessment will be levied upon the license holder. [Amended 12-2-91 by Ord. No. 1991-43]
- B. No license or registration tag shall be required in any licensing year for any dog for which a license and registration tag for such year has been issued by any other municipality in New Jersey.
- C. 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 therefor.
- D. License forms and uniform metal registration tags designed by the State Department of Health shall be furnished by the township and shall be numbered serially and shall bear the year of issuance and the name of the township.

§ 44-5. Application information. [Amended 3-17-80 by Ord. No. 1980-6]

The application shall state the breed, sex, age, color and markings of the dog for which the license and registration are sought, whether such dog 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 dog. The information on said application and registration number issued for the dog shall be preserved for a period of three (3) years by the Secretary of the Board of Health of the township. In addition, he shall forward similar information to the State Department of Health each month, in forms furnished by said Department. The report for three-year licenses shall be submitted on separate forms, one (1) form for each year covered by the licenses issued. Registration numbers shall be issued in the order of the applications.

§ 44-6. Removal of registration tag; false identification.

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.

(Cont'd on page 4407)

§ 44-7. Licensing of kennels, pet shops and shelters.

- A. Any person who keeps or operates or proposes to establish a kennel, pet shop, shelter or pound shall apply to the Secretary of the Board of Health of the township for a license entitling him to keep or operate such establishment.
- B. The application shall describe the premises where the establishment is located or is proposed to be located and the purpose or purposes for which it is to be maintained, and shall be accompanied by the written approval of the Health Officer of the Board of Health of the township, showing compliance with the local and state rules and regulations governing location of and sanitation at such establishments.
- C. 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 and shall be subject to revocation by the Township Committee on recommendations of the State Department of Health or the Board of Health of the township for failure to comply with the rules and regulations of the State Department of Health or the Board of Health of the township governing the same, after the owner has been afforded a hearing by either the State Department of Health or the Board of Health of the township.
- D. Any person holding such license shall not be required to secure individual licenses for dogs owned by such licensee and kept at such establishments. Such licenses shall not be transferable to another owner or different premises.

§ 44-8. License fees for kennels, pet shops and shelters.

The annual license fee for a kennel providing accommodations for ten (10) or less dogs shall be ten dollars (\$10.) and for more than ten (10) dogs, 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.

§ 44-9. Dogs off premises prohibited; exceptions.

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

§ 44-10. Disposition of moneys.

- A. License fees and other moneys collected or received under the provisions of this ordinance, except registration tag fees, shall be forwarded to the Treasurer of the township within thirty (30) days after collection or receipt and shall be placed in a special account separate from any of the other accounts of the township and which shall be used for the following purposes only: for collecting, keeping and disposing of dogs liable to seizure under this ordinance; for local prevention and control of rabies; for providing anti-rabic treatment under the direction of the local Board of Health for any person known or suspected to have been exposed to rabies; for all other purposes prescribed by the statutes of New Jersey governing the subject; and for administering the provisions of this ordinance. Fees collected for a three-year license will be credited to the years for which the three-year license is issued. Any unexpended balance remaining in such special account shall be retained therein until the end of the third fiscal year following and may be used for any of the purposes set forth in this subsection. At the end of the 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 township any amount then in such account which is in excess of the total amount paid into said special account during the last two (2) fiscal years next preceding. [Amended 3-17-80 by Ord. No. 1980-6]
- B. The registration tag fee of fifty cents (\$0.50) for each tag shall be forwarded, within thirty (30) days after collection by the Secretary of the Board of Health, to the State Department of Health.

§ 44-11. List of kennels, pet shops and shelters.

The Secretary of the Board of Health of the township shall forward to the State Department of Health a list of all kennels, pet shops, shelters and pounds licensed, within thirty (30) days after the licenses therefor are issued, which list shall include the names and addresses of the licensees and the kind of licenses issued.

§ 44-12. Annual canvass.

The Township Clerk be and hereby is appointed to annually cause a canvass to be made of all dogs owned, kept and harbored within the limits of the township, and he shall report, on or before May 1, to the State Board of Health, the result thereof, setting forth in separate columns the names and addresses of persons owning, keeping or harboring unlicensed dogs, the number of unlicensed dogs owned, kept or harbored by each of said persons, together with a complete description of each of said unlicensed dogs. [Amended 2-7-83 by Ord. No. 1983-2]

§ 44-13. Agreement with humane society; impoundment and disposition of dogs.

A. [Amended 7-7-80 by Ord. No. 1980-22] The Township Committee, or its duly authorized animal warden, may take into custody and impound and thereafter destroy or dispose of any dog as hereinafter provided. Additionally, the Township Committee is authorized to enter into an agreement with a humane society or other similar association not organized for procuring profit, which society or association shall take into custody and impound and thereafter destroy or dispose of as provided in this section:

- (1) 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 have reason to believe is a stray dog.

- (2) Any dog off the premises of the owner or of the person keeping or harboring said dog without a current registration tag on his collar.
 - (3) Any female dog in season off the premises of the owner or of the person keeping or harboring said dog.
- B. If any dog 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 if the owner or the person keeping or harboring said dog is known, said society or association shall forthwith serve on the person whose address is given on the collar, or on the owner or the person keeping or harboring said dog, if known, 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 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.
- C. When any dog so seized has been detained for seven (7) days after notice, when notice can be given as set forth above, or has been detained for seven (7) days after seizure when no notice has been given as above set forth, 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 and if the dog was unlicensed at the time of the seizure and the owner or person keeping or harboring said dog has not produced a license and registration tag for said dog, the township or said society or association may cause the dog to be destroyed in a manner causing as little pain as possible. No dog or other animal so caught and detained or procured, obtained, sent or brought to a pound or

shelter shall be sold or otherwise made available for the purpose of experimentation. **[Amended 7-7-80 by Ord. No. 1980-22]**

- D. Any person may redeem his dog and/or domestic or exotic animal from the Township Animal Control Officer upon payment to said Animal Control Officer the sum of twenty-four dollars (\$24.), in addition to a maintenance fee of four dollars (\$4.) per day.
- E. Any fees collected by said society or association from owners of dogs or other animals for their care and shelter shall be paid or credited to the township. All boarding fees shall be paid to the township. Any fee collected as an ambulance fee shall be paid by said society or association to the township and all boarding fees for the first seven (7) days shall be paid to the township.

§ 44-14. Authority to enter premises.

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

§ 44-15. Interference with authorized persons.

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

§ 44-16. Annoyance or injury to persons or property.

No person who owns, keeps or harbors any dog shall suffer or permit such dog to bark, howl or cry habitually in such manner as to constitute a nuisance, or to bite or molest any person, or to chase any vehicle upon a public street, or to injure or damage any lawn, shrubbery, flowers, grounds or any property of any person other than its master's, or to behave in any way so as to endanger persons or property.

§ 44-17. Restraint of dogs outdoors. [Amended 7-7-80 by Ord. No. 1980-22]

- A. No person who owns, keeps or harbors any dog shall suffer or permit such dog to be out of doors unless accompanied by and under the control of a responsible person or unless confined within a secure enclosure on its master's property.
- B. Cages for restraining animals. Any resident of the Township of Barnegat may obtain from the Township Animal Control Officer, animal cages for the catching and restraining of animals when said cages are available. Said residents shall deposit with the Animal Control Officer, a check in the amount of fifty dollars (\$50.) per cage payable to Animal Control Officer to ensure the return of said cage, said deposit shall be returned to the resident upon the return of said cage; residents shall be assessed a fee of one (\$1.) per day payable to Barnegat Township for each day a cage is rented. [Amended 5-5-97 by Ord. No. 1997-13]
- C. [Added 5-5-97 by Ord. No. 1997-13] No person keeping, harboring or in charge of any dog, cat or other animal shall cause, suffer or allow such dog, cat or other animal to soil, defile, deface or defecate on, or commit any nuisance on any public or private property, including but not limited to any common thoroughfare, sidewalk, passageway, by-path, play area, park or any place where people congregate or walk. The aforesaid

restrictions shall apply to those persons who shall comply with the following:

- (1) The person in charge of such dog, cat or other animal who is in violation of this act shall immediately remove all feces deposited by such animal in a sanitary method approved by the Board of Health.
- (2) The feces removed from the aforementioned designated area shall be disposed of by the person owning, harboring, keeping or in charge of any dog, cat or other animal.
- (3) Any person violating paragraphs C(1) or C(2) of this section shall be subject to a fine not to exceed one hundred dollars (\$100.)

(Cont'd on page 4411)

§ 44-18. Restraint of dogs in certain areas.

No person who owns, keeps or harbors any dog shall suffer or permit such dog to be in or upon:

- A. Any private property without the consent of the owner of such property.
- B. Any public school property.
- C. Any public park or recreation area unless accompanied by and under the control of a responsible person in accordance with regulations promulgated by the public authority having jurisdiction thereof.

§ 44-19. Female dogs in season.

No person who owns, keeps or harbors any female dog shall suffer or permit such dog, while in season, to be outdoors; nor shall any such person suffer or permit such dog, while in season, to be within the township except in a duly licensed kennel or animal hospital after being given written notice by the Secretary of the Board of Health ordering the removal of such dog or its confinement in such kennel or animal hospital. Such notice may be given whenever the Secretary of the Board of Health shall determine that such dog constitutes a nuisance.

§ 44-20. Restraint of dogs after biting offense.

No person who owns, keeps or harbors any dog which shall have bitten any person shall, after being given written notice by the Secretary of the Board of Health ordering the confinement of such dog, suffer or permit such dog to be out of doors unless confined on a leash and accompanied by a responsible person or unless confined within a secure enclosure on its master's property.

§ 44-21. Removal of dogs after two biting offenses.

- A. No person shall keep or harbor in the township any dog which shall have twice bitten any person or persons, after

being given written notice by the Secretary of the Board of Health ordering the removal of such dog.

B. [Added 3-17-80 by Ord. No. 1980-6] This section shall not apply unless both of the following conditions existed, with respect to each biting incident:

- (1) The biting incident was unprovoked.
- (2) The biting did not occur upon the premises of the owner.

§ 44-22. Leash requirements.

No person owning, keeping or harboring any dog shall suffer or permit it to be upon the public streets or in any of the public places of the Township of Barnegat unless such dog is accompanied by a person over the age of twelve (12) years and is securely confined and controlled by an adequate leash not more than six (6) feet long.

§ 44-23. Muzzles required during certain times.

- A. No person owning, keeping or harboring any dog over the age of two (2) months shall, during the months of July, August and September in each year, permit it upon a public highway or outside of the premises occupied by said owner, unless such dog wears a muzzle securely fastened over its jaws in such a manner that it cannot bite.
- B. The Township Committee may also designate any other times during which dogs outside the premises shall be muzzled, such designation to be by publication at least three (3) times in a newspaper in which legal notices of the township may be published; and, after such publication, no person owning, keeping or harboring a dog shall permit it upon a public highway, public place or outside the premises occupied by the owner during the period designated, unless such dog wears a muzzle securely fastened over its jaws in such a manner that it cannot bite.

§ 44-24. Violations and penalties.

Any person who violates or who fails or refuses to comply with § 44-2, 44-6, 44-7, 44-9 or 44-15 of this ordinance or the rules and regulations promulgated by the State Department of Health 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 of the township or by and in the name of the township, as the case may be, except that for the first offense in cases of violations of § 44-2 of this ordinance, the penalty shall be not less than one dollar (\$1.) nor more than fifty dollars (\$50.), to be recovered in the same manner.

§ 44-25. Repealer.

Chapter 44, Dogs, of the Code of the Township of Barnegat is hereby repealed in its entirety and replaced herewith.¹

§ 44-26. When effective. [Amended 3-17-80 by Ord. No. 1980-6; 10-19-81 by Ord. No. 1981-37]

This ordinance shall take effect upon final passage and publication according to law for the 1982 licensing year.

¹ Editor's Note: Former Ch. 44, Dogs, was adopted 11-6-41, and amended 10-1-42, 2-7-46 and 9-2-71.